Executive Summary – Enforcement Matter – Case No. 64056 CMPW Properties LLC RN111581690 Docket No. 2023-0670-WQ-E

Order Type: 1660 Agreed Order **Findings Order Justification:** N/A Media: WQ **Small Business:** Yes Location(s) Where Violation(s) Occurred: Park Central Development, located 0.95 mile south on State Highway 69 from the intersection of State Highway 80 and State Highway 69, Mineola, Wood County **Type of Operation:** Construction site **Other Significant Matters:** Additional Pending Enforcement Actions: No Past-Due Penalties: No Other: N/A Interested Third-Parties: None **Texas Register Publication Date:** March 8, 2024 Comments Received: No

Penalty Information

Total Penalty Assessed: \$23,625 Amount Deferred for Expedited Settlement: \$4,725 Total Paid to General Revenue: \$18,900 Total Due to General Revenue: \$0 Payment Plan: N/A Compliance History Classifications: Person/CN - Satisfactory Site/RN - Satisfactory Major Source: No Statutory Limit Adjustment: N/A Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): N/A Complaint Information: N/A Date(s) of Investigation: March 21, 2023 Date(s) of NOE(s): May 11, 2023

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Violation Information

1. Failed to properly select, install, and maintain control measures according to the manufacturer's or designer's specifications. Specifically, the sedimentation basin was constructed without a outlet structure to allow for withdrawal of water from the surface [30 TEX. ADMIN. CODE § 281.25(a)(4) and Texas Pollutant Discharge Elimination System ("TPDES") General Permit No. TXR1502KS, Part III, Section F.2.(c)i.(A)(4)].

2. Failed to prevent an unauthorized discharge of sediment into or adjacent to any water in the state. Specifically, the two concrete box culverts that traverse under County Road 2720 were nearly filled to capacity with eroded sediment. Also, eroded sediment tracked off-site along the roadway ditch between County Road 2720 and South Pacific Steet/State Highway 69 South, and deposits were documented at a depth of three to six inches in the wooded area between the two roadways [TEX. WATER CODE § 26.121(a)(1)].

3. Failed to initiate stabilization measures where construction activities had temporarily ceased and would not resume within 14 days or where construction activities had permanently ceased. Specifically, it appeared that no construction activities had occurred since the October 26, 2022 investigation, and no temporary stabilization was observed [30 TEX. ADMIN. CODE § 281.25(a)(4) and TPDES General Permit No. TXR1502KS, Part III, Sections F.2.(b)iii and G.2].

4. Failed to remove accumulations of sediment at a frequency that minimizes off-site impact. Specifically, during the investigation it was noted the amount of sediment that escaped the site had increased since the October 26, 2022 investigation, in the downstream side of the concrete box culvert and in the roadway ditch between County Road 2720 and South Pacific Steet/State Highway 69 South. Also, the ditch appeared to be at least 80% full of sediment and covered the culvert openings by 50% or more, indicating increased off-site impacts [30 TEX. ADMIN. CODE § 281.25(a)(4) and TPDES General Permit No. TXR1502KS, Part III, Section F.6(d)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondent to:

a. Within 30 days, initiate stabilization measures where construction activities have temporarily ceased and have not resumed within the last 14 days or where construction activities have permanently ceased.

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b. Within 45 days, submit written certification to demonstrate compliance with a.

c. Within 60 days:

i. Install an outlet structure to withdraw water from the surface of the sedimentation basin, until such time as the sedimentation basin is no longer in service; and

ii. To the extent possible, remove and dispose of accumulated sediment from the concrete box culverts that traverse under County Road 2720, along the roadway ditch between County Road 2720 and South Pacific Steet/State Highway 69 South, and in the wooded area between County Road 2720 and South Pacific Steet/State Highway 69 South.

d. Within 75 days, submit written certification to demonstrate compliance with c.

Contact Information

TCEQ Attorney: N/A TCEQ Enforcement Coordinator: Harley Hobson, Enforcement Division, Enforcement Team 1, MC 219, (512) 239-1337; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548 Respondent: Peter Woolford, Co-Owner, CMPW Properties LLC, P.O. Box 2424, Lindale, Texas 75771 Respondent's Attorney: N/A

COMMISS								
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DATES		15-May-2023						
	PCW	18-May-2023	Screening 22	-May-2023	EPA Due			
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		CMPW Properties	s LLC					
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		o Tyter						
	NFORMATION f./Case ID No.	64056			No	of Violations	4	
En		2023-0670-WQ-	E		NO. C	Order Type		
Mec	lia Program(s)				Government	/Non-Profit	No	
	Multi-Media				Enf.		Harley Hobsor Enforcement 1	
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			Penalty	Calcula	tion Section	on		
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>> Co	mpliance Histo Component	ory Site Enhancement (Subtotal 2) Number of	Number	Adjust.	
	Component	Written notices of violation ("NOVs") with same or similar violations as those in the	Number		
	NOVs	current enforcement action (number of NOVs meeting criteria)	1	5%	
		Other written NOVs	0	0%	
		Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%	
	Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%	
	Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%	
	and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%	
	Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%	
	Emissions	Chronic excessive emissions events (number of events)	0	0%	
	Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%	
		Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%	
		Environmental management systems in place for one year or more	No	0%	
	Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%	
	other	Participation in a voluntary pollution reduction program	No	0%	
		Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%	
		Adjustment Per	centage (Sub	total 2) [5%
> Re	peat Violator ((Subtotal 3)			
	No	Adjustment Per	centage (Sub	ototal 3) [0%
> Co	mpliance Histo	bry Person Classification (Subtotal 7)			
	Satisfactory I	Performer Adjustment Per	centage (Sub	ototal 7) [0%
> Co	mpliance Histo	ory Summary			
	Compliance History Notes	Enhancement for one NOV with the same/similar violations.			
		Total Compliance History Adjustment Percentage (S	Subtotals 2,	3, & 7) [5%
•> Fina	al Compliance	History Adjustment			
		Final Adjustment Percent	aye *capped	at 100%	5%

Screening Date 22-May-2023 Respondent CMPW Properties LLC **Case ID No.** 64056 Reg. Ent. Reference No. RN111581690 Media Water Quality Enf. Coordinator Harley Hobson

Compliance History Worksheet

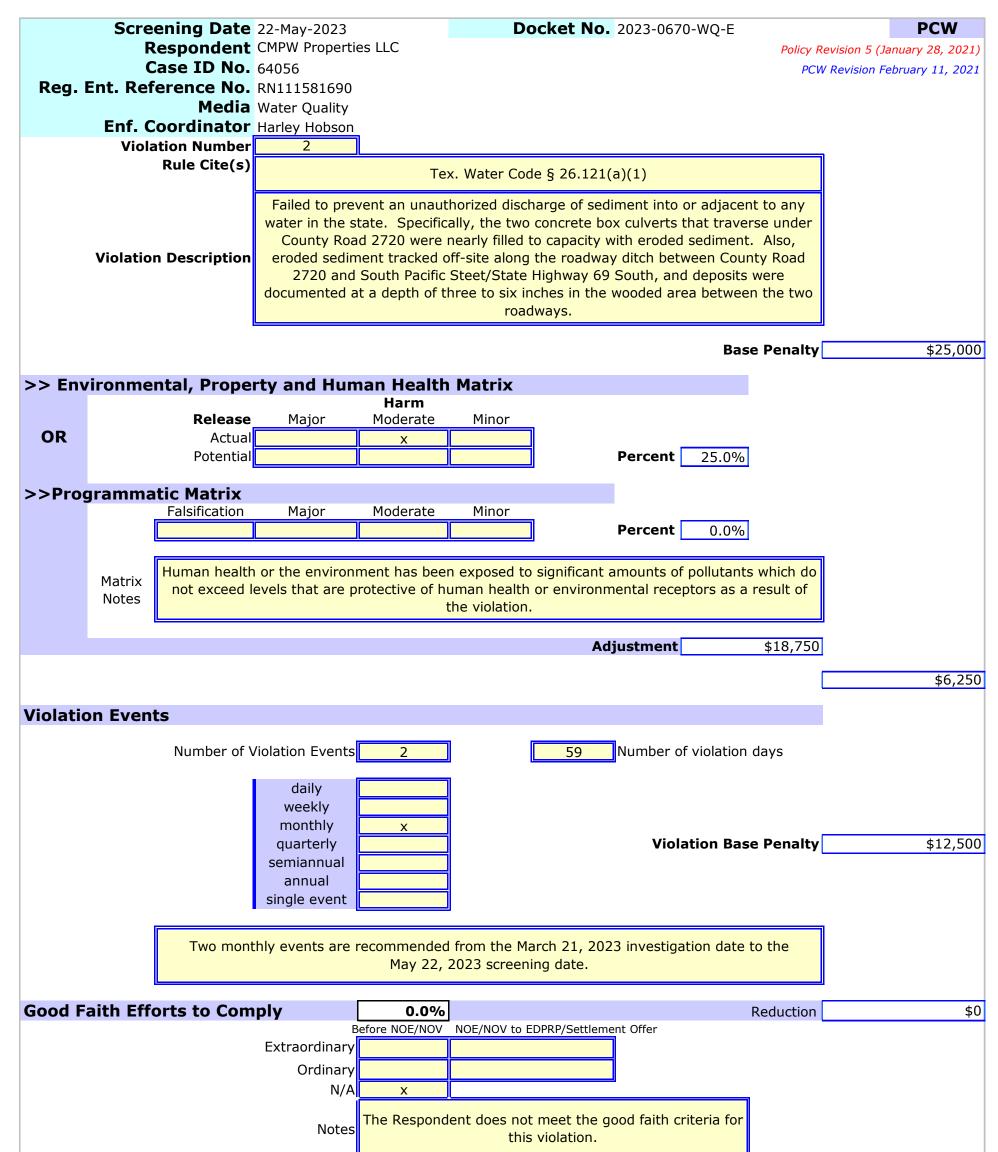
PCW Policy Revision 5 (January 28, 2021)

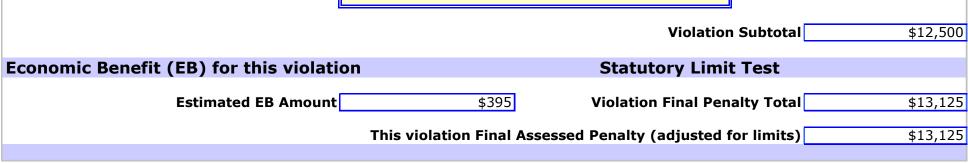
PCW Revision February 11, 2021



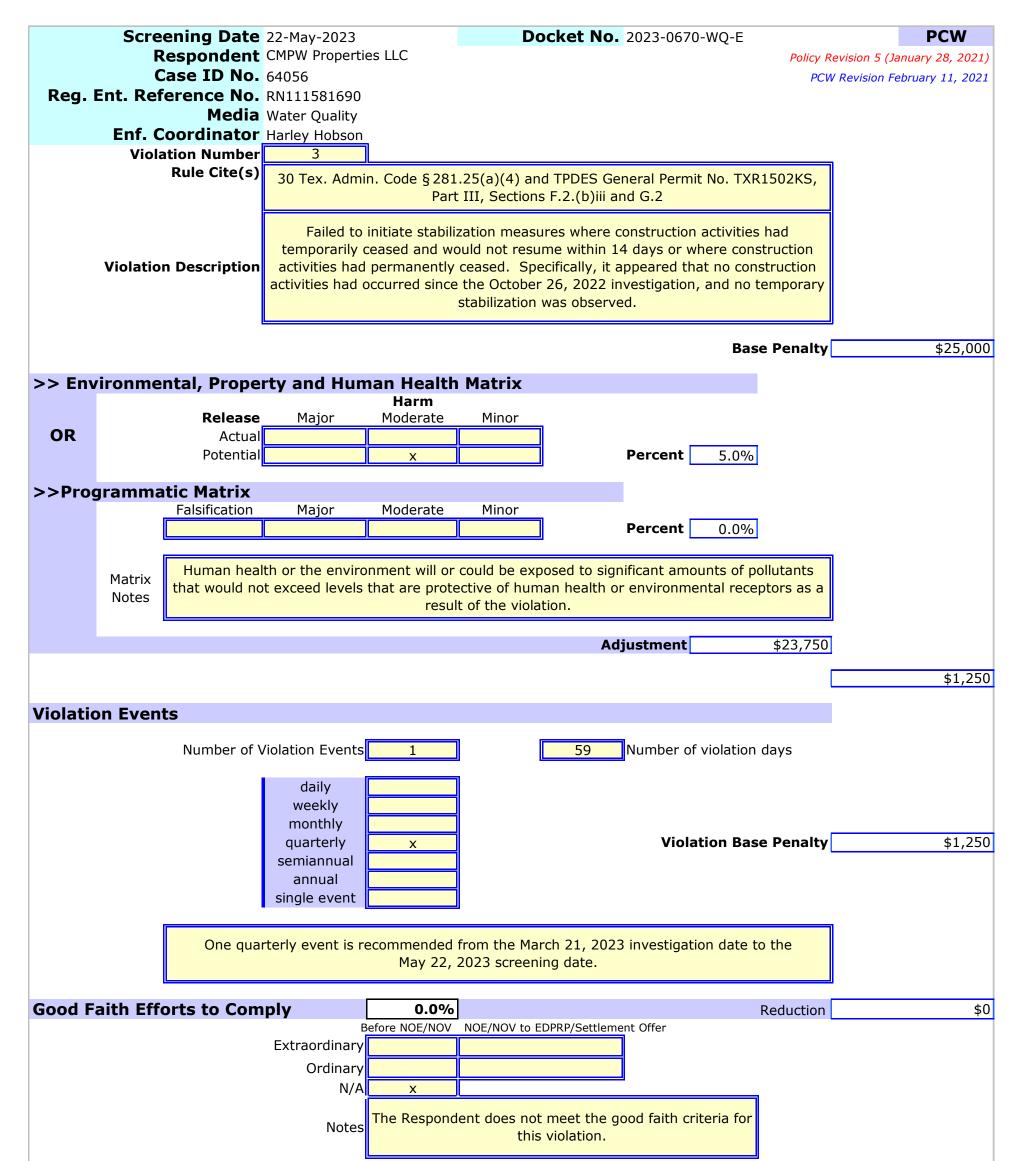
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semiannual annual single event	semiannual annual single event				±1.250
single event	single event			Violation Base Penalty	\$1,250
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May 22, 2023 screening date. Good Faith Efforts to Comply 0.0% Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer Extraordinary	May 22, 2023 screening date. Good Faith Efforts to Comply 0.0% Reduction 9 Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer 9 Extraordinary 0	One quart	terly event is recommended	from the March 21, 2023 investigation date to the	
Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer Extraordinary	Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer Extraordinary		May 22, 1	2023 screening date.	
Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer Extraordinary	Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer Extraordinary	Good Eaith Efforts to Com		Peduction	-
Ordinary N/A x N/A x Notes The Respondent does not meet the good faith criteria for this violation. Violation Subtotal \$1,250 Economic Benefit (EB) for this violation	Ordinary N/A x N/A x Notes The Respondent does not meet the good faith criteria for this violation. Violation Subtotal \$1,25		Before NOE/NOV		4 0
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Economic Benefit (EB) for this violation Statutory Limit Test			Notes		
Economic Benefit (EB) for this violation Statutory Limit Test			L		11.250
	Economic Benefit (EB) for this violation Statutory Limit Test				\$1,250
Estimated EB Amount \$332 Violation Final Penalty Total \$1,313		Economic Benefit (EB) for	this violation	Statutory Limit Test	
	Estimated EB Amount \$332 Violation Final Penalty Total \$1,31	Estimate	ed EB Amount	\$332 Violation Final Penalty Total	\$1,313
This violation Final Assessed Penalty (adjusted for limits)\$1,313	This violation Final Assessed Penalty (adjusted for limits) \$1,31		This viol	ation Final Assessed Penalty (adjusted for limits)	\$1,313

	E	conomic	Benefit	Wo	rksheet		
Respondent	CMPW Propert	ies LLC					
Case ID No.	64056						
Reg. Ent. Reference No.	RN111581690	1					
Media	Water Quality					Descent Interest	Years of
Violation No.	1					Percent Interest	Depreciation
						5.0	
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description		2010 110401 00					
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction	\$3,000	26-Oct-2022	24-May-2024	1.58	\$16	\$316	\$332
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs	of the sedim Required	nentation basin, u d is the initial inve	ntil such time as stigation date, a	s the se and the	dimentation basin Final Date is the e	withdraw water from is no longer in serves istimated date of co	ice. The Date mpliance.
Avoided Costs	ANNU	ALIZE avoided c	osts before en			one-time avoide	
Disposal		<u> </u>		0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0 \$0
Inspection/Reporting/Sampling				0.00	\$0 ¢0	\$0 ¢0	\$0 ¢0
Supplies/Equipment Financial Assurance				0.00	<u>\$0</u> \$0	<u>\$0</u> \$0	\$0 \$0
ONE-TIME avoided costs				0.00	\$0	\$0 \$0	\$0 \$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs		<u></u> 1		<u> 0.00</u>	1 40	μ	Ψ0



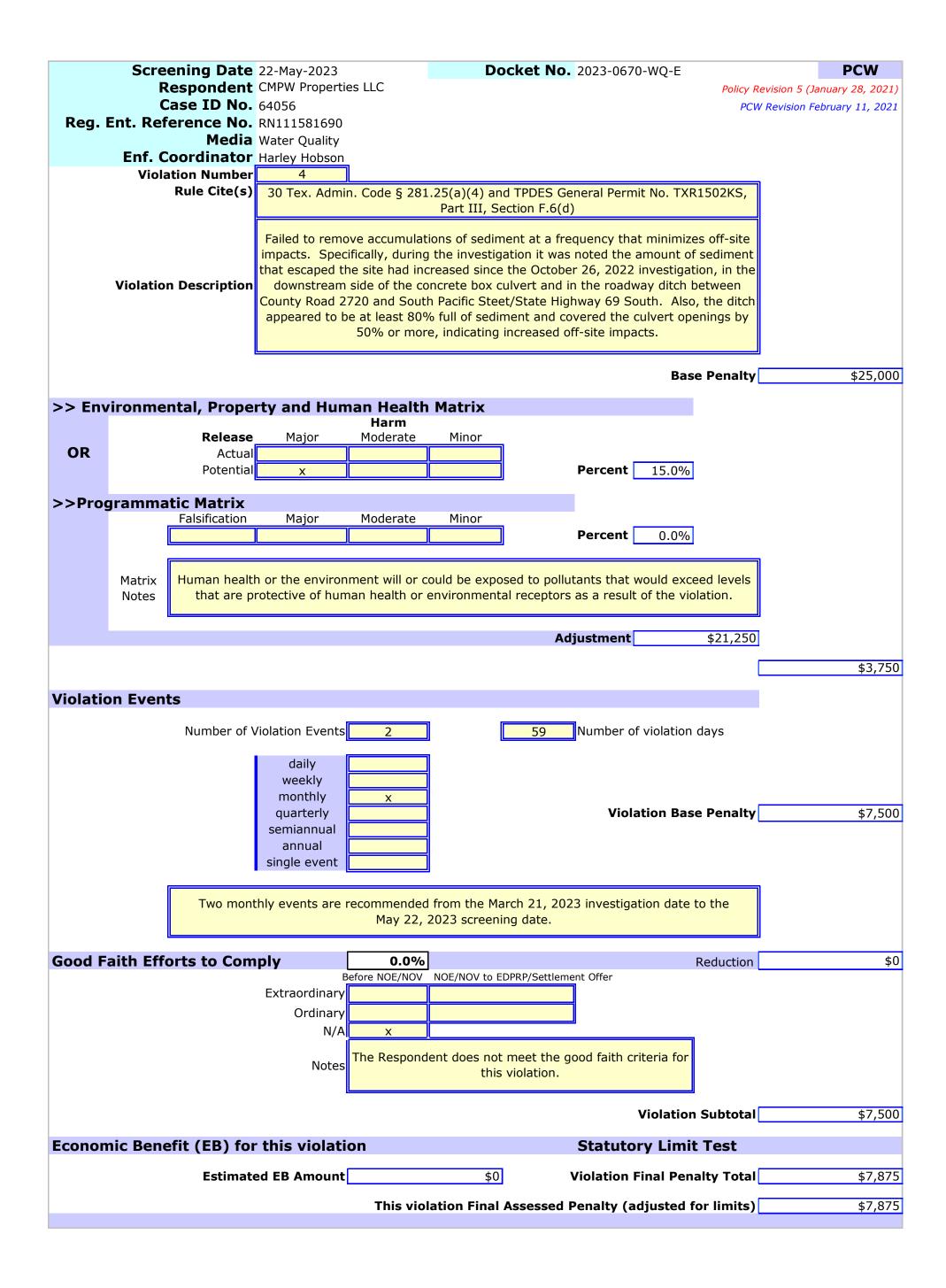


	E	conomic	Benefit	Wor	'ksheet		
Respondent Case ID No. Reg. Ent. Reference No.	64056						
-	Water Quality					Percent Interest	Years of Depreciation
						5.0	1
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
-							
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
T				0.00	\$0	n/a	\$0
Training/Sampling		26 Oct 2022	24-May-2024	1.58	\$395	n/a	\$395
Remediation/Disposal	\$5,000	26-Oct-2022	24-14ay-2024				
	Estimated Re	emediation/Dispo	psal cost to remo	0.00 0.00 ve and	\$0 \$0 dispose of accumu	n/a n/a	\$0 \$0 m the culverts
Remediation/Disposal Permit Costs	Estimated Ro that traverse Steet/State	emediation/Dispo e under County Re e Highway 69 Sou	esal cost to remo oad 2720, the ro oad in the wo . The Date Requi	0.00 0.00 ve and oadway ooded a red is ti	\$0 \$0 dispose of accumu ditch between Cou rea between Cour	n/a n/a	\$0 \$0 m the culverts d South Pacific South Pacific
Remediation/Disposal Permit Costs Other (as needed)	Estimated Ro that traverse Steet/State Steet/State Hi	emediation/Dispo e under County Re e Highway 69 Sou ighway 69 South.	esal cost to remo oad 2720, the ro oad in the w . The Date Requi estimate	0.00 0.00 oadway ooded a red is ti d date o	\$0 \$0 dispose of accumu ditch between Cou rea between Cour ne initial investigat of compliance.	n/a n/a lated sediment from inty Road 2720 and ity Road 2720 and	\$0 \$0 n the culverts d South Pacific South Pacific Final Date is the
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs	Estimated Ro that traverse Steet/State Steet/State Hi	emediation/Dispo e under County Re e Highway 69 Sou ighway 69 South.	esal cost to remo oad 2720, the ro oad in the w . The Date Requi estimate	0.00 0.00 oadway ooded a red is ti d date o	\$0 \$0 dispose of accumu ditch between Cou rea between Cour ne initial investigat of compliance.	n/a n/a lated sediment from inty Road 2720 and ity Road 2720 and cion date, and the F	\$0 \$0 n the culverts d South Pacific South Pacific Final Date is the
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs	Estimated Ro that traverse Steet/State Steet/State Hi	emediation/Dispo e under County Re e Highway 69 Sou ighway 69 South.	esal cost to remo oad 2720, the ro oad in the w . The Date Requi estimate	0.00 0.00 ve and ooded a red is th d date o	\$0 \$0 dispose of accumu ditch between Cou rea between Cour ne initial investigat of compliance. item (except for	n/a n/a lated sediment from inty Road 2720 and ity Road 2720 and ion date, and the F one-time avoide	\$0 \$0 n the culverts d South Pacific South Pacific Final Date is the d costs)
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel	Estimated Ro that traverse Steet/State Steet/State Hi	emediation/Dispo e under County Re e Highway 69 Sou ighway 69 South.	esal cost to remo oad 2720, the ro oad in the w . The Date Requi estimate	0.00 0.00 odway ooded a red is th d date o tering 0.00	\$0 \$0 dispose of accumu ditch between Cour rea between Cour ne initial investigat of compliance. item (except for \$0	n/a n/a lated sediment from inty Road 2720 and ty Road 2720 and ion date, and the F one-time avoide \$0	\$0 \$0 n the culverts d South Pacific South Pacific Final Date is the d costs) \$0
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel	Estimated Ro that traverse Steet/State Steet/State Hi	emediation/Dispo e under County Re e Highway 69 Sou ighway 69 South.	esal cost to remo oad 2720, the ro oad in the w . The Date Requi estimate	0.00 0.00 000 000 000 000 0.00 0.00 0.	\$0 \$0 dispose of accumu ditch between Cour rea between Cour rea initial investigat of compliance. item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a lated sediment from inty Road 2720 and ity Road 2720 and ity Road 2720 and ity Road 2720 and one-time avoide \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 b the culverts d South Pacific South Pacific Final Date is the d costs) \$0 \$0 \$0 \$0 \$0
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling	Estimated Ro that traverse Steet/State Steet/State Hi	emediation/Dispo e under County Re e Highway 69 Sou ighway 69 South.	esal cost to remo oad 2720, the ro oad in the w . The Date Requi estimate	0.00 0.00 0.00 00ded a red is ti d date o tering 0.00 0.00 0.00 0.00	\$0 \$0 dispose of accumu ditch between Cour- rea between Cour- rea initial investigat of compliance. item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a lated sediment from inty Road 2720 and ity Road 2720 and cion date, and the F one-time avoide \$0 \$0 \$0	\$0 \$0 b the culverts d South Pacific South Pacific Final Date is the d costs) d costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs	Estimated Ro that traverse Steet/State Steet/State Hi	emediation/Dispo e under County Re e Highway 69 Sou ighway 69 South.	esal cost to remo oad 2720, the ro oad in the w . The Date Requi estimate	0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.0	\$0 \$0 dispose of accumu ditch between Cour rea between Cour rea initial investigat of compliance. item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a lated sediment from inty Road 2720 and ity Road 2720 and ity Road 2720 and ity Road 2720 and ity Road 2720 and so ity Road 2720 and ity Road 2	\$0 \$0 m the culverts d South Pacific South Pacific Final Date is the d costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance	Estimated Ro that traverse Steet/State Steet/State Hi	emediation/Dispo e under County Re e Highway 69 Sou ighway 69 South.	esal cost to remo oad 2720, the ro oad in the w . The Date Requi estimate	0.00 0.00 0.00 00ded a red is ti d date o tering 0.00 0.00 0.00 0.00	\$0 \$0 dispose of accumu ditch between Cour- rea between Cour- rea initial investigat of compliance. item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a lated sediment from inty Road 2720 and ity Road 2720 and store-time avoide \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 b the culverts d South Pacific South Pacific Final Date is the d costs) d costs) d costs) 50 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
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	Violation Subtotal \$1,250
Economic Benefit (EB) for this violation	n Statutory Limit Test
Estimated EB Amount	\$233 Violation Final Penalty Total \$1,313
	This violation Final Assessed Penalty (adjusted for limits) \$1,313

	E	conomic	Benefit	Wor	rksheet		
Respondent	CMPW Propert	ties LLC					
Case ID No.	64056						
Reg. Ent. Reference No.	RN111581690)					
-	Water Quality						Years of
Violation No.						Percent Interest	Depreciation
Violation No.	5					5.0	
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description		Bute Required					
Item Description							
Delayed Costs							
Delayed Costs		<u> </u>			±0	#0	¢0
Equipment				0.00	\$0 #0	\$0	\$0
Buildings Other (as needed)				0.00	\$0 \$0	\$0 \$0	\$0 \$0
. ,	\$2,000	26-Aug-2022	24-Apr-2024	1.66	\$0 \$11	\$0	\$0 \$233
Engineering/Construction Land	\$2,000	20-Aug-2022	24-Api-2024	0.00	\$11 \$0	<u>محکم م</u>	\$235 \$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0 \$0
Other (as needed)				0.00	\$0	n/a	\$0 \$0
Notes for DELAYED costs						or where construc	tion activities
	nave perma	anently ceased. Th			of compliance.	i date, and the line	
Avoided Costs			estimate	d date o	of compliance.		al Date is the
Avoided Costs Disposal			estimate	d date o	of compliance. item (except for	one-time avoide	al Date is the
Avoided Costs Disposal Personnel			estimate	d date o	of compliance.	one-time avoide	al Date is the
Disposal Personnel			estimate	d date o tering 0.00	of compliance. item (except for \$0	one-time avoide	al Date is the d costs) \$0
Disposal Personnel			estimate	d date of tering 0.00 0.00	of compliance. item (except for \$0 \$0	one-time avoide \$0 \$0	al Date is the d costs) \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling			estimate	d date of tering 0.00 0.00 0.00	of compliance. item (except for \$0 \$0 \$0 \$0	one-time avoide \$0 \$0 \$0	d Date is the d costs) \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment			estimate	d date o tering 0.00 0.00 0.00 0.00	of compliance. item (except for \$0 \$0 \$0 \$0 \$0 \$0	one-time avoide \$0 \$0 \$0 \$0 \$0	al Date is the d costs) \$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance			estimate	d date of tering 0.00 0.00 0.00 0.00 0.00	of compliance. item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoide \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	al Date is the d costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs			estimate	d date of tering 0.00 0.00 0.00 0.00 0.00 0.00 0.00	of compliance. item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoide \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	al Date is the d costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0



	E	conomic	Benefit	Woi	rksheet		
Respondent	CMPW Propert	ies LLC					
Case ID No.							
Reg. Ent. Reference No.							
							Verse of
	Water Quality					Percent Interest	Years of
Violation No.	4						Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description		-					
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs					captured in Econor		
Avoided Costs	ANNU	ALIZE avoided co	osts before en			one-time avoide	-
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0 \$0	\$0	\$0
Other (as needed) Notes for AVOIDED costs		<u>, </u>		0.00	<u>I \$U</u>	\$0	\$0
Approx. Cost of Compliance		\$0			TOTAL		\$0

The TCEQ is committed to accessibility. To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



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Compliance History Report

Compliance History Report for CN606027563, RN111581690, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

components nom s	September 1, 2018, through August 51, 20	JZ5.	
Customer, Respondent, or Owner/Operator:	CN606027563, CMPW Properties LLC	Classification: SATISFACTORY	Rating: 14.00
Regulated Entity:	RN111581690, PARK CENTRAL DEVELOPMENT	Classification: SATISFACTORY	Rating: 16.00
Complexity Points:	0	Repeat Violator: NO	
CH Group:	14 - Other		
Location:	0.95 miles south on Highway 69 from th	e intersection of Highway 80 and Highv	way 69 in Mineola, Wood
	County, Texas		
TCEQ Region:	REGION 05 - TYLER		
ID Number(s):			
Compliance History Peri	od: September 01, 2018 to August 31,	2023 Rating Year: 2023 R	ating Date: 09/01/2023
Date Compliance Histor	y Report Prepared: November 02, 2	2023	
Agency Decision Requir	ing Compliance History: Enforcem	ient	
Component Period Selec	cted: November 02, 2018 to Novembe	r 02, 2023	
TCEQ Staff Member to C	ontact for Additional Information	Regarding This Compliance His	story.
Name: Harley Hobson		Phone: (512) 239-1337	
Site and Owner/Oper	ator History:		
1) Has the site been in exister	nce and/or operation for the full five year	compliance period?	0
-	change in ownership/operator of the site of		0
<u>Components (Multime</u>	edia) for the Site Are Listed in	<u>Sections A - J</u>	
A. Final Orders, court j N/A	udgments, and consent decrees:		
B. Criminal convictions N/A	:		
C. Chronic excessive en N/A	missions events:		
D. The approval dates on N/A	of investigations (CCEDS Inv. Trad	ck. No.):	
	olations (NOV) (CCEDS Inv. Track	-	the commission to a

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

,				· · · ·	
Date:	01/0	6/2023	(1866729)		
Self Repo	ort? I	NO		Classification:	Moderate
Citation:			Chapter 281, SubChapter A 281.25 000 PERMIT	(a)(4)	
Descriptio	on:		to develop a Stormwater Pollution Pr TXR150000, Part II.E.3(a).	revention Plan per	TPDES General
Self Repo	ort? I	NO		Classification:	Moderate
Citation:		30 TAC	Chapter 281, SubChapter A 281.25	(a)(4)	

	TXR150000 PERMIT		
Description:	Failure to utilize an outlet structure that		
	discharging from a basin per TPDES Gen F.2(c)i.(A)(4).	eral Permit TXR1500	J00, Part III, Section
Colf Donort2		Classification:	Moderate
Self Report?		Classification:	Moderate
Citation:	TWC Chapter 26 26.121		
Description:	Failure to prevent the unauthorize discha	arge of sediment into	o or adjacent to
	Waters in the State per Texas Water Coo	de, Chapter 26.121.	
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 281, SubChapter A 281.	.25(a)(4)	
	TXR150000 PERMIT		
Description:	Failure to install silt fencing on all down	slope boundaries of	the construction area
	per TPDES General Permit TXR150000, F	•	
	,	,	· / · · /

F. Environmental audits:

N/A

- G. Type of environmental management systems (EMSs): $_{\mbox{N/A}}$
- H. Voluntary on-site compliance assessment dates: $_{\mbox{N/A}}$
- I. Participation in a voluntary pollution reduction program: \$N/A\$
- J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



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55555

IN THE MATTER OF AN ENFORCEMENT ACTION CONCERNING CMPW PROPERTIES LLC RN111581690 BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2023-0670-WQ-E

I. JURISDICTION AND STIPULATIONS

On _______, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding CMPW Properties LLC (the "Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

- 1. The Respondent owns and operates a construction site located 0.95 miles south on Highway 69 from the intersection of Highway 80 and Highway 69 in Mineola, Wood County, Texas (the "Site"). The Site is near or adjacent to water in the state as defined in TEX. WATER CODE § 26.001(5).
- 2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. WATER CODE ch. 26 and the rules of the TCEQ.
- 3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
- 4. An administrative penalty in the amount of \$23,625 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$18,900 of the penalty and \$4,725 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order. The deferred amount shall be waived only upon full compliance with all the terms and conditions contained in this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms or requirements contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.
- 5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.

- 6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
- 7. This Order represents the complete and fully integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
- 8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.

II. ALLEGATIONS

During an investigation at the Site conducted on March 21, 2023, an investigator documented that the Respondent:

- 1. Failed to properly select, install, and maintain control measures according to the manufacturer's or designer's specifications, in violation of 30 TEX. ADMIN. CODE § 281.25(a)(4) and Texas Pollutant Discharge Elimination System ("TPDES") General Permit No. TXR1502KS, Part III, Section F.2.(c)i.(A)(4). Specifically, the sedimentation basin was constructed without a outlet structure to allow for withdrawal of water from the surface.
- 2. Failed to prevent an unauthorized discharge of sediment into or adjacent to any water in the state, in violation of TEX. WATER CODE § 26.121(a)(1). Specifically, the two concrete box culverts that traverse under County Road 2720 were nearly filled to capacity with eroded sediment. Also, eroded sediment tracked off-site along the roadway ditch between County Road 2720 and South Pacific Steet/State Highway 69 South, and deposits were documented at a depth of three to six inches in the wooded area between the two roadways.
- 3. Failed to initiate stabilization measures where construction activities had temporarily ceased and would not resume within 14 days or where construction activities had permanently ceased, in violation of 30 Tex. ADMIN. CODE § 281.25(a)(4) and TPDES General Permit No. TXR1502KS, Part III, Sections F.2.(b)iii and G.2. Specifically, it appeared that no construction activities had occurred since the October 26, 2022 investigation, and no temporary stabilization was observed.
- 4. Failed to remove accumulations of sediment at a frequency that minimizes off-site impact, in violation of 30 Tex. ADMIN. CODE § 281.25(a)(4) and TPDES General Permit No. TXR1502KS, Part III, Section F.6(d). Specifically, during the investigation it was noted the amount of sediment that escaped the site had increased since the October 26, 2022 investigation, in the downstream side of the concrete box culvert and in the roadway ditch between County Road 2720 and South Pacific Steet/State Highway 69 South. Also, the ditch appeared to be at least 80% full of sediment and covered the culvert openings by 50% or more, indicating increased off-site impacts.

CMPW Properties LLC DOCKET NO. 2023-0670-WQ-E Page 3

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: CMPW Properties LLC, Docket No. 2023-0670-WQ-E" to:

Financial Administration Division, Revenue Operations Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. The Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Order, the Respondent shall initiate stabilization measures where construction activities have temporarily ceased and have not resumed within the last 14 days or where construction activities have permanently ceased.
 - b. Within 45 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a, in accordance with Ordering Provision No. 2.d.
 - c. Within 60 days after the effective date of this Order, the Respondent shall:
 - i. Install an outlet structure to withdraw water from the surface of the sedimentation basin, until such time as the sedimentation basin is no longer in service; and
 - To the extent possible, remove and dispose of accumulated sediment from the concrete box culverts that traverse under County Road 2720, along the roadway ditch between County Road 2720 and South Pacific Steet/State Highway 69 South, and in the wooded area between County Road 2720 and South Pacific Steet/State Highway 69 South.
 - d. Within 75 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.c.i and 2.c.ii. The certification shall be signed by the Respondent and shall include the following certification language:

CMPW Properties LLC DOCKET NO. 2023-0670-WQ-E Page 4

> "I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Enforcement Division, MC 149A Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

with a copy to:

Water Section Manager Tyler Regional Office Texas Commission on Environmental Quality 2916 Teague Drive Tyler, Texas 75701-3734

- 3. All relief not expressly granted in this Order is denied.
- 4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Site operations referenced in this Order.
- 5. If the Respondent fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
- 6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Enforcement Division at the address listed above.
- 7. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

- 8. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under Tex. Bus. Org. Code § 1.002.
- 9. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

CMPW Properties LLC DOCKET NO. 2023-0670-WQ-E Page 6

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

For the Executive Director

<u>4/2/2024</u> Date

I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this Order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the OAG for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the OAG of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Signa

Name (Printed or typed) Authorized Representative of

CMPW Properties LLC

1/29/24 Date

 \Box If mailing address has changed, please check this box and provide the new address below:

Instructions: Send the original, signed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Ordering Provision 1 of this Order.