

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 65156
Complex Ready Mix L.L.C.
RN111127635
Docket No. 2023-1734-WQ-E

Page 1 of 2

Order Type:
Default Order

Media:
WQ

Small Business:
Yes

Location Where Violation Occurred:
21986 Farm-To-Market Road 1314, Porter, Montgomery County (the “Plant”)

Type of Operation:
a concrete batch plant

Other Significant Matters:
Additional Pending Enforcement Actions: None
Past-Due Penalties: None
Past-Due Fees: \$176.25
Other: None
Interested Third Parties: None

Texas Register Publication Date: June 27, 2025

Comments Received: None

Penalty Information

Total Penalty Assessed: \$63,000

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$63,000

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

Major Source: No

Statutory Limit Adjustment: None

Applicable Penalty Policy: January 28, 2021

Investigation Information

Complaint Date: N/A

Date of Investigation: September 12, 2023

Date of NOV: July 19, 2023

Date of NOE: December 1, 2023

Violation Information

Failed to submit monitoring results at intervals specified in the permit [30 TEX. ADMIN. CODE §§ 305.125(1) and (17) and 319.7(d), and Texas Pollutant Discharge Elimination System Permit (“TPDES”) No. TXG112848, Part IV, Standard Permit Conditions No. 7.f.].

Corrective Actions/Technical Requirements

Corrective Action Completed: None

Technical Requirements:

1. Within 30 days:
 - a. Update the Plant’s operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submittal of signed and certified monthly Discharge Monitoring Reports (“DMRs”); and
 - b. Submit monthly DMRs for Outfall Nos. 004SA, 005SA, 006SA, and 007SA for the monitoring periods of January 2023, February 2023, March 2023, April 2023, May 2023, and June 2023, in accordance with TPDES Permit No. TXG112848, Part IV., Standard Permit Conditions No. 7.f.
2. Within 45 days submit written certification to demonstrate compliance with Technical Requirement No. 1.

Litigation Information

Date Petitions Filed: April 8, 2025
Date of Service: April 14, 2025
Date Answer Filed: N/A

Contact Information

TCEQ Attorneys: A'twar Wilkins, 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: Kolby Farren, Enforcement Division, (512) 239-2545
TCEQ Regional Contact: Westin Massey, Houston Regional Office, (713) 767-3500
Respondent Contact: Gerardo Calderon Jr., Owner, Complex Ready Mix L.L.C., 21986 Farm-To-Market Road 1314, Porter, Texas 77365
Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	11-Dec-2023	Screening	13-Dec-2023	EPA Due	
	PCW	24-Sep-2024				

RESPONDENT/FACILITY INFORMATION

Respondent	Complex Ready Mix L.L.C.				
Reg. Ent. Ref. No.	RN111127635				
Facility/Site Region	12-Houston	Major/Minor Source	Minor		

CASE INFORMATION

Enf./Case ID No.	65156	No. of Violations	1
Docket No.	2023-1734-WQ-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Monica Larina
		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	\$60,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	-5.0%	Adjustment	Subtotals 2, 3, & 7	-\$3,000
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Notes: Reduction for High Performer classification, and enhancement for one NOV with same/similar violations.

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: \$24
Estimated Cost of Compliance: \$250
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$57,000
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OTHER FACTORS AS JUSTICE MAY REQUIRE	10.5%	Adjustment	\$6,000
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Enhancement to offset the reduction for high performer.

Final Penalty Amount	\$63,000
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$63,000
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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	\$63,000
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Screening Date	13-Dec-2023	Docket No.	2023-1734-WQ-E	PCW
Respondent	Complex Ready Mix L.L.C.			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	65156			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN111127635			
Media	Water Quality			
Enf. Coordinator	Monica Larina			

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)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

High Performer

Adjustment Percentage (Subtotal 7) -10%

>> Compliance History Summary

Compliance History Notes

Reduction for High Performer classification, and 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	13-Dec-2023	Docket No.	2023-1734-WQ-E	PCW	
Respondent	Complex Ready Mix L.L.C.				Policy Revision 5 (January 28, 2021)
Case ID No.	65156				PCW Revision February 11, 2021
Reg. Ent. Reference No.	RN111127635				
Media	Water Quality				
Enf. Coordinator	Monica Larina				
Violation Number	1				
Rule Cite(s)	30 Tex. Admin. Code §§ 305.125(1) and (17) and 319.7(d), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. TXG112848, Part IV, Standard Permit Conditions No. 7.f.				
Violation Description	Failed to submit monitoring results at intervals specified in the permit. Specifically, the monthly discharge monitoring reports ("DMRs") for Outfall Nos. 004SA, 005SA, 006SA, and 007SA for the monitoring periods of January 2023, February 2023, March 2023, April 2023, May 2023, and June 2023 were not submitted by the 20th day of the following month.				
		Base Penalty	\$25,000		

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				Percent 0.0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
		x			Percent 10.0%

Matrix Notes: 100% of the rule requirements were not met.

Adjustment \$22,500

\$2,500

Violation Events

Number of Violation Events	24	296	Number of violation days
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	daily				
	weekly				
	monthly				
	quarterly				
	semiannual				
	annual				
	single event	x			

Violation Base Penalty \$60,000

Twenty-four single events are recommended, one for each missed report.

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 the good faith criteria for this violation.

Violation Subtotal \$60,000

Economic Benefit (EB) for this violation

	0.0%				
Estimated EB Amount	\$24				

Statutory Limit Test

	0.0%				
Violation Final Penalty Total	\$63,000				

This violation Final Assessed Penalty (adjusted for limits) \$63,000

Economic Benefit Worksheet

Respondent Complex Ready Mix L.L.C.
Case ID No. 65156
Reg. Ent. Reference No. RN111127635
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	\$100	20-Feb-2023	25-Jan-2025	1.93	\$10	n/a	\$10
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$150	20-Feb-2023	25-Jan-2025	1.93	\$14	n/a	\$14
Notes for DELAYED costs	Estimated cost to submit the DMRs for the missed monitoring periods (\$25 x 6), update the Plant's operational guidance, and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submittal of signed and certified monthly DMRs. The Date Required is the date the first DMR was due, 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				\$250	TOTAL		\$24



Compliance History Report

Compliance History Report for CN605828573, RN111127635, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

Customer, Respondent, or Owner/Operator: CN605828573, Complex Ready Mix L.L.C. **Classification:** HIGH **Rating:** 0.00

Regulated Entity: RN111127635, COMPLEX READY MIX **Classification:** HIGH **Rating:** 0.00

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

CH Group: 10 - Cement and Concrete Product Manufacturing

Location: 21986 Farm-to-Market Road 1314, Porter, Montgomery County, Texas

TCEQ Region: REGION 12 - HOUSTON

ID Number(s):
WASTEWATER PERMIT TXG112848 **AIR NEW SOURCE PERMITS REGISTRATION** 163218

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: Monica Larina **Phone:** (512) 239-0184

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	October 20, 2021	(1780788)
Item 2	November 20, 2021	(1780786)
Item 3	December 13, 2021	(1787038)
Item 4	December 29, 2021	(1793780)
Item 5	January 19, 2022	(1801609)
Item 6	February 16, 2022	(1809486)
Item 7	April 11, 2022	(1816635)
Item 8	April 20, 2022	(1823061)
Item 9	July 14, 2022	(1838264)
Item 10	August 18, 2022	(1851885)
Item 11	September 20, 2022	(1859300)
Item 12	October 20, 2022	(1865638)
Item 13	November 20, 2022	(1872528)
Item 14	January 20, 2023	(1878403)

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:	07/21/2023	(1936425)		
	Self Report?	NO		Classification:	Moderate
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)			
	Description:	NON-RPT VIOS FOR MONIT PER OR PIPE			
	Self Report?	NO		Classification:	Moderate
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)			
	Description:	NON-RPT VIOS FOR MONIT PER OR PIPE			
	Self Report?	NO		Classification:	Moderate
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)			
	Description:	NON-RPT VIOS FOR MONIT PER OR PIPE			
	Self Report?	NO		Classification:	Moderate
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)			
	Description:	NON-RPT VIOS FOR MONIT PER OR PIPE			
	Self Report?	NO		Classification:	Moderate
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)			
	Description:	NON-RPT VIOS FOR MONIT PER OR PIPE			

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

1*	Date:	07/21/2023	(1936425)		
	Self Report?	NO		Classification:	Moderate
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)			
	Description:	NON-RPT VIOS FOR MONIT PER OR PIPE			
	Self Report?	NO		Classification:	Moderate
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)			
	Description:	NON-RPT VIOS FOR MONIT PER OR PIPE			
	Self Report?	NO		Classification:	Moderate
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)			
	Description:	NON-RPT VIOS FOR MONIT PER OR PIPE			
	Self Report?	NO		Classification:	Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(17)
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(17)
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE

* NOVs 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*	October 20, 2021**	(1780788)
Item 2*	November 20, 2021**	(1780786)
Item 3*	December 13, 2021**	(1787038)
Item 4*	December 29, 2021**	(1793780)
Item 5*	January 19, 2022**	(1801609)
Item 6*	February 16, 2022**	(1809486)
Item 7*	April 11, 2022**	(1816635)
Item 8*	April 20, 2022**	(1823061)
Item 9*	July 14, 2022**	(1838264)
Item 10*	August 18, 2022**	(1851885)
Item 11*	September 20, 2022**	(1859300)
Item 12*	October 20, 2022**	(1865638)
Item 13*	November 20, 2022**	(1872528)
Item 14*	January 20, 2023**	(1878403)
Item 15	July 21, 2023**	(1936425)
Item 16	December 04, 2023	(1925772)

* No violations documented during this investigation

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

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
COMPLEX READY MIX L.L.C.;
RN111127635

§
§
§
§
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BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

DEFAULT ORDER DOCKET NO. 2023-1734-WQ-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 Complex Ready Mix L.L.C. ("Respondent").

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

FINDINGS OF FACT

1. Respondent owns and operated a concrete batch plant located at 21986 Farm-To-Market Road 1314 in Porter, Montgomery County, Texas (the "Plant"). The Plant is near or adjacent to water in the state as defined in TEX. WATER CODE § 26.001.
2. During a record review conducted on and around September 12, 2023, an investigator documented that Respondent failed to submit monitoring results at intervals specified in the permit. Specifically, the monthly discharge monitoring reports ("DMRs") for Outfall Nos. 004SA, 005SA, 006SA, and 007SA for the monitoring periods of January 2023, February 2023, March 2023, April 2023, May 2023, and June 2023 were not submitted by the 20th day of the following month.
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 Complex Ready Mix L.L.C." (the "EDPRP") in the TCEQ Chief Clerk's office on April 8, 2025.
4. By letter dated April 8, 2025, sent to Respondent's last known address via certified mail, return receipt requested, postage prepaid, and via first class mail, postage prepaid, the Executive Director served Respondent with notice of the EDPRP. According to USPS.com "Track & Confirm" delivery confirmation records, Respondent received notice of the EDPRP on April 14, 2025.
5. 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, Respondent failed to submit monitoring results at intervals specified in the permit, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and (17) and 319.7(d), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. TXG112848, Part IV, Standard Permit Conditions No. 7.f.

3. As evidenced by Findings of Fact Nos. 3 and 4, 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(b)(1).
4. As evidenced by Finding of Fact No. 5, 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.
5. 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.
6. An administrative penalty in the amount of \$63,000 is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053.
7. 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 \$63,000 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: Complex Ready Mix L.L.C.; Docket No. 2023-1734-WQ-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. Within 30 days after the effective date of this Order:
 - i. Update the Plant's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submittal of signed and certified monthly DMRs; and
 - ii. Submit monthly DMRs for Outfall Nos. 004SA, 005SA, 006SA, and 007SA for the monitoring periods of January 2023, February 2023, March 2023, April 2023, May 2023, and June 2023, in accordance with TPDES Permit No. TXG112848, Part IV., Standard Permit Conditions No. 7.f.

- 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. 3.a. The certification shall be signed by 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 fine and imprisonment for knowing violations.”

The certification shall be sent to:

Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

and:

Water Section Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Street, Suite H
Houston, Texas 77032-1452

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 Plant 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 A'TWAR WILKINS

"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 Complex Ready Mix L.L.C.' (the "EDPRP") was filed in the TCEQ Chief Clerk's office on April 8, 2025.

The EDPRP was mailed to Respondent's last known address on April 8, 2025, via certified mail, return receipt requested, postage prepaid, and via first class mail, postage prepaid. According to USPS.com "Track & Confirm" delivery confirmation records, Respondent received notice of the EDPRP on April 14, 2025.

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 A'twar Wilkins 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 19th day of May, 2025

A handwritten signature in blue ink, consisting of a large, stylized 'A' followed by a long, sweeping horizontal stroke.

Declarant