

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 64960
DNT Construction, LLC
RN111581591
Docket No. 2023-1509-WQ-E

Page 1 of 2

Order Type:
Agreed Order

Media:
WQ

Small Business:
Yes

Location Where Violation Occurred:
west of the intersection of State Highway 95 and Sayers Road, Bastrop, Bastrop County (the “Site”)

Type of Operation:
a 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 29, 2025

Comments Received: None

Penalty Information

Total Penalty Assessed: \$16,875

Total Paid to General Revenue: \$16,875

Total Due to General Revenue: \$0

Compliance History Classifications:
Person/CN – Satisfactory
Site/RN – Satisfactory

Major Source: No

Statutory Limit Adjustment: None

Applicable Penalty Policy: January 28, 2021

Investigation Information

Complaint Date: July 6, 2023
Complaint Information: Complaint alleges that there was uncontrolled stormwater runoff from construction site with high sediment load.

Dates of Investigation: August 1, 2023 through September 21, 2023

Date of NOV: N/A

Date of NOE: October 5, 2023

DNT Construction, LLC
RN111581591
Docket No. 2023-1509-WQ-E

Violation Information

Failed to design, install, and maintain best management practices (“BMPs”) for effective erosion and sediment controls at the Site, which resulted in a discharge of pollutants into or adjacent to any water in the state [TEX. WATER CODE § 26.121(a)(2), 30 TEX. ADMIN. CODE § 281.25(a)(4), and Texas Pollutant Discharge Elimination System General Permit No. TXR1596KR, Part IV, Section A].

Corrective Actions/Technical Requirements

Corrective Actions Completed:

1. On October 4, 2023, the day-to-day operational control of the Site was transferred from Respondent to another entity.
2. On August 9, 2023, installed new rock berms at the Site.
3. By November 21, 2023, completed further improvements to the erosion and sediment controls leading to the Site’s outfall, which addressed the insufficient BMPs that had been previously observed to not minimize the discharge of pollutants into or adjacent to water in the state.

Technical Requirements:

None

Litigation Information

Date Petition Filed: March 17, 2025

Date of Service: March 19, 2025

Settlement Date: July 30, 2025

Contact Information

TCEQ Attorneys: Jun Zhang, 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: Harley Hobson, Enforcement Division, (512) 239-1337

TCEQ Regional Contact: Shawn Stewart, Austin Regional Office, (512) 239-0431

Respondent Contact: Dean Tomme, President, DNT Construction, LLC, P.O. Box 467, Lampasas, Texas 78258

Respondent's Attorney: Shaina M. H. Swanson, 1002 Arbor Park Drive, Suite 100, Belton, Texas 76513



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	9-Oct-2023	Screening	18-Oct-2023	EPA Due	
	PCW	17-Oct-2023				

RESPONDENT/FACILITY INFORMATION

Respondent	DNT Construction, LLC		
Reg. Ent. Ref. No.	RN111581591		
Facility/Site Region	11-Austin	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	64960	No. of Violations	1
Docket No.	2023-1509-WQ-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Harley Hobson
		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	\$18,750
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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 adjustment 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	-\$1,875
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$112	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$8,750	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$16,875
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	
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Final Penalty Amount	\$16,875
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$16,875
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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	\$16,875
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Screening Date	18-Oct-2023	Docket No.	2023-1509-WQ-E	PCW
Respondent	DNT Construction, LLC			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	64960			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN111581591			
Media	Water Quality			
Enf. Coordinator	Harley Hobson			

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)

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

No adjustment 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	18-Oct-2023	Docket No.	2023-1509-WQ-E	PCW
Respondent	DNT Construction, LLC	Policy Revision 5 (January 28, 2021)		
Case ID No.	64960	PCW Revision February 11, 2021		
Reg. Ent. Reference No.	RN111581591			
Media	Water Quality			
Enf. Coordinator	Harley Hobson			
Violation Number	1			
Rule Cite(s)	30 Tex. Admin. Code § 281.25(a)(4), Tex. Water Code § 26.121(a)(2), and Texas Pollutant Discharge Elimination System ("TPDES") General Permit No. TXR1596KR, Part IV, Section A			
Violation Description	Failed to design, install, and maintain best management practices ("BMPs") for effective erosion and sediment controls at the Site which resulted in a discharge of pollutants into or adjacent to any water in the state. Specifically, there were no BMPs at the pond leading to Sayers Road and the slope above the concrete culvert pipe, the silt fencing along Sayers Road had evidence of previous high flows going all the way to the top, and the rock berm was missing significant sections of rocks resulting in sediment in sediment discharge to Sayers Road and Big Sandy Creek. Also, the Respondent failed to address factors such as the amount, frequency, intensity and duration of precipitation, the nature of resulting stormwater runoff, and soil characteristics, including the range of soil particle sizes expected to be present on the site by not addressing some of the significant erosion issues prior to the next rain event.			
			Base Penalty	\$25,000
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Major	Moderate	Minor	
	Actual	Potential	Percent	25.0%
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	Percent			0.0%
Matrix Notes	Human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.			
			Adjustment	\$18,750
				\$6,250
Violation Events				
Number of Violation Events		3	78	Number of violation days
	daily			
	weekly			
	monthly	x		
	quarterly			
	semiannual			
	annual			
	single event			
			Violation Base Penalty	\$18,750
Three monthly events are recommended from the August 1, 2023 investigation start date to the October 4, 2023 day-to-day operation change date.				
Good Faith Efforts to Comply		10.0%	Reduction	\$1,875
		Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	
	Extraordinary			
	Ordinary		x	
	N/A			
	Notes	The Respondent achieved compliance by November 21, 2023.		
			Violation Subtotal	\$16,875
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount		\$112	Violation Final Penalty Total	\$16,875
This violation Final Assessed Penalty (adjusted for limits)			\$16,875	

Economic Benefit Worksheet

Respondent DNT Construction, LLC
Case ID No. 64960
Reg. Ent. Reference No. RN111581591
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
Engineering/Construction	\$3,750	1-Aug-2023	9-Aug-2023	0.02	\$0	\$5	\$5
Engineering/Construction	\$5,000	1-Aug-2023	21-Nov-2023	0.31	\$5	\$102	\$107
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training				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 actual Engineering/Construction cost to install new rock berms. The Date Required is the investigation start date, and the Final Date is the date the rock berms were installed. The estimated Engineering/Construction cost to install and maintain BMPs at the pond leading to Sayers Road, down Sayers Road, and on the slope above the concrete culvert pipe. The Date Required is the investigation start date, and the Final Date is the date the BMPs were verified to be installed and maintained.						
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	\$8,750			TOTAL		\$112	



Compliance History Report

Compliance History Report for CN603613092, RN111581591, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

Customer, Respondent, or Owner/Operator: CN603613092, DNT Construction, LLC **Classification:** SATISFACTORY **Rating:** 1.50

Regulated Entity: RN111581591, LA CONDESA SUBDIVISION **Classification:** SATISFACTORY **Rating:** 2.40

Complexity Points: 5 **Repeat Violator:** NO

CH Group: 09 - Construction

Location: west of the intersection of State Highway 95 and Sayers Road, Bastrop, Bastrop County, Texas

TCEQ Region: REGION 11 - AUSTIN

ID Number(s):
WATER QUALITY NON PERMITTED ID NUMBER 11111581591 **STORMWATER PERMIT** TXR156000
STORMWATER PERMIT TXR1596KR

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

Date Compliance History Report Prepared: May 15, 2024

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: May 15, 2019 to May 15, 2024

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.
Name: Harley Hobson **Phone:** (512) 239-1337

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.):

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

Appendix A
All NOV's Issued During Component Period 5/15/2019 and 5/15/2024

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

Appendix B

All Investigations Conducted During Component Period May 15, 2019 and May 15, 2024

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN ENFORCEMENT
ACTION CONCERNING
DNT CONSTRUCTION, LLC;
RN111581591

§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER

DOCKET NO. 2023-1509-WQ-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding DNT Construction, LLC ("Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, represented by the Litigation Division, and Respondent together stipulate that:

1. Respondent operated a construction site located west of the intersection of State Highway 95 and Sayers Road in Bastrop, Bastrop County, Texas (the "Site"). The Site is near or adjacent to water in the state, as defined in TEX. WATER CODE § 26.001.
2. The Executive Director and Respondent agree that TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that 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 Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$16,875 is assessed by the Commission in settlement of the violations alleged in Section II. Respondent paid \$16,875 of the penalty.
5. The Executive Director and Respondent agree on a settlement of the matters addressed in this Order, 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 Respondent has not complied with one or more of the terms or conditions contained 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 full compliance with all the terms and conditions set forth in this Order, whichever is later.

9. The Executive Director recognizes that on October 4, 2023, the day-to-day operational control of the Site was transferred from Respondent to another entity.
10. The Executive Director recognizes that Respondent implemented the following corrective measures at the Site, in coordination with the Site's property owner:
 - a. On August 9, 2023, installed new rock berms at the Site; and
 - b. By November 21, 2023, completed further improvements to the erosion and sediment controls leading to the Site's outfall, which addressed the insufficient best management practices ("BMPs") that had been previously observed to not minimize the discharge of pollutants into or adjacent to water in the state.

II. ALLEGATIONS

During an investigation at the Site conducted from August 1, 2023, through September 21, 2023, an investigator documented that Respondent failed to design, install, and maintain BMPs for effective erosion and sediment controls at the Site, which resulted in a discharge of pollutants into or adjacent to any water in the state, in violation of TEX. WATER CODE § 26.121(a)(2), 30 TEX. ADMIN. CODE § 281.25(a)(4), and Texas Pollutant Discharge Elimination System ("TPDES General Permit No. TXR1596KR, Part IV, Section A. Specifically, there were no BMPs at the pond leading to Sayers Road and the slope above the concrete culvert pipe; the silt fencing along Sayers Road had evidence of previous high flows going all the way to the top; and the rock berm was missing significant sections of rocks resulting in sediment discharge to Sayers Road and Big Sandy Creek. Also, Respondent failed to address factors such as the amount, frequency, intensity, and duration of precipitation; the nature of resulting stormwater runoff; and soil characteristics, including the range of soil particle sizes expected to be present on the Site by not addressing some of the significant erosion issues prior to the next rain event.

III. DENIALS

Respondent generally denies the Allegation in Section II.

IV. ORDERING PROVISIONS

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

1. Respondent is assessed an administrative penalty as set forth in Section I, Paragraph 4. The payment of this penalty and 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 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.
4. This Order, issued by the Commission, shall not be admissible against 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 TCEQ's jurisdiction or of a rule adopted or an order or permit issued by the TCEQ under such a statute.
5. 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.

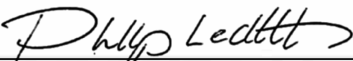
6. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



For the Executive Director

September 8, 2025

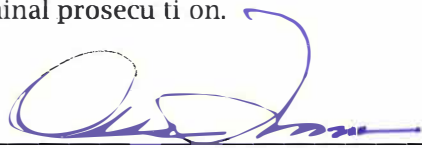
Date

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 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.



Signature - Dean Tomme, President
DNT Construction, LLC
P.O. Box 467
Lampasas, Texas 78258

7.30.2025

Date

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