

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 64901
Jolly's Development Group LLC
RN111806766
Docket No. 2023-1429-MLM-E

Page 1 of 2

Order Type:
Default Order

Media:
MLM: Edwards Aquifer and WQ

Small Business:
Yes

Location Where Violations Occurred:
9223 Sandstone Street, Austin, Travis County (the "Site")

Type of Operation:
a large construction site

Other Significant Matters:

Additional Pending Enforcement Actions:	None
Past-Due Penalties:	None
Past-Due Fees:	None
Other:	None
Interested Third Parties:	None

Texas Register Publication Date: August 15, 2025

Comments Received: None

Penalty Information

Total Penalty Assessed:	\$15,000
Total Paid to General Revenue:	\$0
Total Due to General Revenue:	\$15,000

Compliance History Classifications:

Person/CN - N/A
Site/RN - N/A

Major Source:	No
Statutory Limit Adjustment:	None
Applicable Penalty Policy:	January 28, 2021

Investigation Information

Complaint Date: June 21, 2023

<i>Complaint Information:</i>	The complaint alleges that land clearing with soil disturbance for a residential development project on the Contributing Zone. The project does not have TCEQ permits.
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Dates of Investigation: July 21, 2023 through August 1, 2023

Date of NOV: N/A

Date of NOE: September 19, 2023

Jolly's Development Group LLC

RN111806766

Docket No. 2023-1429-MLM-E

Violation Information

1. Failed to obtain approval of an Edwards Aquifer Protection Plan prior to commencing a regulated activity over the Edwards Aquifer Contributing Zone [30 TEX. ADMIN. CODE § 213.23(a)(1)].
2. Failed to obtain authorization to discharge stormwater associated with construction activities [TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 281.25(a)(4), and 40 C.F.R. § 122.26(c)].

Corrective Actions/Technical Requirements**Corrective Action Completed:**

None

Technical Requirements:

1. Immediately cease any regulated activity at the Site until such time that an Edwards Aquifer Contributing Zone Plan ("CZP") application has been reviewed and approved by the TCEQ Austin Regional Office.
2. Within 30 days:
 - a. Submit an Edwards Aquifer CZP application and associated application fees, and respond completely and adequately to all requests for additional information within 30 days of such request, or by any other deadline specified in writing;
 - b. Develop and implement a stormwater pollution prevention plan to comply with the requirements of Texas Pollutant Discharge Elimination System General Permit No. TXR150000;
 - c. Submit a Notice of Intent ("NOI") through the State of Texas Environmental Electronic Reporting System and obtain authorization to discharge stormwater;
 - d. Post a site notice; and
 - e. Submit a copy of the NOI to the receiving municipal separate storm sewer system.
3. Within 45 days submit written certification to demonstrate compliance with Technical Requirement Nos. 1 and 2.
4. Within 120 days submit written certification that approval of the Edwards Aquifer CZP has been obtained.

Litigation Information**Date Petitions Filed:**

October 21, 2024; December 2, 2024

Dates of Service:

unclaimed; unclaimed

Date Answer Filed:

N/A

Contact Information

TCEQ Attorneys: William Hogan, Litigation Division, (512) 239-3400
Sheldon Wanye, Public Interest Counsel, (512) 239-6363

TCEQ Litigation Agenda Coordinator: Katherine McKenzie, Litigation Division, (512) 239-2575

TCEQ Enforcement Coordinator: Taylor Williamson, Enforcement Division, (512) 239-2097

TCEQ Regional Contact: Monica Reyes, Austin Regional Office, (512) 339-2929
Shawn Stewart, Austin Regional Office, (512) 339-2929

Respondent Contact: James J Clark Jr., Jolly's Development Group LLC, 10204 Oak Grove Circle,
Austin, Texas 78736-7747

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	25-Sep-2023	Screening	29-Sep-2023	EPA Due	
	PCW	10-Oct-2023				

RESPONDENT/FACILITY INFORMATION

Respondent	Jolly's Development Group LLC PCW No. 1 of 2
Reg. Ent. Ref. No.	RN111806766
Facility/Site Region	11-Austin
Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	64901	No. of Violations	1
Docket No.	2023-1429-MLM-E	Order Type	1660
Media Program(s)	Edwards Aquifer	Government/Non-Profit	No
Multi-Media	Water Quality	Enf. Coordinator	Taylor Williamson
		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	\$7,500
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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	0.0%	Adjustment	Subtotals 2, 3, & 7	\$0
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Notes	No adjustments for compliance history.
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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	\$326	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$6,500	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$7,500
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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	
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Final Penalty Amount	\$7,500
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$7,500
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes	Deferral not offered for non-expedited settlement.
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PAYABLE PENALTY	\$7,500
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Screening Date	29-Sep-2023	Docket No.	2023-1429-MLM-E	PCW
Respondent	Jolly's Development Group LLC PCW No. 1 of 2			
Case ID No.	64901			
Reg. Ent. Reference No.	RN111806766			
Media	Edwards Aquifer			
Enf. Coordinator	Taylor Williamson			

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)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

N/A

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 29-Sep-2023 Respondent Jolly's Development Group LLC PCW No. 1 of 2 Case ID No. 64901 Reg. Ent. Reference No. RN111806766 Media Edwards Aquifer Enf. Coordinator Taylor Williamson	Docket No. 2023-1429-MLM-E PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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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 site was partially cleared of vegetation with approximately 1.5 acre of soil disturbance without prior approval of a Contributing Zone Plan ("CZP").	

Base Penalty	\$25,000
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>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				
	Potential				
					Percent 0.0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
		x			
					Percent 10.0%

Matrix Notes	100% of the rule requirement was not met.
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Adjustment	\$22,500
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	\$2,500
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Violation Events

Number of Violation Events	3	70	Number of violation days
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	daily			
	weekly			
	monthly	x		
	quarterly			
	semiannual			
	annual			
	single event			

Violation Base Penalty	\$7,500
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Three monthly events are recommended from the investigation start date (July 21, 2023) to the screening date (September 29, 2023).
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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	\$7,500
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Economic Benefit (EB) for this violation

Estimated EB Amount	\$326	Statutory Limit Test
		Violation Final Penalty Total
		\$7,500
This violation Final Assessed Penalty (adjusted for limits)		\$7,500

Economic Benefit Worksheet

Respondent Jolly's Development Group LLC PCW No. 1 of 2
Case ID No. 64901
Reg. Ent. Reference No. RN111806766
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				0.00	\$0	n/a	\$0
Other (as needed)	\$6,500	21-Jul-2023	21-Jul-2024	1.00	\$326	n/a	\$326

Notes for DELAYED costs

Estimated Permit cost to prepare, submit, and obtain approval of an Edwards Aquifer CZP. The Date Required is the start date of the investigation, and the Final Date is the estimated 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

\$6,500

TOTAL

\$326



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	25-Sep-2023	Screening	29-Sep-2023	EPA Due	
	PCW	10-Oct-2023				

RESPONDENT/FACILITY INFORMATION

Respondent	Jolly's Development Group LLC PCW No. 2 of 2
Reg. Ent. Ref. No.	RN111806766
Facility/Site Region	11-Austin
Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	64901	No. of Violations	1
Docket No.	2023-1429-MLM-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media	Edwards Aquifer	Enf. Coordinator	Taylor Williamson
		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	\$7,500
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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	0.0%	Adjustment	Subtotals 2, 3, & 7	\$0
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Notes: No adjustments for compliance history.

Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

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: \$408
 Estimated Cost of Compliance: \$10,225
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$7,500
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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 **\$7,500**

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$7,500
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

Deferral not offered for non-expedited settlement.

PAYABLE PENALTY	\$7,500
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Screening Date	29-Sep-2023	Docket No.	2023-1429-MLM-E	PCW
Respondent	Jolly's Development Group LLC PCW No. 2 of 2			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	64901			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN111806766			
Media	Water Quality			
Enf. Coordinator	Taylor Williamson			

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)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

N/A

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 29-Sep-2023 Respondent Jolly's Development Group LLC PCW No. 2 of 2 Case ID No. 64901 Reg. Ent. Reference No. RN111806766 Media Water Quality Enf. Coordinator Taylor Williamson Violation Number 1 Rule Cite(s) 30 Tex. Admin. Code § 281.25(a)(4), Tex. Water Code § 26.121(a) 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.	Docket No. 2023-1429-MLM-E PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>																			
Base Penalty \$25,000																				
>> Environmental, Property and Human Health Matrix																				
OR	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td></td> <th colspan="3">Harm</th> <td></td> </tr> <tr> <th>Release</th> <th>Major</th> <th>Moderate</th> <th>Minor</th> <th></th> </tr> <tr> <td>Actual</td> <td></td> <td></td> <td></td> <td rowspan="2"> Percent 0.0% </td> </tr> <tr> <td>Potential</td> <td></td> <td></td> <td></td> </tr> </table>		Harm				Release	Major	Moderate	Minor		Actual				Percent 0.0%	Potential			
	Harm																			
Release	Major	Moderate	Minor																	
Actual				Percent 0.0%																
Potential																				
>> Programmatic Matrix																				
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td></td> <th>Major</th> <th>Moderate</th> <th>Minor</th> <td></td> </tr> <tr> <th>Falsification</th> <td>x</td> <td></td> <td></td> <td> Percent 10.0% </td> </tr> </table>		Major	Moderate	Minor		Falsification	x			Percent 10.0%									
	Major	Moderate	Minor																	
Falsification	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 3 70 Number of violation days <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <tr> <td style="width: 30%;">daily</td> <td></td> </tr> <tr> <td>weekly</td> <td></td> </tr> <tr> <td>monthly</td> <td>x</td> </tr> <tr> <td>quarterly</td> <td></td> </tr> <tr> <td>semiannual</td> <td></td> </tr> <tr> <td>annual</td> <td></td> </tr> <tr> <td>single event</td> <td></td> </tr> </table> Violation Base Penalty \$7,500 Three monthly events are recommended from the investigation start date (July 21, 2023) to the screening date (September 29, 2023).		daily		weekly		monthly	x	quarterly		semiannual		annual		single event						
daily																				
weekly																				
monthly	x																			
quarterly																				
semiannual																				
annual																				
single event																				
Good Faith Efforts to Comply																				
0.0% Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer Reduction \$0 <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 5px;"> <tr> <td style="width: 30%;">Extraordinary</td> <td></td> </tr> <tr> <td>Ordinary</td> <td></td> </tr> <tr> <td>N/A</td> <td>x</td> </tr> </table> Notes The Respondent does not meet the good faith criteria for this violation.		Extraordinary		Ordinary		N/A	x													
Extraordinary																				
Ordinary																				
N/A	x																			
Violation Subtotal \$7,500																				
Economic Benefit (EB) for this violation																				
Statutory Limit Test																				
Estimated EB Amount \$408 Violation Final Penalty Total \$7,500																				
This violation Final Assessed Penalty (adjusted for limits) \$7,500																				

Economic Benefit Worksheet

Respondent Jolly's Development Group LLC PCW No. 2 of 2
Case ID No. 64901
Reg. Ent. Reference No. RN111806766
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	21-Jul-2023	7-May-2024	0.80	\$9	n/a	\$9
Other (as needed)	\$10,000	21-Jul-2023	7-May-2024	0.80	\$399	n/a	\$399

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 date of the investigation, and the Final Date is the estimated date of compliance.

Estimated Other cost 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 date of the investigation, and the Final Date is the estimated 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

\$408



Compliance History Report

Compliance History Report for CN606180057, RN111806766, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

Customer, Respondent, or Owner/Operator:	CN606180057, Jolly's Development Group LLC	Classification:	NOT APPLICABLE	Rating:	N/A
Regulated Entity:	RN111806766, SANDSTONE RESIDENTIAL SUBDIVISION	Classification:	NOT APPLICABLE	Rating:	N/A
Complexity Points:	N/A	Repeat Violator:	N/A		
CH Group:	09 - Construction				
Location:	9223 Sandstone Street, Austin, Travis County, Texas				
TCEQ Region:	REGION 11 - AUSTIN				
ID Number(s):					
WATER QUALITY NON PERMITTED ID NUMBER			EDWARDS AQUIFER PERMIT		
11111806766			11003973		
Compliance History Period:	September 01, 2018 to August 31, 2023	Rating Year:	2023	Rating Date:	09/01/2023
Date Compliance History Report Prepared:	May 06, 2024				
Agency Decision Requiring Compliance History:	Enforcement				
Component Period Selected:	May 06, 2019 to May 06, 2024				
TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.					
Name: Taylor Williamson			Phone: (512) 239-2097		

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

Component Appendices

Appendix A

All NOVs Issued During Component Period 5/6/2019 and 5/6/2024

N/A

Appendix B

All Investigations Conducted During Component Period May 06, 2019 and May 06, 2024

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
JOLLY'S DEVELOPMENT GROUP LLC;
RN111806766

§
§
§
§
§

BEFORE THE

TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

DEFAULT ORDER DOCKET NO. 2023-1429-MLM-E

On _____, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered the Executive Director's Preliminary Report and Petition, filed pursuant to TEX. WATER CODE chs. 7 and 26 and the rules of the TCEQ, which requests appropriate relief, including the imposition of an administrative penalty and corrective action of the respondent. The respondent made the subject of this Order is Jolly's Development Group LLC ("Respondent").

The Commission makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. Respondent owns and operates a large construction site located at 9223 Sandstone Street in Austin, Travis County, Texas (the "Site"). The Site is near or adjacent to water in the state as defined in TEX. WATER CODE § 26.001.
2. During investigation conducted on and around July 21, 2023, through August 1, 2023, an investigator documented that Respondent:
 - a. Failed to obtain approval of an Edwards Aquifer Protection Plan prior to commencing a regulated activity over the Edwards Aquifer Contributing Zone. Specifically, the Site was partially cleared of vegetation with approximately 1.5 acres of soil disturbance without prior approval of a Contributing Zone Plan ("CZP"); and
 - b. Failed to obtain authorization to discharge stormwater associated with construction activities. Specifically, Respondent was performing construction activities prior to obtaining authorization under Texas Pollutant Discharge Elimination System ("TPDES") General Permit No. TXR150000.
3. The Executive Director filed the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Jolly's Development Group LLC" (the "EDPRP") in the TCEQ Chief Clerk's office on October 21, 2024.
4. The EDPRP was mailed to Respondent's last known address on October 21, 2024, via certified mail, return receipt requested, postage prepaid. The United States Postal Service returned the EDPRP sent by certified mail as "unclaimed."
5. The Executive Director re-filed the EDPRP in the TCEQ Chief Clerk's Office on December 2, 2024.

6. By letter dated December 2, 2024, sent to Respondent's last known address via certified mail, return receipt requested, and via first-class mail, postage prepaid, the Executive Director served Respondent with notice of the EDPRP. The United States Postal Service returned the EDPRP sent by certified mail as "unclaimed." The first-class mail has not been returned, indicating that Respondent received notice of the EDPRP.
7. More than 20 days have elapsed since Respondent received notice of the EDPRP. Respondent failed to file an answer and failed to request a hearing.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE ch. 26 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2.a., Respondent failed to obtain approval of an Edwards Aquifer Protection Plan prior to commencing a regulated activity over the Edwards Aquifer Contributing Zone, in violation of 30 TEX. ADMIN. CODE § 213.23(a)(1).
3. As evidenced by Finding of Fact No. 2.b., Respondent failed to obtain authorization to discharge stormwater associated with construction activities, in violation of TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 281.25(a)(4), and 40 C.F.R. § 122.26(c).
4. As evidenced by Findings of Fact Nos. 3 through 6, the Executive Director timely served Respondent with proper notice of the EDPRP, as required by TEX. WATER CODE § 7.055 and 30 TEX. ADMIN. CODE § 70.104(c)(2).
5. As evidenced by Finding of Fact No. 7, Respondent failed to file a timely answer as required by TEX. WATER CODE § 7.056 and 30 TEX. ADMIN. CODE § 70.105. Pursuant to TEX. WATER CODE § 7.057 and 30 TEX. ADMIN. CODE § 70.106, the Commission may enter a Default Order against Respondent and assess the penalty recommended by the Executive Director.
6. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against Respondent for violations of state statutes within TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
7. An administrative penalty in the amount of \$15,000 is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053.
8. TEX. WATER CODE §§ 5.102 and 7.002 authorize the Commission to issue orders and make determinations necessary to effectuate the purposes of the statutes within its jurisdiction.

ORDERING PROVISIONS

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

1. Respondent is assessed an administrative penalty in the amount of \$15,000 for violations of state statutes and rules of the TCEQ. The payment of this penalty and Respondent's compliance with all the requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations which are not raised here.
2. The penalty assessed by this Order shall be paid within 30 days after the effective date of this Order. All checks submitted to pay the penalty imposed by this Order shall be made out to TCEQ and shall be sent with the notation "Re: Jolly's Development Group LLC; Docket No. 2023-1429-MLM-E" to:

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

3. Respondent shall undertake the following technical requirements:
- a. Immediately upon the effective date of this Order, cease any regulated activity at the Site until such time that an Edwards Aquifer CZP application has been reviewed and approved by the TCEQ Austin Regional Office.
 - b. Within 30 days after the effective date of this Order:
 - i. Submit an Edwards Aquifer CZP application and associated application fees, for review and approval to:

Edwards Aquifer Protection Program
Austin Regional Office
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087
 - Respondent must respond completely and adequately, as determined by TCEQ, to all requests for additional information within 30 days of such request, or by any other deadline specified in writing.
 - ii. Develop and implement a stormwater pollution prevention plan to comply with the requirements of TPDES General Permit No. TXR150000;
 - iii. Submit a Notice of Intent ("NOI") through the State of Texas Environmental Electronic Reporting System and obtain authorization to discharge stormwater;
 - iv. Post a site notice; and
 - v. Submit a copy of the NOI to the receiving municipal separate storm sewer system.
 - c. Within 45 days after the effective date of this Order, submit written certification to demonstrate compliance with Ordering Provision Nos. 3.a., 3.b.i., 3.b.ii., 3.b.iii., 3.b.iv., and 3.b.v., in accordance with Ordering Provision No. 3.e.
 - d. Within 120 days after the effective date of this Order, submit written certification that approval of the Edwards Aquifer CZP has been obtained, in accordance with Ordering Provision No. 3.e.
 - e. The certifications required by these Ordering Provisions shall be accompanied by detailed supporting documentation, including photographs, receipts, and/or other records, shall be signed by Respondent, and shall include the following certification language:

"I certify under penalty of law I have personally examined and am familiar with the information submitted and all attached documents, and based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the submitted information is true, accurate and complete. I am aware 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
Austin Regional Office
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. All relief not expressly granted in this Order is denied.
5. The provisions of this Order shall apply to and be binding upon Respondent. 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.
6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by Respondent shall be made in writing to the Executive Director. Extensions are not effective until Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Enforcement Division at the address listed above.
7. If Respondent fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Respondent's failure to comply is not a violation of this Order. Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Respondent shall notify the Executive Director within seven days after Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
8. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Respondent if the Executive Director determines that Respondent has not complied with one or more of the terms or conditions in this Order.
9. 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.
10. 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.
11. The Chief Clerk shall provide a copy of this fully executed Order to each of the parties. By law, the effective date of this Order shall be the date the Order is final, as provided by 30 TEX. ADMIN. CODE § 70.106(d) and TEX. GOV'T CODE § 2001.144.

S I G N A T U R E P A G E

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



UNSWORN DECLARATION OF WILLIAM HOGAN

"On behalf of the Executive Director of the Texas Commission on Environmental Quality, the 'Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Jolly's Development Group LLC' (the "EDPRP") was filed in the TCEQ Chief Clerk's office on October 21, 2024.

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On behalf of the Executive Director of the Texas Commission on Environmental Quality, the EDPRP was re-filed in the TCEQ Chief Clerk's office on December 2, 2024.

The EDPRP was mailed to Respondent's last known address on December 2, 2024, via certified mail, return receipt requested, and via first-class mail, postage prepaid. The United States Postal Service returned the EDPRP sent by certified mail as "unclaimed." The first-class mail has not been returned, indicating that Respondent received notice of the EDPRP in accordance with 30 TEX. ADMIN. CODE § 70.104(c)(2).

More than 20 days have elapsed since Respondent received notice of the EDPRP. Respondent failed to file an answer and failed to request a hearing."

"My name is William Hogan, and I am an employee of the following governmental agency: Texas Commission on Environmental Quality. I am executing this declaration as part of my assigned duties and responsibilities. I declare under penalty of perjury that the foregoing is true and correct."

Executed in Travis County,

State of Texas,

on the 22nd day of July, 2025

A handwritten signature in cursive script that reads "William Hogan".

Declarant