

Executive Summary – Enforcement Matter – Case No. 64294

Patriot Erectors LLC

RN101249258

Docket No. 2023-0901-MLM-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

MLM – EAQ, WQ

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Patriot Erectors, 3023 West Highway 290, Dripping Springs, Hays County

Type of Operation:

Structural metal work operation

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: May 3, 2024

Comments Received: No

Penalty Information

Total Penalty Assessed: \$46,000

Amount Deferred for Expedited Settlement: \$9,200

Total Paid to General Revenue: \$36,800

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications:

Person/CN - High

Site/RN - High

Major Source: EAQ: Yes; WQ: 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: May 2, 2023

Date(s) of NOE(s): June 29, 2023

Executive Summary – Enforcement Matter – Case No. 64294

Patriot Erectors LLC

RN101249258

Docket No. 2023-0901-MLM-E

Violation Information

1. Failed to obtain approval of an Edwards Aquifer Protection Plan (“EAPP”) prior to commencing a regulated activity over the Edwards Aquifer Contributing Zone. Specifically, the Respondent commenced construction activities disturbing approximately 18.2 acres without the approval of an Edwards Aquifer Contributing Zone Plan (“CZP”) or Exception Request [30 TEX. ADMIN. CODE § 213.23(a)(1)].

2. Failed to maintain authorization to discharge stormwater associated with industrial activities. Specifically, authorization under Texas Pollutant Discharge Elimination System (“TPDES”) Multi-Sector General Permit (“MSGP”) No. TXR05DZ36 expired on August 14, 2021, and the Respondent continued to operate [30 TEX. ADMIN. CODE § 281.25(a)(4) and 40 CODE OF FEDERAL REGULATIONS § 122.26].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

By August 23, 2023, the Respondent developed and implemented a stormwater pollution prevention plan and submitted a Notice of Intent to discharge stormwater associated with industrial activities under TPDES MSGP No. TXR05GE79.

Technical Requirements:

The Order will require the Respondent to:

- a. Immediately, cease any regulated activity at the Site until such time that an Edwards Aquifer CZP or Exception Request has been reviewed and approved by the TCEQ;
- b. Within 30 days, submit an Edwards Aquifer CZP application, for review and approval through the TCEQ File Transfer Protocol Secure site;
- c. Within 45 days, submit written certification of compliance with a. and b.; and
- d. Within 90 days, submit written certification that approval of the Edwards Aquifer CZP or Exception Request has been obtained.

Executive Summary – Enforcement Matter – Case No. 64294

Patriot Erectors LLC

RN101249258

Docket No. 2023-0901-MLM-E

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Megan Crinklaw, Enforcement Division, Enforcement Team 1, MC 219, (512) 239-1129; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Parley Dixon, Chief Executive Officer, Patriot Erectors LLC, 3023 West Highway 290, Dripping Springs, Texas 78620-5298

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	5-Jul-2023			
	PCW	21-Jul-2023	Screening	6-Jul-2023	EPA Due

RESPONDENT/FACILITY INFORMATION

Respondent	Patriot Erectors LLC				
Reg. Ent. Ref. No.	RN101249258				
Facility/Site Region	11-Austin		Major/Minor Source	Major	

CASE INFORMATION

Enf./Case ID No.	64294	No. of Violations	1
Docket No.	2023-0901-MLM-E	Order Type	1660
Media Program(s)	Edwards Aquifer	Government/Non-Profit	No
Multi-Media	Water Quality	Enf. Coordinator	Shane Glantz
		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$15,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	-10.0%	Adjustment	Subtotals 2, 3, & 7	-\$1,500
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Notes	Reduction for High Performer classification.			
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Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes	The Respondent does not meet the culpability criteria.			
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Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$404	<i>*Capped at the Total EB \$ Amount</i>
Estimated Cost of Compliance	\$6,500	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$13,500
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	
	Final Penalty Amount
	\$13,500

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$13,500
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DEFERRAL	20.0%	Reduction	Adjustment	-\$2,700
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes	Deferral offered for expedited settlement.			
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PAYABLE PENALTY	\$10,800
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Screening Date6-Jul-2023

RespondentPatriot Erectors LLC

Case ID No.64294

Reg. Ent. Reference No.RN101249258

MediaEdwards Aquifer

Enf. CoordinatorShane Glantz

Docket No.2023-0901-MLM-E

PCW

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

Compliance History Worksheet

>> Compliance History 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%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	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 Decrees	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%
	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 (<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 (<i>number of audits for which notices were submitted</i>)	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%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	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 Percentage (Subtotal 2)0%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3)0%

>> Compliance History Person Classification (Subtotal 7)

High Performer

Adjustment Percentage (Subtotal 7)-10%

>> Compliance History Summary

Compliance History Notes

Reduction for High Performer classification.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)-10%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100%-10%

Screening Date	6-Jul-2023	Docket No.	2023-0901-MLM-E	PCW
Respondent	Patriot Erectors LLC			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	64294			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN101249258			
Media	Edwards Aquifer			
Enf. Coordinator	Shane Glantz			
Violation Number	1			
Rule Cite(s)	30 Tex. Admin. Code § 213.23(a)(1)			
Violation Description	Failed to obtain approval of an Edwards Aquifer Protection Plan prior to commencing a regulated activity over the Edwards Aquifer Contributing Zone. Specifically, the Respondent commenced construction activities disturbing approximately 18.2 acres without the approval of an Edwards Aquifer Contributing Zone Plan ("CZP") or Exception Request.			
		Base Penalty	\$25,000	
>> Environmental, Property and Human Health Matrix				
OR	Release	Major	Moderate	Minor
	Actual			
	Potential			
			Percent	0.0%
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
		X		
			Percent	20.0%
Matrix Notes	100% of the rule requirements were not met.			
		Adjustment	\$20,000	
			\$5,000	
Violation Events				
	Number of Violation Events	3	65	Number of violation days
	daily			
	weekly			
	monthly	X		
	quarterly			
	semiannual			
	annual			
	single event			
			Violation Base Penalty	\$15,000
	Three monthly events are recommended from May 2, 2023 investigation date to the July 6, 2023 screening date.			
Good Faith Efforts to Comply		0.0%	Reduction	\$0
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer		
	Extraordinary			
	Ordinary			
	N/A	X		
	Notes	The Respondent does not meet the good faith criteria for this violation.		
		Violation Subtotal	\$15,000	
Economic Benefit (EB) for this violation		Statutory Limit Test		
	Estimated EB Amount	\$404	Violation Final Penalty Total	\$13,500
	This violation Final Assessed Penalty (adjusted for limits)			\$13,500

Economic Benefit Worksheet

Respondent Patriot Erectors LLC
Case ID No. 64294
Reg. Ent. Reference No. RN101249258
Media Edwards Aquifer
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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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	\$6,500	2-May-2023	29-Jul-2024	1.24	\$404	n/a	\$404
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs	Estimated cost to cease all regulated activity at the Site until such time that an Edwards Aquifer CZP has been reviewed and approved by the Edwards Aquifer Protection Program. The Date Required is the investigation date, and the Final Date is the estimated date of compliance.						

Avoided CostsANNUALIZE avoided costs before entering item (except for one-time avoided costs)

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
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs							

Approx. Cost of Compliance	\$6,500	TOTAL	\$404
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Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	5-Jul-2023			
	PCW	21-Jul-2023	Screening	6-Jul-2023	EPA Due

RESPONDENT/FACILITY INFORMATION

Respondent	Patriot Erectors LLC				
Reg. Ent. Ref. No.	RN101249258				
Facility/Site Region	11-Austin	Major/Minor Source	Minor		

CASE INFORMATION

Enf./Case ID No.	64294	No. of Violations	1
Docket No.	2023-0901-MLM-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media	Edwards Aquifer	Enf. Coordinator	Shane Glantz
		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$50,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	-10.0%	Adjustment	Subtotals 2, 3, & 7	-\$5,000
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Notes	Reduction for High Performer classification.			
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Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes	The Respondent does not meet the culpability criteria.			
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Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$12,500
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$909	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$10,225	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$32,500
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	
	Final Penalty Amount
	\$32,500

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$32,500
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DEFERRAL	20.0%	Reduction	Adjustment	-\$6,500
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes	Deferral offered for expedited settlement.			
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PAYABLE PENALTY	\$26,000
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Screening Date6-Jul-2023

RespondentPatriot Erectors LLC

Case ID No.64294

Reg. Ent. Reference No.RN101249258

MediaWater Quality

Enf. CoordinatorShane Glantz

Docket No.2023-0901-MLM-E

PCW

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

Compliance History Worksheet

>> Compliance History 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 (number of NOVs meeting criteria)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	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 Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	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 (number of counts)	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 (number of audits for which violations were disclosed)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	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 Percentage (Subtotal 2)0%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3)0%

>> Compliance History Person Classification (Subtotal 7)

High Performer

Adjustment Percentage (Subtotal 7)-10%

>> Compliance History Summary

Compliance History Notes

Reduction for High Performer classification.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)-10%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100%-10%

Screening Date 6-Jul-2023		Docket No. 2023-0901-MLM-E		PCW	
Respondent Patriot Erectors LLC		<i>Policy Revision 5 (January 28, 2021)</i>			
Case ID No. 64294		<i>PCW Revision February 11, 2021</i>			
Reg. Ent. Reference No. RN101249258					
Media Water Quality					
Enf. Coordinator Shane Glantz					
Violation Number		1			
Rule Cite(s)		30 Tex. Admin. Code § 281.25(a)(4) and 40 Code of Federal Regulations § 122.26			
Violation Description		Failed to maintain authorization to discharge stormwater associated with industrial activities. Specifically, authorization under Texas Pollutant Discharge Elimination System Multi-Sector General Permit No. TXR05DZ36 expired on August 14, 2021, and the Respondent continued to operate.			
		Base Penalty		\$25,000	
>> Environmental, Property and Human Health Matrix					
OR			Harm		
	Release	Major	Moderate	Minor	
	Actual				Percent 0.0%
	Potential				
>>Programmatic Matrix					
	Falsification	Major	Moderate	Minor	
		X			Percent 10.0%
Matrix Notes	100% of the rule requirements were not met.				
Adjustment					\$22,500
					\$2,500
Violation Events					
Number of Violation Events		20	601	Number of violation days	
	daily				
	weekly				
	monthly	X			
	quarterly				
	semiannual				
	annual				
	single event				
		Violation Base Penalty \$50,000			
Twenty monthly events are recommended from the November 12, 2021 permit application grace period end date to the July 6, 2023 screening date.					
Good Faith Efforts to Comply		25.0%		Reduction \$12,500	
		Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer			
	Extraordinary				
	Ordinary	X			
	N/A				
	Notes	The Respondent achieved compliance on August 23, 2023.			
Violation Subtotal					\$37,500
Economic Benefit (EB) for this violation			Statutory Limit Test		
Estimated EB Amount		\$909		Violation Final Penalty Total \$32,500	
This violation Final Assessed Penalty (adjusted for limits)					\$32,500

Economic Benefit Worksheet

Respondent Patriot Erectors LLC
Case ID No. 64294
Reg. Ent. Reference No. RN101249258
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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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	\$225	12-Nov-2021	23-Aug-2023	1.78	\$20	n/a	\$20
Other (as needed)	\$10,000	12-Nov-2021	23-Aug-2023	1.78	\$889	n/a	\$889

Notes for DELAYED costs

Actual Permit Cost to submit a Notice of Intent to obtain authorization to discharge stormwater. The Date Required is the end of the permit renewal grace period date, and the Final Date is the date of compliance.

Estimated Other costs to develop and implement a stormwater pollution prevention plan. The Date Required is the end of the permit renewal grace period date, and the Final Date is the date of compliance.

Avoided Costs

ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

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
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance	\$10,225	TOTAL	\$909
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Compliance History Report

Compliance History Report for CN606153120, RN101249258, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

Customer, Respondent, or Owner/Operator: CN606153120, Patriot Erectors LLC **Classification:** HIGH **Rating:** 0.00

Regulated Entity: RN101249258, PATRIOT ERECTORS **Classification:** HIGH **Rating:** 0.00

Complexity Points: 2 **Repeat Violator:** NO

CH Group: 14 - Other

Location: 3023 West Highway 290, Dripping Springs, Hays County, Texas

TCEQ Region: REGION 11 - AUSTIN

ID Number(s):
WATER QUALITY NON PERMITTED ID NUMBER R11101249258 **STORMWATER PERMIT** TXR05GE79

Compliance History Period: September 01, 2018 to August 31, 2023 **Rating Year:** 2023 **Rating Date:** 09/01/2023

Date Compliance History Report Prepared: March 06, 2024

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: March 06, 2019 to March 06, 2024

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.
Name: Shane Glantz **Phone:** (325) 698-6124

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five-year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. 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

H. Voluntary on-site compliance assessment dates:

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



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
PATRIOT ERECTORS LLC
RN101249258

§ BEFORE THE
§ TEXAS COMMISSION ON
§ ENVIRONMENTAL QUALITY
§

AGREED ORDER DOCKET NO. 2023-0901-MLM-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 Patriot Erectors 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 structural metal work operation located at 3023 West Highway 290 in Dripping Springs, Hays 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 \$46,000 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$36,800 of the penalty, and \$9,200 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.
9. The Executive Director recognizes that by August 23, 2023, the Respondent developed and implemented a stormwater pollution prevention plan and submitted a Notice of Intent to discharge stormwater associated with industrial activities under Texas Pollutant Discharge Elimination System ("TPDES") Multi-Sector General Permit ("MSGP") No. TXR05GE79.

II. ALLEGATIONS

During an investigation at the Site conducted on May 2, 2023, an investigator documented that the Respondent:

1. Failed to obtain approval of an Edwards Aquifer Protection Plan ("EAPP") prior to commencing a regulated activity over the Edwards Aquifer Contributing Zone, in violation of 30 TEX. ADMIN. CODE § 213.23(a)(1). Specifically, the Respondent commenced construction activities disturbing approximately 18.2 acres without the approval of an Edwards Aquifer Contributing Zone Plan ("CZP") or Exception Request.
2. Failed to maintain authorization to discharge stormwater associated with industrial activities, in violation of 30 TEX. ADMIN. CODE § 281.25(a)(4) and 40 CODE OF FEDERAL REGULATIONS § 122.26. Specifically, authorization under TPDES MSGP No. TXR05DZ36 expired on August 14, 2021, and the Respondent continued to operate.

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 resolves 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: Patriot Erectors LLC, Docket No. 2023-0901-MLM-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. Immediately after the effective date of this Order, cease any regulated activity at the Site until such time that an Edwards Aquifer CZP or Exception Request has been reviewed and approved by the TCEQ.
 - b. Within 30 days after the effective date of this Order, submit an Edwards Aquifer CZP application, for review and approval through the TCEQ File Transfer Protocol Secure site.

Respond completely and adequately to all TCEQ requests for additional information within 30 days of such requests or by any other deadlines specified in writing.

- c. Within 45 days after the effective date of this Order, submit written certification of compliance with Ordering Provision Nos. 2.a and 2.b, in accordance with Ordering Provision No. 2.d below.
- d. Within 90 days after the effective date of this Order, submit written certification that approval of the Edwards Aquifer CZP or Exception Request has been obtained. The certification shall include detailed supporting documentation, including photographs, receipts, and/or other records to demonstrate compliance. 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:

Edwards Aquifer Section Manager
Austin Regional Office
Texas Commission on Environmental Quality

P.O. Box 13087
Austin, Texas 78711-3087

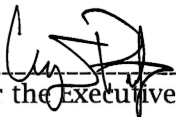
3. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Site operations referenced in this Order.
5. 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.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



For the Executive Director

5/15/2024

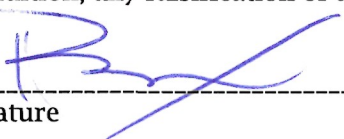
Date

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



Date

Parley Dixon

Name (Printed or typed)
Authorized Representative of
Patriot Erectors LLC

CEO

Title

☐ *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.