

Executive Summary – Enforcement Matter – Case No. 64521
JOE FUNK CONSTRUCTION, INC.
RN111759734
Docket No. 2024-0148-WQ-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

WQ

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Lift Station Sewer Pipe Install, located southwest of Jennings Avenue and east of Farm-to-Market Road 730, Boyd, Wise County

Type of Operation:

Construction site

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

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

Texas Register Publication Date: June 14, 2024

Comments Received: No

Penalty Information

Total Penalty Assessed: \$11,250

Amount Deferred for Expedited Settlement: \$2,250

Total Paid to General Revenue: \$9,000

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications:

Person/CN - Unclassified

Site/RN - Unclassified

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): May 8, 2023

Complaint Information: Alleged that the operator had unmaintained stormwater and erosion controls.

Date(s) of Investigation: June 7, 2023

Date(s) of NOE(s): August 4, 2023

Executive Summary – Enforcement Matter – Case No. 64521
JOE FUNK CONSTRUCTION, INC.
RN111759734
Docket No. 2024-0148-WQ-E

Violation Information

1. Failed to obtain authorization to discharge stormwater associated with construction activities. Specifically, the Respondent was performing construction activities prior to obtaining authorization under Texas Pollutant Discharge Elimination System ("TPDES") Construction General Permit No. TXR150000 [30 TEX. ADMIN. CODE § 281.25(a)(4), and 40 CODE OF FEDERAL REGULATIONS § 122.26(c)].

2. Failed to prevent an unauthorized discharge of sediment into or adjacent to any water in the state. Specifically, sediment was discharged into a nearby creek, and concrete washout was discharged on various portions of the Site without controls [TEX. WATER CODE § 26.121(a)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondent to:

a. Within 30 days:

i. Develop and implement a stormwater pollution prevention plan to comply with the requirements of TPDES General Permit No. TXR150000;

ii. Post a site notice to comply with the requirements of TPDES General Permit No. TXR150000;

iii. Submit a copy of the site notice to the receiving municipal separate storm sewer system to comply with the requirements of TPDES General Permit No. TXR150000; and

iv. Remove and dispose of accumulated sediment from the nearby creek and concrete washout discharged at various portions of the Site.

b. Within 45 days, submit written certification to demonstrate compliance with a.

Executive Summary – Enforcement Matter – Case No. 64521
JOE FUNK CONSTRUCTION, INC.
RN111759734
Docket No. 2024-0148-WQ-E

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Monica Larina, Enforcement Division, Enforcement Team 1, MC R-14, (361) 881-6965; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: David Rusty Norris, President, JOE FUNK CONSTRUCTION, INC., 11226 Indian Trail, Dallas, Texas 75229

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	7-Aug-2023			
	PCW	25-Jan-2024	Screening	9-Aug-2023	EPA Due

RESPONDENT/FACILITY INFORMATION					
Respondent	JOE FUNK CONSTRUCTION, INC.				
Reg. Ent. Ref. No.	RN111759734				
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Minor		

CASE INFORMATION					
Enf./Case ID No.	64521	No. of Violations	2		
Docket No.	2024-0148-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	\$11,250
---	-------------------	----------

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

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

Notes	No adjustment for Compliance History.
--------------	---------------------------------------

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

Notes	The Respondent does not meet the culpability criteria.
--------------	--

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
--	-------------------	-----

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

Total EB Amounts	\$1,605	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$27,500	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$11,250
-----------------------------	-----------------------	----------

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount	\$11,250
-----------------------------	----------

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$11,250
-----------------------------------	-------------------------------	----------

DEFERRAL	20.0%	Reduction	Adjustment	-\$2,250
-----------------	-------	-----------	------------	----------

Reduces the Final Assessed Penalty by the indicated percentage.

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$9,000
------------------------	---------

Screening Date

9-Aug-2023

Docket No.

2024-0148-WQ-E

PCW

Respondent

JOE FUNK CONSTRUCTION, INC.

Case ID No.

64521

Reg. Ent. Reference No.

RN111759734

Media

Water Quality

Enf. Coordinator

Monica Larina

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)

No

Adjustment Percentage (Subtotal 3)

0%

>> Compliance History Person Classification (Subtotal 7)

Unclassified

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		9-Aug-2023		Docket No.		2024-0148-WQ-E		PCW			
Respondent		JOE FUNK CONSTRUCTION, INC.						Policy Revision 5 (January 28, 2021)			
Case ID No.		64521						PCW Revision February 11, 2021			
Reg. Ent. Reference No.		RN111759734									
Media		Water Quality									
Enf. Coordinator		Monica Larina									
Violation Number		1									
Rule Cite(s)		30 Tex. Admin. Code § 281.25(a)(4) and 40 Code of Federal Regulations § 122.26(c)									
Violation Description		Failed to obtain authorization to discharge stormwater associated with construction activities. Specifically, the Respondent was performing construction activities prior to obtaining authorization under Texas Pollutant Discharge Elimination System General Permit No. TXR150000.									
Base Penalty								\$25,000			
>> Environmental, Property and Human Health Matrix											
OR	Release		Major		Moderate		Minor		Percent	0.0%	
	Actual										
	Potential										
>> Programmatic Matrix											
		Falsification		Major		Moderate		Minor		Percent	10.0%
				x							
Matrix Notes		100% of the rule requirements were not met.									
Adjustment								\$22,500			
								\$2,500			
Violation Events											
Number of Violation Events				3		63		Number of violation days			
		daily									
		weekly									
		monthly		x							
		quarterly									
		semiannual									
		annual									
		single event									
Violation Base Penalty								\$7,500			
Three monthly events are recommended from the investigation date (June 7, 2023) to the screening date (August 9, 2023).											
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			
Economic Benefit (EB) for this violation					Statutory Limit Test						
Estimated EB Amount				\$146		Violation Final Penalty Total				\$7,500	
This violation Final Assessed Penalty (adjusted for limits)								\$7,500			

Economic Benefit Worksheet

Respondent Case ID No. Reg. Ent. Reference No. Media Violation No. JOE FUNK CONSTRUCTION, INC. 64521 RN111759734 Water Quality 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$2,500	7-Jun-2023	6-Aug-2024	1.17	\$146	n/a	\$146
Notes for DELAYED costs	Estimated Other cost to develop and implement a stormwater pollution prevention plan, post a site notice, and submit a copy of the site notice 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	\$2,500	TOTAL	\$146
----------------------------	---------	-------	-------

Screening Date		9-Aug-2023		Docket No.		2024-0148-WQ-E		PCW	
Respondent		JOE FUNK CONSTRUCTION, INC.							
Case ID No.		64521							
Reg. Ent. Reference No.		RN111759734							
Media		Water Quality							
Enf. Coordinator		Monica Larina							
Violation Number		2							
Rule Cite(s)		Tex. Water Code § 26.121(a)							
Violation Description		Failed to prevent an unauthorized discharge of sediment into or adjacent to any water in the state. Specifically, sediment was discharged into a nearby creek, and concrete washout was discharged on various portions of the Site without controls.							
Base Penalty								\$25,000	
>> Environmental, Property and Human Health Matrix									
OR		Release		Major		Moderate		Minor	
		Actual						x	
		Potential							
Percent								15.0%	
>> Programmatic Matrix									
		Falsification		Major		Moderate		Minor	
Percent								0.0%	
Matrix Notes		Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.							
Adjustment								\$21,250	
								\$3,750	
Violation Events									
Number of Violation Events		1		63		Number of violation days			
		daily							
		weekly							
		monthly							
		quarterly		x					
		semiannual							
		annual							
		single event							
Violation Base Penalty								\$3,750	
One quarterly event is recommended from the investigation date (June 7, 2023) to the screening date (August 9, 2023).									
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								\$3,750	
Economic Benefit (EB) for this violation					Statutory Limit Test				
Estimated EB Amount		\$1,459		Violation Final Penalty Total		\$3,750			
This violation Final Assessed Penalty (adjusted for limits)								\$3,750	

Economic Benefit Worksheet

Respondent Case ID No. Reg. Ent. Reference No. Media Violation No. JOE FUNK CONSTRUCTION, INC. 64521 RN111759734 Water Quality 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal	\$25,000	7-Jun-2023	6-Aug-2024	1.17	\$1,459	n/a	\$1,459
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs	Estimated Remediation/Disposal cost to remove and properly dispose of accumulated sediment from the nearby creek and concrete washout discharged at various portions of the site, and establish controls that will mitigate the sediment during rain events. The Date Required is the date of the investigation, and the Final Date is 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	\$25,000	TOTAL	\$1,459
----------------------------	----------	-------	---------



Compliance History Report

Compliance History Report for CN605117597, RN111759734, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

Customer, Respondent, or Owner/Operator: CN605117597, JOE FUNK CONSTRUCTION, INC. **Classification:** UNCLASSIFIED **Rating:** -----

Regulated Entity: RN111759734, LIFT STATION SEWER PIPE INSTALL **Classification:** UNCLASSIFIED **Rating:** -----

Complexity Points: 4 **Repeat Violator:** NO

CH Group: 14 - Other

Location: Southwest of Jennings Avenue and East of Farm-to-Market Road 730, Boyd, Wise County, Texas

TCEQ Region: REGION 04 - DFW METROPLEX

ID Number(s):

WATER QUALITY NON PERMITTED ID NUMBER
R04111759734

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

Date Compliance History Report Prepared: January 18, 2024

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: January 18, 2019 to January 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.):

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

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
JOE FUNK CONSTRUCTION, INC.
RN111759734

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

AGREED ORDER DOCKET NO. 2024-0148-WQ-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding JOE FUNK CONSTRUCTION, INC. (the "Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a construction site located southwest of Jennings Avenue and east of Farm-to-Market Road 730 in Boyd, Wise County, Texas (the "Site"). The Site is near or adjacent to water in the state as defined in TEX. WATER CODE § 26.001(5).
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. WATER CODE ch. 26 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$11,250 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$9,000 of the penalty and \$2,250 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order. The deferred amount shall be waived only upon full compliance with all the terms and conditions contained in this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms or requirements contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.
5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.

6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.

II. ALLEGATIONS

During an investigation at the Site conducted on June 7, 2023, an investigator documented that the Respondent:

1. Failed to obtain authorization to discharge stormwater associated with construction activities, in violation of 30 TEX. ADMIN. CODE § 281.25(a)(4), and 40 CODE OF FEDERAL REGULATIONS § 122.26(c). Specifically, the Respondent was performing construction activities prior to obtaining authorization under Texas Pollutant Discharge Elimination System ("TPDES") Construction General Permit No. TXR150000.
2. Failed to prevent an unauthorized discharge of sediment into or adjacent to any water in the state, in violation of TEX. WATER CODE § 26.121(a). Specifically, sediment was discharged into a nearby creek, and concrete washout was discharged on various portions of the Site without controls.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: JOE FUNK CONSTRUCTION, INC., Docket No. 2024-0148-WQ-E" to:

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

2. The Respondent shall undertake the following technical requirements:

- a. Within 30 days after the effective date of this Order:
 - i. Develop and implement a stormwater pollution prevention plan to comply with the requirements of TPDES General Permit No. TXR150000;
 - ii. Post a site notice to comply with the requirements of TPDES General Permit No. TXR150000;
 - iii. Submit a copy of the site notice to the receiving municipal separate storm sewer system to comply with the requirements of TPDES General Permit No. TXR150000; and
 - iv. Remove and dispose of accumulated sediment from the nearby creek and concrete washout discharged at various portions of the Site.
- 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 Nos. 2.a.i through 2.a.iv. The certification shall be signed by the Respondent and shall include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

Water Section Manager
Dallas/Fort Worth Regional Office
Texas Commission on Environmental Quality
2309 Gravel Drive
Fort Worth, Texas 76118-6951

3. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Site operations referenced in this Order.

5. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Enforcement Division at the address listed above.
6. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
8. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



For the Executive Director

6/24/2024

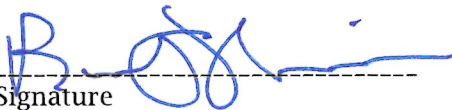
Date

I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this Order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the OAG for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the OAG of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

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



Signature

4.29.24

Date

Rusty Norris

Name (Printed or typed)
Authorized Representative of
JOE FUNK CONSTRUCTION, INC.

President

Title

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

Instructions: Send the original, signed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Ordering Provision 1 of this Order.