

Executive Summary – Enforcement Matter – Case No. 64331
C. K. Jones Developers, LLC
RN111714374
Docket No. 2023-0920-WQ-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

WQ

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

CK Jones Developers, 14333 County Road 1145, Tyler, Smith County

Type of Operation:

Construction site

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: The complainant has expressed an interest in this matter but does not wish to speak at Agenda.

Texas Register Publication Date: January 3, 2025

Comments Received: No

Penalty Information

Total Penalty Assessed: \$9,375

Amount Deferred for Expedited Settlement: \$1,875

Total Paid to General Revenue: \$7,500

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Unclassified

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): March 28, 2023

Complaint Information: Alleged the construction site was discharging sediment into a private impoundment.

Date(s) of Investigation: April 5, 2023 through April 19, 2023

Date(s) of NOE(s): June 16, 2023

Executive Summary – Enforcement Matter – Case No. 64331
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Docket No. 2023-0920-WQ-E

Violation Information

1. Failed to prevent an unauthorized discharge of sediment into or adjacent to any water in the state. Specifically, discharged sediment accumulations were observed in the unnamed tributary, on the western perimeter of the Site [TEX. WATER CODE § 26.121(a)(2)].
2. 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:

The Respondent implemented the following corrective measures:

- a. By April 7, 2023, submitted a Notice of Intent to obtain authorization to discharge stormwater associated with construction activities under TPDES General Permit No. TXR1588MJ, posted a Site notice, and submitted a copy of the Notice of Intent to the receiving municipal separate storm sewer system;
- b. By August 9, 2023, installed sediment and erosion control measures along the western perimeter; and
- c. By September 27, 2024, demonstrated that the sediment accumulations and slope of the area affected on the western perimeter of the Site were stabilized.

Technical Requirements:

The Order will require the Respondent to:

- a. Within 30 days, maintain sediment and erosion control measures along the western perimeter of the Site, until final stabilization is achieved; and
- b. Within 45 days, submit written certification to demonstrate compliance with a.

Executive Summary – Enforcement Matter – Case No. 64331
C. K. Jones Developers, LLC
RN111714374
Docket No. 2023-0920-WQ-E

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Kolby Farren, Enforcement Division, Enforcement Team 1, MC R-12, (512) 239-2098; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Cody K. Jones, Representative, C. K. Jones Developers, LLC, 10855 U.S. Highway 69 North, Tyler, Texas 75706

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 | Screening | 10-Jul-2023 | EPA Due | |
| | PCW | 25-Jul-2023 | | | | |

RESPONDENT/FACILITY INFORMATION

| | |
|-----------------------------|-----------------------------|
| Respondent | C. K. Jones Developers, LLC |
| Reg. Ent. Ref. No. | RN111714374 |
| Facility/Site Region | 5-Tyler |
| Major/Minor Source | Minor |

CASE INFORMATION

| | | | |
|--|----------------|------------------------------|--------------------|
| Enf./Case ID No. | 64331 | No. of Violations | 2 |
| Docket No. | 2023-0920-WQ-E | Order Type | 1660 |
| Media Program(s) | Water Quality | Government/Non-Profit | No |
| Multi-Media | | Enf. Coordinator | Kolby Farren |
| | | 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 | \$10,000 |
|---|-------------------|----------|

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

| | | | | |
|---------------------------|------|-------------------|--------------------------------|-----|
| Compliance History | 0.0% | Adjustment | Subtotals 2, 3, & 7 | \$0 |
|---------------------------|------|-------------------|--------------------------------|-----|

Notes: No adjustments for Compliance History.

| | | | | | |
|--------------------|----|------|--------------------|-------------------|-----|
| Culpability | No | 0.0% | Enhancement | Subtotal 4 | \$0 |
|--------------------|----|------|--------------------|-------------------|-----|

Notes: The Respondent does not meet the culpability criteria.

| | | |
|--|-------------------|--------|
| Good Faith Effort to Comply Total Adjustments | Subtotal 5 | -\$625 |
|--|-------------------|--------|

| | | | | |
|-------------------------|------|---------------------|-------------------|-----|
| Economic Benefit | 0.0% | Enhancement* | Subtotal 6 | \$0 |
|-------------------------|------|---------------------|-------------------|-----|

Total EB Amounts: \$561
Estimated Cost of Compliance: \$11,275
*Capped at the Total EB \$ Amount

| | | |
|-----------------------------|-----------------------|---------|
| SUM OF SUBTOTALS 1-7 | Final Subtotal | \$9,375 |
|-----------------------------|-----------------------|---------|

| | | | |
|---|------|-------------------|-----|
| OTHER FACTORS AS JUSTICE MAY REQUIRE | 0.0% | Adjustment | \$0 |
|---|------|-------------------|-----|

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

| | |
|-----------------------------|---------|
| Final Penalty Amount | \$9,375 |
|-----------------------------|---------|

| | | |
|-----------------------------------|-------------------------------|---------|
| STATUTORY LIMIT ADJUSTMENT | Final Assessed Penalty | \$9,375 |
|-----------------------------------|-------------------------------|---------|

| | | | | |
|-----------------|-------|------------------|-------------------|----------|
| DEFERRAL | 20.0% | Reduction | Adjustment | -\$1,875 |
|-----------------|-------|------------------|-------------------|----------|

Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

Deferral offered for expedited settlement.

| | |
|------------------------|---------|
| PAYABLE PENALTY | \$7,500 |
|------------------------|---------|

| | | | | |
|--------------------------------|-----------------------------|-------------------|----------------|---|
| Screening Date | 10-Jul-2023 | Docket No. | 2023-0920-WQ-E | PCW |
| Respondent | C. K. Jones Developers, LLC | | | <i>Policy Revision 5 (January 28, 2021)</i> |
| Case ID No. | 64331 | | | <i>PCW Revision February 11, 2021</i> |
| Reg. Ent. Reference No. | RN111714374 | | | |
| Media | Water Quality | | | |
| Enf. Coordinator | Kolby Farren | | | |

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)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

No adjustments for Compliance History.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 0%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 0%

| | | |
|--|----------------------------------|--|
| Screening Date 10-Jul-2023 Respondent C. K. Jones Developers, LLC Case ID No. 64331 Reg. Ent. Reference No. RN111714374 Media Water Quality Enf. Coordinator Kolby Farren | Docket No. 2023-0920-WQ-E | PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i> |
|--|----------------------------------|--|

| | | | |
|------------------------------|---|--|--|
| Violation Number | 1 | | |
| Rule Cite(s) | Tex. Water Code § 26.121(a)(2) | | |
| Violation Description | Failed to prevent an unauthorized discharge of sediment into or adjacent to any water in the state. Specifically, discharged sediment accumulations were observed in the unnamed tributary, on the western perimeter of the Site. | | |

| | |
|---------------------|----------|
| Base Penalty | \$25,000 |
|---------------------|----------|

>> Environmental, Property and Human Health Matrix

| | | | | | |
|-----------|----------------|-------------|----------|-------|----------------------|
| OR | | Harm | | | |
| | Release | Major | Moderate | Minor | |
| | Actual | | | X | |
| | Potential | | | | |
| | | | | | Percent 15.0% |

>> Programmatic Matrix

| | | | | | |
|--|---------------|-------|----------|-------|---------------------|
| | Falsification | Major | Moderate | Minor | |
| | | | | | |
| | | | | | Percent 0.0% |

| | |
|--------------|---|
| Matrix Notes | Human health or the environment has been exposed to pollutants which exceed levels that are protective of human health or environmental receptors as a result of the violation. |
|--------------|---|

| | |
|-------------------|----------|
| Adjustment | \$21,250 |
|-------------------|----------|

| | |
|--|---------|
| | \$3,750 |
|--|---------|

Violation Events

| | | | |
|----------------------------|---|-----|--------------------------|
| Number of Violation Events | 2 | 100 | Number of violation days |
|----------------------------|---|-----|--------------------------|

| | | | | | | |
|--|--------------|---|--|--|--|--|
| | daily | | | | | |
| | weekly | | | | | |
| | monthly | | | | | |
| | quarterly | X | | | | |
| | semiannual | | | | | |
| | annual | | | | | |
| | single event | | | | | |

| | |
|-------------------------------|---------|
| Violation Base Penalty | \$7,500 |
|-------------------------------|---------|

| |
|---|
| Two quarterly events are recommended from the April 5, 2023 investigation date to the July 10, 2023 screening date. |
|---|

Good Faith Efforts to Comply

| | | | |
|---------------|--|-----------------------------------|--|
| | 0.0% | | |
| | Before NOE/NOV | NOE/NOV to EDPRP/Settlement Offer | |
| Extraordinary | | | |
| Ordinary | | | |
| N/A | X | | |
| Notes | The Respondent does not meet good faith criteria for this violation. | | |

| | |
|---------------------------|---------|
| Violation Subtotal | \$7,500 |
|---------------------------|---------|

Economic Benefit (EB) for this violation

Statutory Limit Test

| | |
|--|---------|
| Estimated EB Amount | \$560 |
| Violation Final Penalty Total | \$7,500 |
| This violation Final Assessed Penalty (adjusted for limits) | \$7,500 |

Economic Benefit Worksheet

Respondent C. K. Jones Developers, LLC
Case ID No. 64331
Reg. Ent. Reference No. RN111714374
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 |
|---|---|---------------|------------|--------------|----------------|-------------|-----------|
| 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 | \$7,000 | 5-Apr-2023 | 3-Oct-2024 | 1.50 | \$525 | n/a | \$525 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | \$2,000 | 5-Apr-2023 | 9-Aug-2023 | 0.35 | \$35 | n/a | \$35 |
| Notes for DELAYED costs | <p>Estimated Remediation/Disposal Costs to stabilize sediment accumulations and slope of the area affected on the western perimeter of the Site and maintain sediment and erosion control measures along the western perimeter of the Site, until final stabilization is achieved. The Date Required is the investigation date, and the Final Date is the estimated compliance date.</p> <p>Estimated Other cost to install sediment and erosion control measures to prevent future unauthorized discharges. The Date Required is the investigation date, and the Final Date is the date that sediment and erosion control measures were installed.</p> | | | | | | |
| 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 | \$9,000 | | | TOTAL | | \$560 | |

| | | | | | |
|--|---|--|--------------------------------------|----------|--|
| Screening Date 10-Jul-2023 Respondent C. K. Jones Developers, LLC Case ID No. 64331 Reg. Ent. Reference No. RN111714374 Media Water Quality Enf. Coordinator Kolby Farren | Docket No. 2023-0920-WQ-E | PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i> | | | |
| Violation Number 2 | | | | | |
| Rule Cite(s) 30 Tex. Admin. Code § 281.25(a)(4) and 40 Code of Federal Regulations § 122.26(c) | | | | | |
| Violation Description 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 General Permit No. TXR150000. | | | | | |
| Base Penalty | | \$25,000 | | | |
| >> Environmental, Property and Human Health Matrix | | | | | |
| OR | Release | Harm | | | |
| | | Major Moderate Minor | | | |
| | Actual Potential | | | | Percent 0.0% |
| >> 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 | | 1 | Number of violation days | | |
| | | 2 | | | |
| | daily weekly monthly quarterly semiannual annual single event | | | | |
| | | | | | |
| | | X | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | Violation Base Penalty | \$2,500 | |
| One monthly event is recommended from the April 5, 2023 investigation date to the April 7, 2023 compliance date. | | | | | |
| Good Faith Efforts to Comply | | 25.0% | Reduction | \$625 | |
| | | Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer | | | |
| | Extraordinary | | | | |
| | Ordinary | X | | | |
| | N/A | | | | |
| | Notes | The Respondent achieved compliance by April 7, 2023. | | | |
| Violation Subtotal | | | | \$1,875 | |
| Economic Benefit (EB) for this violation Statutory Limit Test | | | | | |
| Estimated EB Amount | | \$1 | Violation Final Penalty Total | \$1,875 | |
| This violation Final Assessed Penalty (adjusted for limits) | | | | \$1,875 | |

Economic Benefit Worksheet

Respondent C. K. Jones Developers, LLC
Case ID No. 64331
Reg. Ent. Reference No. RN111714374
Media Water Quality
Violation No. 2

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0 | 15 |

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Costs Saved | EB Amount |
|------------------|-----------|---------------|------------|-----|----------------|-------------|-----------|
|------------------|-----------|---------------|------------|-----|----------------|-------------|-----------|

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 | \$275 | 5-Apr-2023 | 7-Apr-2023 | 0.01 | \$0 | n/a | \$0 |
| Other (as needed) | \$2,000 | 5-Apr-2023 | 7-Apr-2023 | 0.01 | \$1 | n/a | \$1 |

Notes for DELAYED costs

Estimated Permit Cost to submit a Notice of Intent ("NOI") to obtain authorization to discharge stormwater. The Date Required is the investigation date, and the Final Date is the compliance date.

Estimated Other Costs to develop and implement a stormwater pollution prevention plan, post a site notice, and submit a copy of the NOI to the receiving municipal separate storm sewer system. The Date Required is the investigation date, and the Final Date is the compliance date.

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

\$2,275

TOTAL

\$1



Compliance History Report

Compliance History Report for CN605875798, RN111714374, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

Customer, Respondent, or Owner/Operator: CN605875798, C. K. Jones Developers, LLC
Classification: SATISFACTORY
Rating: 2.40

Regulated Entity: RN111714374, CK JONES DEVELOPERS
Classification: UNCLASSIFIED
Rating: -----

Complexity Points: 5
Repeat Violator: NO

CH Group: 14 - Other

Location: 14333 County Road 1145, Tyler, Smith County, Texas

TCEQ Region: REGION 05 - TYLER

ID Number(s):
STORMWATER PERMIT TXR1588MJ

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

Date Compliance History Report Prepared: March 22, 2024

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: March 22, 2019 to March 22, 2024

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.
Name: Kolby Farren
Phone: (512) 239-2098

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? NO
- 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.):

Item 1 November 21, 2023 (1929653)

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
C. K. JONES DEVELOPERS, LLC
RN111714374

§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2023-0920-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 C. K. Jones Developers, 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 at 14333 County Road 1145 in Tyler, Smith 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 \$9,375 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$7,500 of the penalty and \$1,875 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 the Respondent implemented the following corrective measures at the Site:
 - a. By April 7, 2023, submitted a Notice of Intent ("NOI") to obtain authorization to discharge stormwater associated with construction activities under TPDES General Permit No. TXR1588MJ, posted a Site notice, and submitted a copy of the NOI to the receiving municipal separate storm sewer system;
 - b. By August 9, 2023, installed sediment and erosion control measures along the western perimeter; and
 - c. By September 27, 2024, demonstrated that the sediment accumulations and slope of the area affected on the western perimeter of the Site were stabilized.

II. ALLEGATIONS

During an investigation at the Site conducted from April 5, 2023 through April 19, 2023, an investigator documented that the Respondent:

1. 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)(2). Specifically, discharged sediment accumulations were observed in the unnamed tributary, on the western perimeter of the Site.
2. 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 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: C. K. Jones Developers, LLC, Docket No. 2023-0920-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, maintain sediment and erosion control measures along the western perimeter of the Site, until final stabilization is achieved, in accordance with TPDES General Permit No. TXR1588MJ, Part IV, Section A and Section B.
 - 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. 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
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. 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

4/4/2025

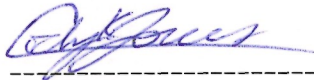
Date

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

11/25/2024

Date

Cody K Jones

Name (Printed or typed)

Representative

Title

Authorized Representative of
C. K. Jones Developers, LLC

☐ 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.