

TCEQ Interoffice Memorandum

To: Mary Smith, General Counsel

Thru: AS Amy Settemeyer, Deputy Director
Enforcement Division

From: MP Michael Parrish, Team Leader
Special Functions Team

Date: July 2, 2024

Subject: **Backup Revision**
July 17, 2024 Commission Agenda
Draft Item No. 53 – MTZ Construction, Inc.
Docket No. 2024-0302-WQ-E

Enclosed please find the following:

Executive Summary:

- Page 1, Date(s) of Investigation: Correct date of investigation from October 25, 2023 to October 5, 2023.

Please do not hesitate to call Michael Parrish at (512) 239-2548 if you have any questions regarding this matter.

cc: Garrett Arthur, Public Interest Counsel
Melissa Schmidt, Public Interest Counsel
Gill Valls, Office of General Counsel
Katherine McKenzie, Agenda Coordinator, Litigation Division
Amy Settemeyer, Deputy Director, Enforcement Division
Melissa Cordell, Assistant Deputy Director, Enforcement Division
Rebecca Margain-Nunez, Executive Assistant, Enforcement Division
Brett Lanham, Manager, Special Functions and Compliance Monitoring,
Enforcement Division
Kristy Deaver, Manager, Water, Enforcement Division
Madison Stringer, Enforcement Coordinator Water, Enforcement Division

Executive Summary – Enforcement Matter – Case No. 65391
MTZ Construction, Inc.
RN111630133
Docket No. 2024-0302-WQ-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

WQ

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Sine Las Palmas SUBD PH 2, located north of San Isidro, northeast of Las Palmas Subdivision, Laredo, Webb County

Type of Operation:

Construction site

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: May 24, 2024

Comments Received: No

Penalty Information

Total Penalty Assessed: \$9,750

Amount Deferred for Expedited Settlement: \$1,950

Total Paid to General Revenue: \$7,800

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications:

Person/CN - High

Site/RN - Unclassified

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): September 21, 2023

Complaint Information: Alleged that a construction site was disturbing land and did not have the proper measures to control runoff after rainfall and the runoff was affecting nearby properties.

Date(s) of Investigation: October 5, 2023

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

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Enforcement Division

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Executive Summary – Enforcement Matter – Case No. 65391
MTZ Construction, Inc.
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Docket No. 2024-0302-WQ-E

Violation Information

Failed to maintain authorization to discharge stormwater associated with construction activities. Specifically, authorization under Texas Pollutant Discharge Elimination System ("TPDES") Construction General Permit No. TXR1585LN expired on March 7, 2023, and the Respondent continued to operate [30 TEX. ADMIN. CODE § 281.25(a)(4) and 40 CODE OF FEDERAL REGULATIONS §122.26(c)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

By November 14, 2023, the Respondent submitted a Notice of Intent ("NOI") to obtain authorization to discharge stormwater associated with construction activities under TPDES Construction General Permit No. TXR1551PA, posted a Site notice, and submitted a copy of the NOI to the receiving municipal separate storm sewer system.

Technical Requirements:

N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Madison Stringer, Enforcement Division, Enforcement Team 1, MC 219, (512) 239-1126; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Francisco Martinez, President, MTZ Construction, Inc., P.O. Box 440230, Laredo, Texas 78044

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 | | |
| | PCW | 15-Feb-2024 | Screening | 19-Dec-2023 |
| | | | EPA Due | |

| | | | | |
|--|------------------------|---------------------------|-------|--|
| RESPONDENT/FACILITY INFORMATION | | | | |
| Respondent | MTZ Construction, Inc. | | | |
| Reg. Ent. Ref. No. | RN111630133 | | | |
| Facility/Site Region | 16-Laredo | Major/Minor Source | Minor | |

| | | | | |
|--------------------------|----------------------|------------------------------|--------------------|----------|
| CASE INFORMATION | | | | |
| Enf./Case ID No. | 65391 | No. of Violations | 1 | |
| Docket No. | 2024-0302-WQ-E | Order Type | 1660 | |
| Media Program(s) | Water Quality | Government/Non-Profit | No | |
| Multi-Media | | Enf. Coordinator | Madison Stringer | |
| | | 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 | \$15,000 |
|---|-------------------|----------|

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

| | | | | |
|---------------------------|--------|------------|--------------------------------|----------|
| Compliance History | -10.0% | Adjustment | Subtotals 2, 3, & 7 | -\$1,500 |
|---------------------------|--------|------------|--------------------------------|----------|

| | | | | |
|--------------|--|--|--|--|
| Notes | Reduction for High Performer Classification. | | | |
|--------------|--|--|--|--|

| | | | | | |
|--------------------|----|------|-------------|-------------------|-----|
| 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 | -\$3,750 |
|--|-------------------|----------|

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

| | | |
|------------------------------|----------|-----------------------------------|
| Total EB Amounts | \$227 | *Capped at the Total EB \$ Amount |
| Estimated Cost of Compliance | \$10,225 | |

| | | |
|-----------------------------|-----------------------|---------|
| SUM OF SUBTOTALS 1-7 | Final Subtotal | \$9,750 |
|-----------------------------|-----------------------|---------|

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

Reduces or enhances the Final Subtotal by the indicated percentage.

| | |
|-----------------------------|---------|
| Notes | |
| Final Penalty Amount | \$9,750 |

| | | |
|-----------------------------------|-------------------------------|---------|
| STATUTORY LIMIT ADJUSTMENT | Final Assessed Penalty | \$9,750 |
|-----------------------------------|-------------------------------|---------|

| | | | | |
|-----------------|-------|-----------|------------|----------|
| DEFERRAL | 20.0% | Reduction | Adjustment | -\$1,950 |
|-----------------|-------|-----------|------------|----------|

Reduces the Final Assessed Penalty by the indicated percentage.

| | |
|--------------|--|
| Notes | Deferral offered for expedited settlement. |
|--------------|--|

| | |
|------------------------|---------|
| PAYABLE PENALTY | \$7,800 |
|------------------------|---------|

Screening Date

19-Dec-2023

Docket No.

2024-0302-WQ-E

PCW

Respondent

MTZ Construction, Inc.

Case ID No.

65391

Reg. Ent. Reference No.

RN111630133

Media

Water Quality

Enf. Coordinator

Madison Stringer

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)

High Performer

Adjustment Percentage (Subtotal 7)

-10%

>> Compliance History Summary

Compliance History Notes

Reduction for High Performer Classification.

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

-10%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100%

-10%

| | | | | | | | | | |
|--|--|---|--|---|----------------------|----------------|--|--------------------------|--|
| Screening Date | | 19-Dec-2023 | | Docket No. | | 2024-0302-WQ-E | | PCW | |
| Respondent | | MTZ Construction, Inc. | | Policy Revision 5 (January 28, 2021) | | | | | |
| Case ID No. | | 65391 | | PCW Revision February 11, 2021 | | | | | |
| Reg. Ent. Reference No. | | RN111630133 | | | | | | | |
| Media | | Water Quality | | | | | | | |
| Enf. Coordinator | | Madison Stringer | | | | | | | |
| 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 maintain authorization to discharge stormwater associated with construction activities. Specifically, authorization under Texas Pollutant Discharge Elimination System ("TPDES") Construction General Permit ("CGP") No. TXR1585LN expired on March 7, 2023, and the Respondent continued to operate. | | | | | | | |
| | | | | Base Penalty | | \$25,000 | | | |
| >> Environmental, Property and Human Health Matrix | | | | | | | | | |
| OR | | Release | | Major | | Moderate | | Minor | |
| | | Actual | | | | | | | |
| | | Potential | | | | | | | |
| | | | | Percent | | 0.0% | | | |
| >> Programmatic Matrix | | | | | | | | | |
| | | Falsification | | Major | | Moderate | | Minor | |
| | | | | x | | | | | |
| | | | | Percent | | 10.0% | | | |
| Matrix Notes | | 100% of the rule requirement was not met. | | | | | | | |
| | | | | Adjustment | | \$22,500 | | | |
| | | | | | | \$2,500 | | | |
| Violation Events | | | | | | | | | |
| | | Number of Violation Events | | 6 | | 162 | | Number of violation days | |
| | | daily | | | | | | | |
| | | weekly | | | | | | | |
| | | monthly | | x | | | | | |
| | | quarterly | | | | | | | |
| | | semiannual | | | | | | | |
| | | annual | | | | | | | |
| | | single event | | | | | | | |
| | | | | Violation Base Penalty | | \$15,000 | | | |
| | | Six monthly events are recommended from the permit application grace period end date (June 5, 2023) to the date of compliance (November 14, 2023). | | | | | | | |
| Good Faith Efforts to Comply | | 25.0% | | | | Reduction | | \$3,750 | |
| | | Before NOE/NOV | | NOE/NOV to EDPRP/Settlement Offer | | | | | |
| | | Extraordinary | | | | | | | |
| | | Ordinary | | x | | | | | |
| | | N/A | | | | | | | |
| | | Notes | | The Respondent achieved compliance on November 14, 2023. | | | | | |
| | | | | Violation Subtotal | | \$11,250 | | | |
| Economic Benefit (EB) for this violation | | | | | Statutory Limit Test | | | | |
| Estimated EB Amount | | \$227 | | Violation Final Penalty Total | | \$9,750 | | | |
| | | | | This violation Final Assessed Penalty (adjusted for limits) | | \$9,750 | | | |

Economic Benefit Worksheet

Respondent MTZ Construction, Inc.
Case ID No. 65391
Reg. Ent. Reference No. RN111630133
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 | | | | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | | 0.00 | \$0 | n/a | \$0 |
| Permit Costs | \$225 | 5-Jun-2023 | 14-Nov-2023 | 0.44 | \$5 | n/a | \$5 |
| Other (as needed) | \$10,000 | 5-Jun-2023 | 14-Nov-2023 | 0.44 | \$222 | n/a | \$222 |

Notes for DELAYED costs

Actual Permit Cost to submit a Notice of Intent ("NOI") to obtain authorization to discharge stormwater. The Date Required is the end of the permit renewal grace period and the Final Date is the date of compliance.

Estimated Other Cost to develop a Stormwater Pollution Prevention Plan, post a site notice, and submit a copy of the NOI to the receiving municipal separate storm sewer system. The Date Required is the end of the permit renewal grace period and the Final Date is 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 \$10,225

TOTAL \$227



Compliance History Report

Compliance History Report for CN602545717, RN111630133, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

Customer, Respondent, or Owner/Operator: CN602545717, MTZ Construction, Inc. **Classification:** HIGH **Rating:** 0.00

Regulated Entity: RN111630133, SINE LAS PALMAS SUBD PH 2 **Classification:** UNCLASSIFIED **Rating:** -----

Complexity Points: 3 **Repeat Violator:** NO

CH Group: 09 - Construction

Location: NORTH OF SAN ISIDRO NORTHEAST LAS PALMAS SUBDIVISION, LAREDO, WEBB COUNTY, TEXAS

TCEQ Region: REGION 16 - LAREDO

ID Number(s):

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

Date Compliance History Report Prepared: March 27, 2024

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: March 27, 2019 to March 27, 2024

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Madison Stringer **Phone:** (512) 239-1126

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
MTZ CONSTRUCTION INC
RN111630133

§ BEFORE THE
§ TEXAS COMMISSION ON
§ ENVIRONMENTAL QUALITY
§

AGREED ORDER DOCKET NO. 2024-0302-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 MTZ 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 operates a construction site located north of San Isidro, northeast of Las Palmas Subdivision in Laredo, Webb 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 \$9,750 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$7,800 of the penalty and \$1,950 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.
9. The Executive Director recognizes that by November 14, 2023, the Respondent submitted a Notice of Intent ("NOI") to obtain authorization to discharge stormwater associated with construction activities under Texas Pollutant Discharge Elimination System ("TPDES") Construction General Permit ("CGP") No. TXR1551PA, posted a Site notice, and submitted a copy of the NOI to the receiving municipal separate storm sewer system.

II. ALLEGATIONS

During an investigation at the Site conducted on October 5, 2023, an investigator documented that the Respondent failed to maintain 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, authorization under TPDES CGP No. TXR1585LN expired on March 7, 2023, and the Respondent continued to operate.

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: MTZ Construction Inc, Docket No. 2024-0302-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. 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 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.
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 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.
5. 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.
6. 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.
7. 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

6/11/2024

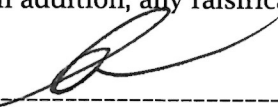
Date

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

4-10-24

Date

Francisco Martinez

Name (Printed or typed)
Authorized Representative of
MTZ 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.