

**Executive Summary – Enforcement Matter – Case No. 65389**  
**717 Construction Services, LLC**  
**RN111429346**  
**Docket No. 2024-0350-WQ-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

WQ

**Small Business:**

Yes

**Location(s) Where Violation(s) Occurred:**

717 Construction Services, 8625 Oberrender Road, Needville, Fort Bend County

**Type of Operation:**

Concrete batch plant

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** July 19, 2024

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$9,465

**Amount Deferred for Expedited Settlement:** \$1,893

**Total Paid to General Revenue:** \$7,572

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - Satisfactory

**Major Source:** No

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** January 2021

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** October 12, 2023

**Date(s) of NOE(s):** December 14, 2023

**Executive Summary – Enforcement Matter – Case No. 65389**  
**717 Construction Services, LLC**  
**RN111429346**  
**Docket No. 2024-0350-WQ-E**

***Violation Information***

1. Failed to submit monitoring results at the intervals specified in the permit. Specifically, the monthly conventional pollutants discharge monitoring reports ("DMRs") were not submitted for the monthly monitoring periods of December 2022, June and July 2023 by the 20th day of the following month [30 TEX. ADMIN. CODE §§ 305.125(1) and (17) and 319.5(b) and Texas Pollutant Discharge Elimination System ("TPDES") General Permit No. TXG113042, Part III, Section A, Permit Requirements No. 1; and Part IV, Standard Permit Conditions No. 7.f].
2. Failed to collect and analyze effluent samples at the intervals specified in the permit. Specifically, the Respondent did not collect and analyze flow, pH, oil and grease, and total suspended solid samples for the monthly monitoring period ending May 31, 2023 [30 TEX. ADMIN. CODE §§ 305.125(1) and 319.5(b) and TPDES General Permit No. TXG113042, Part III, Section A, Permit Requirements No. 1].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

N/A

**Technical Requirements:**

The Order will require the Respondent to:

- a. Within 30 days:
  - i. Update the Facility's operational guidance and conduct employee training to ensure that:
    - (1) Self-reporting requirements are properly accomplished, including the timely submittal of signed and certified monthly and annual DMRs; and
    - (2) Samples are collected and analyzed.
  - ii. Submit the required monthly DMRs for the monitoring periods of December 2022, June 2023, and July 2023 electronically.
- b. Within 45 days, submit written certification to demonstrate compliance with a.

**Executive Summary – Enforcement Matter – Case No. 65389**  
**717 Construction Services, LLC**  
**RN111429346**  
**Docket No. 2024-0350-WQ-E**

***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:** Marc Alvarez, Managing Member, 717 Construction Services, LLC, 2004  
Lyle Lane, Rosenberg, Texas 77471

**Respondent's Attorney:** N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

<b>DATES</b>	<b>Assigned</b>	16-Jan-2024		
	<b>PCW</b>	15-Mar-2024	<b>Screening</b>	25-Jan-2024
			<b>EPA Due</b>	

<b>RESPONDENT/FACILITY INFORMATION</b>				
<b>Respondent</b>	717 Construction Services, LLC			
<b>Reg. Ent. Ref. No.</b>	RN111429346			
<b>Facility/Site Region</b>	12-Houston	<b>Major/Minor Source</b>	Minor	

<b>CASE INFORMATION</b>				
<b>Enf./Case ID No.</b>	65389	<b>No. of Violations</b>	2	
<b>Docket No.</b>	2024-0350-WQ-E	<b>Order Type</b>	1660	
<b>Media Program(s)</b>	Water Quality	<b>Government/Non-Profit</b>	No	
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Madison Stringer	
		<b>EC's Team</b>	Enforcement Team 1	
<b>Admin. Penalty \$</b>	<b>Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$8,750
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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.

<b>Compliance History</b>	7.0%	Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	\$612
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<b>Notes</b>	Enhancement for one NOV with dissimilar violations and one NOV with same/similar violations.
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<b>Culpability</b>	No	0.0%	Enhancement	<b>Subtotal 4</b>	\$0
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<b>Notes</b>	The Respondent does not meet the culpability criteria.
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<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$0
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<b>Economic Benefit</b>	0.0%	Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts	\$135	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$550	

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$9,362
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	1.1%	Adjustment	\$103
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Reduces or enhances the Final Subtotal by the indicated percentage.

<b>Notes</b>	Enhancement to capture the avoided cost associated with Violation No. 2.
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<b>Final Penalty Amount</b>	\$9,465
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$9,465
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<b>DEFERRAL</b>	20.0%	Reduction	Adjustment	-\$1,893
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Reduces the Final Assessed Penalty by the indicated percentage.

<b>Notes</b>	Deferral offered for expedited settlement.
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<b>PAYABLE PENALTY</b>	\$7,572
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Screening Date

25-Jan-2024

Docket No.

2024-0350-WQ-E

PCW

Respondent

717 Construction Services, LLC

Case ID No.

65389

Reg. Ent. Reference No.

RN111429346

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> )	1	5%
	Other written NOVs	1	2%
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)

7%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3)

0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7)

0%

>> Compliance History Summary

Compliance History Notes

Enhancement for one NOV with dissimilar violations and one NOV with same/similar violations.

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

7%

>> Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100%

7%

Screening Date	25-Jan-2024	Docket No.	2024-0350-WQ-E	PCW	
Respondent	717 Construction Services, LLC			Policy Revision 5 (January 28, 2021)	
Case ID No.	65389	PCW Revision February 11, 2021			
Reg. Ent. Reference No.	RN111429346				
Media	Water Quality				
Enf. Coordinator	Madison Stringer				
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") General Permit No. TXG113042, Part III, Section A, Permit Requirements No. 1; and Part IV, Standard Permit Conditions No. 7.f				
Violation Description	Failed to submit monitoring results at the intervals specified in the permit. Specifically, the monthly conventional pollutants discharge monitoring reports ("DMRs") were not submitted for the monthly monitoring periods of December 2022, June 2023, and July 2023 by the 20th day of the following month.				
Base Penalty				\$25,000	
>> Environmental, Property and Human Health Matrix					
OR	Release	Harm			
		Major	Moderate	Minor	
	Actual				
	Potential				
Percent				0.0%	
>>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		3	92	Number of violation days	
	daily				
	weekly				
	monthly				
	quarterly				
	semiannual				
	annual				
	single event	x			
Violation Base Penalty					\$7,500
Three single events are recommended, one for each missing report.					
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		\$20	Violation Final Penalty Total		\$8,113
This violation Final Assessed Penalty (adjusted for limits)				\$8,113	

Economic Benefit Worksheet

Respondent Case ID No. 717 Construction Services, LLC  
Reg. Ent. Reference No. 65389  
Media RN111429346  
Violation No. 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
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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)	\$200	20-Jan-2023	4-Jan-2025	1.96	\$20	n/a	\$20
Notes for DELAYED costs	Estimated cost to submit the DMRs for the missed monitoring periods, update the Plant's operational guidance, and conduct employee training to ensure that self-reporting requirements are properly accomplished, including timely submittal of signed and certified monthly and annual DMRs. The Date Required is the earliest DMR due date, 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	\$200	TOTAL	\$20
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Screening Date		25-Jan-2024		Docket No.		2024-0350-WQ-E		PCW			
Respondent		717 Construction Services, LLC									
Case ID No.		65389									
Reg. Ent. Reference No.		RN111429346									
Media		Water Quality									
Enf. Coordinator		Madison Stringer									
Violation Number		2									
Rule Cite(s)		30 Tex. Admin.Code §§ 305.125(1) and 319.5(b) and TPDES General Permit No. TXG113042, Part III, Section A, Permit Requirements No. 1									
Violation Description		Failed to collect and analyze effluent samples at the intervals specified in the permit. Specifically, the Respondent did not collect and analyze flow, pH, oil and grease, and total suspended solid samples for the monthly monitoring period ending May 31, 2023.									
Base Penalty								\$25,000			
>> Environmental, Property and Human Health Matrix											
OR		Release		Major		Harm		Moderate		Minor	
		Actual									
		Potential				x					
Percent								5.0%			
>>Programmatic Matrix											
Matrix Notes		Falsification		Major		Moderate		Minor			
Percent								0.0%			
		Human health or the environment will or could be exposed to significant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.									
Adjustment								\$23,750			
								\$1,250			
Violation Events											
Number of Violation Events				1		31		Number of violation days			
		daily									
		weekly									
		monthly									
		quarterly									
		semiannual									
		annual									
		single event		x							
Violation Base Penalty								\$1,250			
One single event is recommended.											
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								\$1,250			
Economic Benefit (EB) for this violation											
		Estimated EB Amount		\$115		Violation Final Penalty Total		\$1,352			
This violation Final Assessed Penalty (adjusted for limits)								\$1,352			



# Economic Benefit Worksheet

**Respondent** 717 Construction Services, LLC  
**Case ID No.** 65389  
**Reg. Ent. Reference No.** RN111429346  
**Media** Water Quality  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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## 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	\$250	12-Oct-2023	21-Sep-2024	0.95	\$12	n/a	\$12
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	Estimated Training/Sampling cost to develop and implement procedures and conduct employee training to ensure samples are collected and analyzed in accordance with permit requirements. The Date Required is the investigation date 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	\$100	31-May-2023	25-Jan-2024	0.65	\$3	\$100	\$103
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs	Estimated avoided costs to collect and analyze effluent samples. The Date Required is the initial date of noncompliance and the Final Date is the screening date.						

Approx. Cost of Compliance	\$350	TOTAL	\$115
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# Compliance History Report

Compliance History Report for CN605803907, RN111429346, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

**Customer, Respondent, or Owner/Operator:** CN605803907, 717 Construction Services, LLC **Classification:** SATISFACTORY **Rating:** 1.83

**Regulated Entity:** RN111429346, 717 CONSTRUCTION SERVICES **Classification:** SATISFACTORY **Rating:** 2.67

**Complexity Points:** 1 **Repeat Violator:** NO

**CH Group:** 10 - Cement and Concrete Product Manufacturing

**Location:** 8625 Oberrender Road, Needville, Fort Bend County, Texas

**TCEQ Region:** REGION 12 - HOUSTON

**ID Number(s):**  
**WASTEWATER PERMIT TXG113042**

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

**Date Compliance History Report Prepared:** May 29, 2024

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** May 29, 2019 to May 29, 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.):**

Item 1	May 18, 2022	(1823158)
Item 2	August 11, 2022	(1845451)
Item 3	October 06, 2022	(1859394)
Item 4	October 20, 2022	(1865730)
Item 5	November 20, 2022	(1872619)
Item 6	December 20, 2022	(1878493)
Item 7	March 31, 2023	(1893130)
Item 8	April 19, 2023	(1908488)
Item 9	June 20, 2023	(1915617)
Item 10	December 28, 2023	(1954773)
Item 11	February 20, 2024	(1980188)
Item 12	March 20, 2024	(1986697)

**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: 09/18/2023 (1949443)		
	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		
2	Date: 12/31/2023 (1971188)		
	Self Report? YES	Classification: Moderate	
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		

**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

717 CONSTRUCTION SERVICES, LLC  
RN111429346

§  
§  
§  
§  
§

BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

## AGREED ORDER DOCKET NO. 2024-0350-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 717 Construction Services, LLC (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 concrete batch plant located at 8625 Oberrender Road in Needville, Fort Bend County, Texas (the "Plant"). The Plant 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 \$9,465 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$7,572 of the penalty and \$1,893 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 a record review for the Plant conducted on October 12, 2023, an investigator documented that the Respondent:

1. Failed to submit monitoring results at the intervals specified in the permit, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and (17) and 319.5(b) and Texas Pollutant Discharge Elimination System ("TPDES") General Permit No. TXG113042, Part III, Section A, Permit Requirements No. 1; and Part IV, Standard Permit Conditions No. 7.f. Specifically, the monthly conventional pollutants discharge monitoring reports ("DMRs") were not submitted for the monthly monitoring periods of December 2022, June and July 2023 by the 20th day of the following month.
2. Failed to collect and analyze effluent samples at the intervals specified in the permit, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.5(b) and TPDES General Permit No. TXG113042, Part III, Section A, Permit Requirements No. 1. Specifically, the Respondent did not collect and analyze flow, pH, oil and grease, and total suspended solid samples for the monthly monitoring period ending May 31, 2023.

## **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: 717 Construction Services, LLC; Docket No. 2024-0350-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. Update the Facility's operational guidance and conduct employee training to ensure that:
      - (1) Self-reporting requirements are properly accomplished, including the timely submittal of signed and certified monthly and annual DMRs, in accordance with TPDES General Permit No. TXG113042, Part III, Section A, Permit Requirements No. 1; and Part IV, Standard Permit Conditions No. 7.f; and
      - (2) Samples are collected and analyzed, in accordance with TPDES General Permit No. TXG113042, Part III, Section A, Permit Requirements No. 1.
    - ii. Submit the required monthly DMRs for the monitoring periods of December 2022, June 2023, and July 2023 electronically, in accordance with TPDES General Permit No. TXG113042, Part III, Section A, Permit Requirements No. 1; and 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 Nos. 2.a.i and 2.a.ii. 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  
Houston Regional Office  
Texas Commission on Environmental Quality  
5425 Polk Street, Suite H  
Houston, Texas 77023-1452

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 Plant 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

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For the Commission

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Date

  
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For the Executive Director

7/18/2024  
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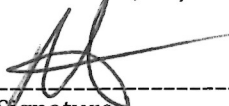
Date

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.

  
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Signature

6/20/24  
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Date

MARC ALVAREZ  
-----  
Name (Printed or typed)  
Authorized Representative of  
717 Construction Services, LLC

MARK ALVAREZ MEMBER  
-----  
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.