Executive Summary - Enforcement Matter - Case No. 64005 T RYAN INC RN111597035 Docket No. 2023-0730-WQ-E

Order Type: 1660 Agreed Order **Findings Order Justification:** N/A Media: WQ **Small Business:** Yes Location(s) Where Violation(s) Occurred: Recnation RV and Boat Storage, 3475 Vinson Road, Wylie, Dallas 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: June 21, 2024 Comments Received: No

Penalty Information

Total Penalty Assessed: \$20,000 Amount Deferred for Expedited Settlement: \$4,000 Total Paid to General Revenue: \$1,000 Total Due to General Revenue: \$15,000 Payment Plan: 15 payments of \$1,000 each Compliance History Classifications: Person/CN - Unclassified Site/RN - Unclassified 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: August 12, 2022 through August 17, 2022 Date(s) of NOE(s): September 1, 2022

Executive Summary - Enforcement Matter - Case No. 64005 T RYAN INC RN111597035 Docket No. 2023-0730-WQ-E

Violation Information

Failed to obtain authorization to discharge stormwater associated with construction activities. Specifically, the Respondent was performing construction activities prior to obtaining authorization under Texas Pollutant Discharge Elimination System ("TPDES") General Permit No. TXR150000 [30 TEX. ADMIN. CODE § 281.25(a)(4) and 40 CODE OF FEDERAL REGULATIONS § 122.26(c)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondent to:

a. Within 30 days:

i. Develop and implement a stormwater pollution prevention plan to comply with the requirements of TPDES General Permit No. TXR150000;

ii. Submit a Notice of Intent ("NOI") through the State of Texas Environmental Electronic Reporting System to obtain authorization to discharge stormwater;

iii. Post a large construction site notice; and

iv. Submit a copy of the NOI to the receiving municipal separate storm sewer system.

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

Contact Information

TCEQ Attorney: N/A TCEQ Enforcement Coordinator: Monica Larina, Enforcement Division, Enforcement Team 1, MC R-14, (361) 881-6965; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548 Respondent: Tim Ryan, Owner, T RYAN INC, 4266 Farm-to-Market Road 118, Greenville, Texas 75401 Respondent's Attorney: N/A

Penalty Calculation Worksheet (PCW) Policy Revision 5 (January 28, 2021) PCW Revision February 11, 2021								
DATES		21-Nov-2022 24-Aug-2023	Screening	14-Mar-2023	EPA Due			
RESPO		TY INFORMATIO						
	Respondent	T RYAN INC						
	g. Ent. Ref. No.	RN111597035 4-Dallas/Fort Wo			Major (M	linor Source	Minor	
Facili	ty/Site Region	4-Dallas/Full WC			Major/M	inor source		
	NFORMATION							
En	f./Case ID No.		C		No. c	of Violations		
Med	lia Program(s)	2023-0730-WQ- Water Quality			Government	Order Type /Non-Profit		
	Multi-Media						Monica Larina	
Adv	min Bonalty ¢ I	Limit Minimum	\$0	Maximum	\$25,000	EC's Team	Enforcement T	eam 1
Au	iiiii. Penaity și		·					
				ty Calcula		on		
ΤΟΤΑ	L BASE PENA	LTY (Sum of	violation	base penalt	ties)		Subtotal 1	\$20,000
ADJU	STMENTS (+	/-) TO SUBTO	OTAL 1					
	Subtotals 2-7 are ob	tained by multiplying) by the indicated p		-	
	Compliance His	story		0.0%	Adjustment	Subto	tals 2, 3, & 7	\$0
	Notes		No adjustmo	ent for Compliar	nce History.			
	Culpability	No		0.0%	Enhancement		Subtotal 4	\$0
	Notes	The Re	spondent do	es not meet the	culpability crite	eria.		
	Good Faith Effe	ort to Comply T	otal Adjustr	ments			Subtotal 5	\$0
	Economic Bene				Enhancement*		Subtotal 6	\$0
	Estimated	Total EB Amounts Cost of Compliance	\$154 \$5,225	*Capped	d at the Total EB \$ /	Amount		
SUM (OF SUBTOTAI	LS 1-7				E.	inal Subtotal	\$20,000
OTHE	R FACTORS A	AS JUSTICE M	IAY REOU	IRE	0.0%		Adjustment	\$0
		Subtotal by the indic					1	· · ·
	Notes							
	·					Final Pen	alty Amount	\$20,000
STATU	JTORY LIMIT		NT			Final Asse	ssed Penalty	\$20,000
DEFE	RAI			ſ	20.0%	Reduction	Adjustment	-\$4,000
		nalty by the indicated	d percentage.		20.070	Reduction	Aujustinent	φτ,000
	Notes	[Deferral offer	ed for expedited	d settlement.			
ΡΔΥΔ	BLE PENALT	4						\$16,000
		-						+10,000

		Compliance History Worksheet						
> Co		ory Site Enhancement (Subtotal 2)						
	Component	Number of	Number	Adjust.				
	NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%				
		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 and Consent	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%				
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 Any criminal convictions of this state or the federal government (<i>number of</i>	0	0%				
	Convictions	0	0%					
	Emissions	Chronic excessive emissions events (<i>number of events</i>)	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%				
	, auto	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	ototal 2) 0%				
> Re	epeat Violator ((Subtotal 3)						
	No	Adjustment Per	centage (Sub	ototal 3) 09				
> Co	mpliance Histo	ory Person Classification (Subtotal 7)						
	Unclassified Adjustment Percentage (Subtotal 7) 0%							
> Co	mpliance Histo	ory Summary						
	Compliance History Notes	No adjustment for Compliance History.						
		Total Compliance History Adjustment Percentage (Subtotals 2,	3, & 7) 0%				
> Fina	al Compliance	History Adjustment						
		Final Adjustment Percent	aye *capped	at 100% 09				

Policy Revision 5 (January 28, 2021) PCW Revision February 11, 2021

Screening Date 14-Mar-2023 **Respondent** T RYAN INC **Case ID No.** 64005 Reg. Ent. Reference No. RN111597035 Media Water Quality Enf Coo

ator Monica Larir PCW

	Scre	ening Date	14-Mar-2023		Dock	et No. 2023-0730-WQ-	E	PCW
		espondent					Policy	Revision 5 (January 28, 2021)
_		ase ID No.					PC	W Revision February 11, 2021
Reg.	Ent. Ref		RN111597035					
	Enf C		Water Quality Monica Larina					
		tion Number						
		Rule Cite(s)		nin. Code § 2	81.25(a)(4) and 122.26(d 40 Code of Federal Reg (c)	ulations §	
	Violatio	n Description	activities. Spec	ifically, the R authorization	espondent was	tormwater associated wit performing construction llutant Discharge Elimina . TXR150000.	activities prior	
							Base Penalty	\$25,000
>> Env	vironmen	ital, Proper	ty and Huma		Matrix			
		Release	Major	Harm Mederate	Minor			
OR		Actual		Moderate	Minor			
		Potential				Percent 0.	0%	
>>Pro	arammat	ic Matrix						
	granna	Falsification	Major	Moderate	Minor			
			x			Percent 10.	0%	
	Matrix Notes		1009	% of the rule	requirements w	ere not met.		
						Adjustment	\$22,500	
						Aujustment	\$22, 3 00	
								\$2,500
Violatio	on Event	s						
		Number of)	Violation Evente	0		214 Number of viola	tion days	
		Number of	Violation Events	8		214 Number of viola	LION days	
			daily					
			weekly monthly	x				
			quarterly			Violation	Base Penalty	\$20,000
			semiannual					
			annual single event					
	г							1
		Eight monthl	•			stigation start date (Augu	ıst 12, 2022)	
			an	d the screeni	ng date (March	14, 2023).		
Good F	aith Effo	rts to Com	nlv	0.0%			Reduction	\$0
Coouli					NOE/NOV to EDPRI	P/Settlement Offer	Reduction	÷.
			Extraordinary					
			Ordinary N/A	X				
			l l l l l l l l l l l l l l l l l l l	<u> </u>				
			Notes	The Responde	ent does not me this vio	et the good faith criteria lation.	for	
						Viola	tion Subtotal	\$20,000
Econor	nic Bene	fit (EB) for	this violatio	n		Statutory Li	mit Test	
		Estimat	ed EB Amount		\$154	Violation Final	Penalty Total	\$20,000
							-	
				ins viol	ation Final Ass	sessed Penalty (adjust	ea for limits)	\$20,000

Economic Benefit Worksheet

Media Violation No.	RN111597035 Water Quality					Percent Interest	Years of 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	+ 2 2 5		4.4.14 0.000	0.00	\$0	n/a	\$0
Permit Costs	\$225	12-Aug-2022	14-Mar-2023	0.59	\$7	n/a	\$7
Other (as needed)	\$5,000	12-Aug-2022	14-Mar-2023	0.59	\$147	n/a	\$147
Notes for DELAYED costs	Estimated Other cost to develop and implement a stormwater pollution prevention plan ("SWP3"), post a site notice, and submit a copy of the NOI to the receiving municipal separate storm sewer system ("MS4"). The Date Required is the investigation start date, and the Final Date is the screening date.						
		-	• •	o the re	eceiving municipal	separate storm sew	ver system
Avoided Costs	("MS4"). T	he Date Required	is the investiga	o the re tion sta	eceiving municipal art date, and the F	separate storm sew	ver system ening date.
Avoided Costs Disposal	("MS4"). T	he Date Required	is the investiga	tion states the rest of the re	eceiving municipal art date, and the F item (except for \$0	separate storm sew inal Date is the scre one-time avoided \$0	ver system eening date. d costs) \$0
Disposal Personnel	("MS4"). T	he Date Required	is the investiga	tion states to the rest to the	eceiving municipal art date, and the F item (except for \$0 \$0	separate storm sew inal Date is the scree one-time avoided \$0 \$0	ver system eening date. d costs) \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling	("MS4"). T	he Date Required	is the investiga	o the re tion sta tering 0.00 0.00 0.00	item (except for \$0 \$0 \$0 \$0 \$0	separate storm sew inal Date is the scree one-time avoided \$0 \$0 \$0 \$0	ver system eening date. d costs) \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment	("MS4"). T	he Date Required	is the investiga	o the re tion sta tering 0.00 0.00 0.00 0.00	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	separate storm sew inal Date is the scree one-time avoided \$0 \$0 \$0 \$0 \$0 \$0	d costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance	("MS4"). T	he Date Required	is the investiga	o the re tion sta tering 0.00 0.00 0.00 0.00 0.00	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	separate storm sew inal Date is the scree one-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	ver system eening date. d costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs	("MS4"). T	he Date Required	is the investiga	o the re tion sta 0.00 0.00 0.00 0.00 0.00 0.00	eceiving municipal art date, and the F item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	separate storm sew inal Date is the scree one-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	ver system eening date. d costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance	("MS4"). T	he Date Required	is the investiga	o the re tion sta tering 0.00 0.00 0.00 0.00 0.00	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	separate storm sew inal Date is the scree one-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	ver system eening date. d costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs	("MS4"). T	he Date Required	is the investiga	o the re tion sta 0.00 0.00 0.00 0.00 0.00 0.00	eceiving municipal art date, and the F item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	separate storm sew inal Date is the scree one-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	ver system eening date. d costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$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.



Compliance History Report

Compliance History Report for CN606022861, RN111597035, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

Customer, Respondent, or Owner/Operator:	mer, Respondent, CN606022861, T RYAN INC ner/Operator:		TIED Rating:						
Regulated Entity:	RN111597035, RECNATION RV AND BOAT STORAGE	Classification: UNCLASSI	FIED Rating:						
Complexity Points:	1	Repeat Violator: NO							
CH Group:	14 - Other								
Location:	3475 Vinson Road, Wylie, Dallas County,	Texas							
TCEQ Region:	REGION 04 - DFW METROPLEX								
ID Number(s): WATER QUALITY NON PER RO4111597035 Compliance History Peri	MITTED ID NUMBER	023 Rating Year: 2023	Rating Date: 09/01/2023						
	y Report Prepared: January 25, 202	-	······ ·······························						
-	ing Compliance History: Enforceme								
-	cted: January 25, 2019 to January 25, 2								
-	contact for Additional Information		-						
Name: Monica Larina		Phone: (512) 239-0)184						
Site and Owner/Operator History:									
1) Has the site been in existence and/or operation for the full five year compliance period?NO2) Has there been a (known) change in ownership/operator of the site during the compliance period?NO									
<u>Components (Multime</u>	edia) for the Site Are Listed in S	Sections A - J							
A. Final Orders, court j	udgments, and consent decrees:								
B. Criminal convictions	:								
C. Chronic excessive er	missions events:								
	of investigations (CCEDS Inv. Trac	k. No.):							
	N/A E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):								
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. N/A									
F. Environmental audits: N/A									
G. Type of environmental management systems (EMSs): N/A									
N/A H. Voluntary on-site compliance assessment dates: N/A									
I. Participation in a voluntary pollution reduction program: N/A									
J. Early compliance: N/A									
N/A									
	N/A								

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



§

55555

IN THE MATTER OF AN ENFORCEMENT ACTION CONCERNING T RYAN INC RN111597035 BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2023-0730-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 T RYAN INC (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 at 3475 Vinson Road in Wylie, Dallas County, Texas (the "Facility"). The Facility 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 \$20,000 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$1,000 of the penalty and \$4,000 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order and shall be waived only upon full compliance with all the terms and conditions of this Order.

The remaining amount of \$15,000 of the undeferred penalty shall be paid in 15 monthly payments of \$1,000 each. The first monthly payment shall be paid within 30 days after the effective date of this Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until the penalty is paid in full. If the Respondent fails to comply with the payment requirements of this Order, including the payment schedule, the Executive Director may accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. The Respondent's failure to meet the payment schedule of this Order and/or the acceleration of any remaining balance constitutes the failure by the Respondent to timely and satisfactorily comply with all the

terms and conditions of this Order and 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 Facility conducted from August 12, 2022 through August 17, 2022, an investigator documented that the Respondent failed to obtain authorization to discharge stormwater associated with construction activities, in violation of 30 Tex. ADMIN. CODE § 281.25(a)(4) and 40 CODE OF FEDERAL REGULATIONS § 122.26(c). Specifically, the Respondent was performing construction activities prior to obtaining authorization under Texas Pollutant Discharge Elimination System ("TPDES") General Permit No. TXR150000.

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: T RYAN INC, Docket No. 2023-0730-WQ-E" to:

T RYAN INC DOCKET NO. 2023-0730-WQ-E Page 3

> 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:
 - i. Develop and implement a stormwater pollution prevention plan to comply with the requirements of TPDES General Permit No. TXR150000;
 - ii. Submit a Notice of Intent ("NOI") through the State of Texas Environmental Electronic Reporting System to obtain authorization to discharge stormwater;
 - iii. Post a large construction site notice; and
 - iv. Submit a copy of the NOI to the receiving municipal separate storm sewer system.
 - 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 Nos. 2.a.i through 2.a.iv. The certification shall be signed by the Respondent and shall include the following certification language:

"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 Dallas/Fort Worth Regional Office Texas Commission on Environmental Quality 2309 Gravel Drive Fort Worth, Texas 76118-6951

- 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 Facility operations referenced in this Order.
- 5. 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.
- 6. 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.
- 7. 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.
- 8. 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.

T RYAN INC DOCKET NO. 2023-0730-WQ-E Page 5

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

For the Executive Director

____6/24/2024_____ 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.

Signature

an

Date

UNIEF

Name (Printed or typed) Authorized Representative of T RYAN INC

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