

TCEQ Interoffice Memorandum

To: Mary Smith, General Counsel
Colleen Ford, Assistant General Counsel

Thru: JSR Jess Robinson, Senior Attorney
Litigation Division

From: JSR
for Cynthia Sirois, Staff Attorney
Litigation Division

Date: October 2, 2024

Subject: Backup Revision
October 11, 2024 Commission Agenda
Draft Item No. 18 – Mark Maher, Jr. dba International Union of Operating
Engineers Local 450
Docket No. 2023-1434-PWS-E

Enclosed please find the following:

New Page 3 for the Compliance History Report associated with this proposed Findings Agreed Order:

This addition contains an appendix listing the NOV's for the full compliance history period for this order, insofar as relevant to it being a Findings Agreed Order.

Respondent Contact:

Mark Maher, Jr.
P.O. Box 1410
Mont Belvieu, Texas 77580

Please do not hesitate to call me at (512) 239-3392 if you have any questions regarding this matter.

cc: Margaux Ordoveza, Enforcement Division
Westin Massey, Houston Regional Office
Gill Valls, Office of the General Counsel
Michael Parrish, Enforcement Division
Leslie Gann, Enforcement Division
Stuart Beckley, Enforcement Division
Mark Maher, Jr., Respondent

Component Appendices

Appendix A

All NOV's Issued During Component Period 6/18/2019 and 6/18/2024

- 1 Date: 07/22/2020 (1659130)
Self Report? NO Classification: Minor
Citation:
Description: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(i)(III)
Failure by IUOE Training Facility to maintain records of the amount of
chemicals used weekly.
Self Report? NO Classification: Minor
Citation:
Description: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(E)(ii)(I)
Failure by IUOE Training Facility to have secondary containment structures for
chemical storage facilities.
- 2 Date: 11/17/2022 (1923139)
Self Report? N Classification: Moderate
Citation:
Description: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)
TTHM LRAA MCL 4Q2022 – During the 4th quarter of 2022 the system
violated the maximum contaminant level for trihalomethanes with a LRAA of
0.086 mg/L at 13315 TX 146 S BRKRM, Dayton (DBP2-01). ETT Point Value =
5
- 3* Date: 02/24/2023 (1923139)
Self Report? NO Classification: Moderate
Citation:
Description: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)
TTHM LRAA MCL 1Q2023 – During the 1st quarter of 2023 the system
violated the maximum contaminant level for trihalomethanes with a LRAA of 0.085
mg/L at 13315 TX 146 S BRKRM, Dayton (DBP2-01). ETT Point Value = 5
- 4* Date: 08/01/2023 (1923139)
Self Report? NO Classification: Moderate
Citation:
Description: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)
TTHM LRAA MCL 2Q2023 – During the 2nd quarter of 2023 the system
violated the maximum contaminant level for trihalomethanes with a LRAA of
0.082 mg/L at 13315 TX 146 S BRKRM, Dayton (DBP2-01). ETT Point Value =
5

* NOV's applicable for the Compliance History rating period 9/1/2018 to 8/31/2023

Appendix B

All Investigations Conducted During Component Period June 18, 2019 and June 18, 2024

- Item 1 July 22, 2020** (1659130)
Item 2 December 21, 2020** (1691029)
Item 3 August 17, 2023** (1923139)
Item 4 August 18, 2023** (1923278)

* No violations documented during this investigation

**Investigation applicable for the Compliance History Rating period between 09/01/2018 and 08/31/2023.

Compliance History Report for CN602986754, RN106279466, Rating Year 2023 which includes Compliance History (CH) components from June 18, 2019, through June 18, 2024.

Customer was not affiliated to Regulated Entity at time of Compliance History Rating.

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 64904
Mark Maher, Jr. dba International Union of Operating Engineers Local 450
RN106279466
Docket No. 2023-1434-PWS-E

Page 1 of 2

Order Type:

Findings Agreed Order

Findings Order Justification:

Three or more enforcement actions over the prior five year period for the same violations.

Media:

PWS

Small Business:

Yes

Location Where Violation Occurred:

13315 Highway-146 South, Dayton, Liberty County

Type of Operation:

public water supply

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 23, 2024

Comments Received: None

Penalty Information

Total Penalty Assessed: \$1,187

Total Paid to General Revenue: \$1,187

Total Due to General Revenue: \$0

Compliance History Classifications:

Person/CN – Not Applicable
Site/RN – Not Applicable

Major Source: No

Statutory Limit Adjustment: None

Applicable Penalty Policy: January 28, 2021

Investigation Information

Complaint Date: N/A

Dates of Investigation: August 7, 2023 through August 18, 2023

Date of NOV: August 1, 2023

Date of NOE: August 18, 2023

Violation Information

Failed to comply with the maximum contaminant level ("MCL") of 0.080 milligrams per liter ("mg/L") for total trihalomethanes ("TTHM"), based on the locational running annual average [TEX. HEALTH & SAFETY CODE § 341.0315(c) and 30 TEX. ADMIN. CODE § 290.115(f)(1)].

Corrective Actions/Technical Requirements

Corrective Action Completed:

Came into compliance with the MCL of 0.080 mg/L for TTHM, based on the locational running annual average at the Facility, as of November 2, 2023.

Technical Requirements:

None

Litigation Information

Date Petitions Filed: June 20, 2024

Date of Service: June 28, 2024

Settlement Date: July 23, 2024

Contact Information

TCEQ Attorneys: Cynthia Sirois, Litigation Division, (512) 239-3400

Sheldon Wayne, Public Interest Counsel, (512) 239-6363

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

TCEQ Enforcement Coordinator: Margaux Ordoveza, Enforcement Division, (512) 239-1128

TCEQ Regional Contact: Westin Massey, Regional Office, (713) 767-3500

Respondent Contact: Mark Maher, Jr., P.O. Box 1410, Mont Belvieu, Texas, 77580

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	21-Aug-2023	Screening	5-Oct-2023	EPA Due	30-Sep-2023
	PCW	18-Jun-2024				

RESPONDENT/FACILITY INFORMATION

Respondent	Mark Maher Jr. dba International Union of Operating Engineers Local 450				
Reg. Ent. Ref. No.	RN106279466				
Facility/Site Region	12-Houston	Major/Minor Source	Minor		

CASE INFORMATION

Enf./Case ID No.	CN602986754	No. of Violations	1
Docket No.	2023-1434-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Margaux Ordoveza
		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$5,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$1,250
---	-------------------	---------

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	5.0%	Adjustment	Subtotals 2, 3, & 7	\$62
---------------------------	------	-------------------	--------------------------------	------

Notes	Enhancement for one NOV with same/similar violations.			
--------------	---	--	--	--

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	-\$125
--	-------------------	--------

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

Total EB Amounts	\$293	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$5,000	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$1,187
-----------------------------	-----------------------	---------

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$1,187
-----------------------------------	-------------------------------	---------

DEFERRAL	0.0%	Reduction	Adjustment	\$0
-----------------	------	------------------	-------------------	-----

Reduces the Final Assessed Penalty by the indicated percentage.

Notes	No deferral is recommended for Findings Orders.			
--------------	---	--	--	--

PAYABLE PENALTY	\$1,187
------------------------	---------

Screening Date

5-Oct-2023

Docket No.

2023-1434-PWS-E

PCW

Respondent

Mark Maher Jr. dba International Union of Operating Engineers Local 450

Case ID No.

CN602986754

Reg. Ent. Reference No.

RN106279466

Media

Public Water Supply

Enf. Coordinator

Margaux Ordoveza

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>)	1	5%
	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) 5%

>> 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

Enhancement for one NOV with same/similar violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 5%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 5%

Screening Date	5-Oct-2023	Docket No.	2023-1434-PWS-E	PCW	
Respondent	Mark Maher Jr. dba International Union of Operating Engineers Local 450			Policy Revision 5 (January 28, 2021)	
Case ID No.	CN602986754			PCW Revision February 11, 2021	
Reg. Ent. Reference No.	RN106279466				
Media	Public Water Supply				
Enf. Coordinator	Margaux Ordoveza				
Violation Number	1				
Rule Cite(s)	30 Tex. Admin. Code § 290.115(f)(1) and Tex. Health & Safety Code § 341.0315(c)				
Violation Description	Failed to comply with the maximum contaminant level ("MCL") of 0.080 milligrams per liter ("mg/L") for total trihalomethanes ("TTHM"), based on the locational running annual average. Specifically, the locational running annual average concentration of TTHM for Stage 2 Disinfection Byproducts ("DBP2") at Site 1 were 0.086 mg/L for the fourth quarter of 2022, 0.085 mg/L for the first quarter of 2023, and 0.082 mg/L for the second quarter of 2023.				
Base Penalty				\$5,000	
>> Environmental, Property and Human Health Matrix					
OR	Release	Harm			
		Major	Moderate	Minor	
	Actual		x		
	Potential				
		Percent			25.0%
>>Programmatic Matrix					
	Falsification	Major	Moderate	Minor	
		Percent			0.0%
Matrix Notes	Exceeding the MCL for TTHM caused persons served by the Facility to be exposed to a significant amount of contaminants which did not exceed levels protective of human health.				
Adjustment				\$3,750	
				\$1,250	
>> Violation Events					
Number of Violation Events		1	272	Number of violation days	
	daily				
	weekly				
	monthly				
	quarterly				
	semiannual				
	annual	x			
	single event				
Violation Base Penalty					\$1,250
One annual event is recommended.					
Good Faith Efforts to Comply		10.0%	Reduction		\$125
		Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer		
	Extraordinary				
	Ordinary		x		
	N/A				
	Notes	The Respondent achieved compliance on November 2, 2023.			
Violation Subtotal				\$1,125	
>> Economic Benefit (EB) for this violation					
>> Statutory Limit Test					
Estimated EB Amount		\$293	Violation Final Penalty Total		\$1,188
This violation Final Assessed Penalty (adjusted for limits)				\$1,188	

Economic Benefit Worksheet

Respondent Mark Maher Jr. dba International Union of Operating Engineers Local 450
Case ID No. CN602986754
Reg. Ent. Reference No. RN106279466
Media Public Water Supply
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)	\$5,000	31-Dec-2022	2-Nov-2023	0.84	\$14	\$279	\$293
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated cost to investigate, identify, and implement the necessary corrective actions to return to compliance with the MCL for TTHM, calculated from the last day of the first quarter of noncompliance to 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	\$5,000	TOTAL	\$293
----------------------------	---------	-------	-------



Compliance History Report

Compliance History Report for CN602986754, RN106279466, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

Customer, Respondent, or Owner/Operator:	CN602986754, Mark Maher Jr.	Classification: NOT APPLICABLE	Rating: N/A
Regulated Entity:	RN106279466, IUOE TRAINING FACILITY	Classification: NOT APPLICABLE	Rating: N/A
Complexity Points:	N/A	Repeat Violator:	N/A
CH Group:	14 - Other		
Location:	13315 HIGHWAY 146 SOUTH, DAYTON, LIBERTY COUNTY, TEXAS		
TCEQ Region:	REGION 12 - HOUSTON		
ID Number(s):			
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION	1460173		

Compliance History Period:	September 01, 2018 to August 31, 2023	Rating Year:	2023	Rating Date:	09/01/2023
Date Compliance History Report Prepared:	June 18, 2024				
Agency Decision Requiring Compliance History:	Enforcement				
Component Period Selected:	June 18, 2019 to June 18, 2024				
TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.					
Name:	Margaux Ordoveza	Phone:	(512) 239-1128		

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.

- | | | | | |
|---|--------------|---|-----------|--------------------------|
| 1 | Date: | 08/01/2023 | (1923139) | |
| | Self Report? | NO | | Classification: Moderate |
| | Citation: | 30 TAC Chapter 290, SubChapter F 290.115(f)(1) | | |
| | Description: | TTHM LRAA MCL 2Q2023 – During the 2nd quarter of 2023 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.082 mg/L at 13315 TX 146 S BRKRM, Dayton (DBP2-01). ETT Point Value =5 | | |

Compliance History Report for CN602986754, RN106279466, Rating Year 2023 which includes Compliance History (CH) components from June 18, 2019, through June 18, 2024.

Customer was not affiliated to Regulated Entity at time of Compliance History Rating.

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
MARK MAHER, JR.
DBA INTERNATIONAL UNION OF
OPERATING ENGINEERS LOCAL 450;
RN106279466

§
§
§
§
§
§

BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER

DOCKET NO. 2023-1434-PWS-E

On _____, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Mark Maher, Jr. dba International Union of Operating Engineers Local 450 ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, represented by the Litigation Division, and Respondent presented this Order to the Commission.

Respondent understands that it has certain procedural rights at certain points in the enforcement process, including the right to formal notice of violations, to request an evidentiary hearing, receive notice of an evidentiary hearing, and a right to appeal. By entering into this Order, Respondent agrees to waive all notice and procedural rights which might otherwise be authorized or required in this action.

It is further understood and agreed that 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. The duties and responsibilities imposed by this Order are binding upon Respondent.

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

FINDINGS OF FACT

1. Respondent owns and operates a public water system ("PWS") located at 13315 Highway 146 South in Dayton, Liberty County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 4 service connections, and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a PWS as defined in 30 TEX. ADMIN. CODE § 290.38(73).
2. During a record review conducted on and around August 7, 2023, through August 18, 2023, an investigator documented that Respondent failed to comply with the maximum contaminant level ("MCL") of 0.080 milligrams per liter ("mg/L") for total trihalomethanes ("TTHM"), based on the locational running annual average. Specifically, the locational running annual average concentration of TTHM for Stage 2 Disinfection Byproducts ("DBP2") at Site 1 was 0.086 mg/L for the fourth quarter of 2022, 0.085 mg/L for the first quarter of 2023, and 0.082 mg/L for the second quarter of 2023.
3. The Executive Director recognizes that Respondent came into compliance with the MCL of 0.080 mg/L for TTHM, based on the locational running annual average at the Facility, as of November 2, 2023.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2, Respondent failed to comply with the MCL of 0.080 mg/L for TTHM, based on the locational running annual average, in violation of TEX. HEALTH & SAFETY CODE § 341.0315(c) and 30 TEX. ADMIN. CODE § 290.115(f)(1).
3. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049(a), TCEQ 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.
4. An administrative penalty in the amount of \$1,187 is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(a). Respondent paid \$1,187 of the penalty.

ORDERING PROVISIONS

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

1. Respondent is assessed an administrative penalty as set forth in Conclusion of Law No. 4 for violations of state statutes and rules of the TCEQ. The payment of this penalty and Respondent's compliance with all 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. All relief not expressly granted in this Order is denied.
3. The duties and provisions imposed by 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 Facility operations referenced in this Order.
4. 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.
5. This Order, issued by the Commission, shall not be admissible against Respondent in a civil proceeding, unless the proceeding is brought by the Office of the Attorney General of the State of Texas ("OAG") to: (1) enforce the terms of this Order, or (2) pursue violations of a statute within TCEQ's jurisdiction, or of a rule adopted or an order or permit issued by TCEQ under such a statute. The Executive Director may, without further notice or hearing, refer this matter to the OAG for further enforcement proceedings if the Executive Director determines that Respondent has not complied with one or more of the terms or conditions in this Order.
6. 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.
7. 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.
8. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and

may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under Tex. Bus. Org. Code § 1.002.

9. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

Charmarie Perkins

For the Executive Director

9/9/24

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 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;
- Referral of this case to the Attorney General's office 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 Attorney General's office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

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

Mark Maher Jr.

Signature

7-23-2024

Date

Mark Maher Jr.

Name (Printed or typed)
Authorized representative of
Mark Maher, Jr. dba International Union of Operating Engineers Local 450

President - Business Manager

Title

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