

Executive Summary – Enforcement Matter – Case No. 65545
JB STONE, LLC and Bernardo Espinoza
RN106170103
Docket No. 2024-0486-MLM-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

MLM – EAQ, WQ

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

JB Stone Quarry, 500 Private Road 909, Georgetown, Williamson County

Type of Operation:

Stone quarry and aggregate production operation (“APO”)

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: October 11, 2024

Comments Received: No

Penalty Information

Total Penalty Assessed: \$10,000

Amount Deferred for Expedited Settlement: \$2,000

Total Paid to General Revenue: \$8,000

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications:

JB STONE, LLC

Person/CN - High

Site/RN - High

Bernardo Espinoza

Person/CN - Satisfactory

Site/RN - High

Major Source: No

Statutory Limit Adjustment: \$3,500

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: December 21, 2023

Date(s) of NOE(s): February 8, 2024

Executive Summary – Enforcement Matter – Case No. 65545
JB STONE, LLC and Bernardo Espinoza
RN106170103
Docket No. 2024-0486-MLM-E

Violation Information

1. Failed to obtain approval of a modification to an approved Water Pollution Abatement Plan ("WPAP") prior to commencing a regulated activity over the Edwards Aquifer Recharge Zone. Specifically, two 2,000-gallon Petroleum Storage Tanks ("PSTs") were observed on site when there was only approval for one 3,000-gallon PST [30 TEX. ADMIN. CODE § 213.4(a)(1) and Edwards Aquifer Protection Plan ID No. 11002725, Standard Condition No. 6].
2. Failed to register the Site as an APO no later than the tenth business day before the beginning date of regulated activities [30 TEX. ADMIN. CODE § 342.25(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

By January 18, 2024, the Respondents prepared and submitted an APO registration for the Site.

Technical Requirements:

The Order will require the Respondents to:

- a. Immediately, cease any regulated activity at the Site until such time that the modification to the previously approved Edwards Aquifer WPAP has been reviewed and approved by the TCEQ Austin Regional Office;
- b. Within 30 days, submit an application and obtain approval for a modification of a previously approved WPAP; and
- c. Within 120 days, submit written certification that approval of a modification to the previously approved Edwards Aquifer WPAP has been obtained to demonstrate compliance with a. and b.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Megan Crinklaw, Enforcement Division, Enforcement Team 1, MC 219, (512) 239-1129; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Bernardo Espinoza, Owner, JB STONE, LLC, P.O. Box 691, Jarrell, Texas 76537

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	15-Feb-2024	Screening	15-Feb-2024	EPA Due	
	PCW	15-Mar-2024				

RESPONDENT/FACILITY INFORMATION

Respondent	JB STONE, LLC and Bernardo Espinoza PCW No. 1 of 2				
Reg. Ent. Ref. No.	RN106170103				
Facility/Site Region	11-Austin	Major/Minor Source	Minor		

CASE INFORMATION

Enf./Case ID No.	65545	No. of Violations	1
Docket No.	2024-0486-MLM-E	Order Type	1660
Media Program(s)	Edwards Aquifer	Government/Non-Profit	No
Multi-Media	Water Quality	Enf. Coordinator	Megan Crinklaw
		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	\$5,000
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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	0.0%	Adjustment	Subtotals 2, 3, & 7	\$0
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Notes	No adjustment for Compliance History.			
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Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes	The Respondent does not meet the culpability criteria.			
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Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$34	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$650	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$5,000
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes			
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Final Penalty Amount	\$5,000
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$5,000
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DEFERRAL	20.0%	Reduction	Adjustment	-\$1,000
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes	Deferral offered for expedited settlement.		
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PAYABLE PENALTY	\$4,000
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Screening Date	15-Feb-2024	Docket No.	2024-0486-MLM-E	PCW
Respondent	JB STONE, LLC and Bernardo Espinoza PCW No. 1 of 2			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	65545			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN106170103			
Media	Edwards Aquifer			
Enf. Coordinator	Megan Crinklaw			

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)

Satisfactory Performer **Adjustment Percentage (Subtotal 7)** 0%

>> Compliance History Summary

Compliance History Notes	No adjustment for Compliance History.
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Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 0%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 0%

Screening Date	15-Feb-2024	Docket No.	2024-0486-MLM-E	PCW
Respondent	JB STONE, LLC and Bernardo Espinoza PCW No. 1 of 2			Policy Revision 5 (January 28, 2021)
Case ID No.	65545			PCW Revision February 11, 2021
Reg. Ent. Reference No.	RN106170103			
Media	Edwards Aquifer			
Enf. Coordinator	Megan Crinklaw			
Violation Number	1			
Rule Cite(s)	30 Tex. Admin. Code § 213.4(a)(1) and Edwards Aquifer Protection Plan ID No. 11002725, Standard Condition No. 6			
Violation Description	Failed to obtain approval of a modification to an approved Water Pollution Abatement Plan ("WPAP") prior to commencing a regulated activity over the Edwards Aquifer Recharge Zone. Specifically, two 2,000-gallon Petroleum Storage Tanks ("PSTs") were observed on site when there was only approval for one 3,000-gallon PST.			
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 requirement was not met.			
Adjustment				\$22,500
				\$2,500
Violation Events				
Number of Violation Events		2	56	Number of violation days
	daily			
	weekly			
	monthly	x		
	quarterly			
	semiannual			
	annual			
	single event			
Violation Base Penalty				\$5,000
Two monthly events are recommended from the investigation date (December 21, 2023) to the screening date (February 15, 2024).				
Good Faith Efforts to Comply		0.0%	Reduction	
		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				\$5,000
Economic Benefit (EB) for this violation				
Statutory Limit Test				
Estimated EB Amount		\$34	Violation Final Penalty Total	
			\$5,000	
This violation Final Assessed Penalty (adjusted for limits)				\$5,000

Economic Benefit Worksheet

Respondent JB STONE, LLC and Bernardo Espinoza PCW No. 1 of 2
Case ID No. 65545
Reg. Ent. Reference No. RN106170103
Media Edwards Aquifer
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
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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	\$650	21-Dec-2023	10-Jan-2025	1.06	\$34	n/a	\$34
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Permit Costs to submit and obtain approval for a modification of a previously approved WPAP. 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				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$650

TOTAL

\$34



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	15-Feb-2024	Screening	15-Feb-2024	EPA Due	
	PCW	15-Mar-2024				

RESPONDENT/FACILITY INFORMATION

Respondent	JB STONE, LLC and Bernardo Espinoza PCW No. 2 of 2				
Reg. Ent. Ref. No.	RN106170103				
Facility/Site Region	11-Austin	Major/Minor Source	Minor		

CASE INFORMATION

Enf./Case ID No.	65545		No. of Violations	1	
Docket No.	2024-0486-MLM-E		Order Type	1660	
Media Program(s)	Aggregate Production Operation		Government/Non-Profit	No	
Multi-Media	Edwards Aquifer		Enf. Coordinator	Megan Crinklaw	
			EC's Team	Enforcement Team 1	
Admin. Penalty \$ Limit Minimum	\$5,000	Maximum	\$20,000	Violation Maximum	\$40,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$2,000
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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	0.0%	Adjustment	Subtotals 2, 3, & 7	\$0
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Notes	No adjustment for Compliance History.			
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Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes	The Respondent does not meet the culpability criteria.			
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Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$500
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$15	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$500	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$1,500
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes			
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Final Penalty Amount	\$1,500
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$5,000
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Notes	The final assessed penalty has been adjusted to meet the statutory requirements of Tex. Water Code § 28A.102.		
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DEFERRAL	20.0%	Reduction	Adjustment	-\$1,000
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes	Deferral offered for expedited settlement.		
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PAYABLE PENALTY	\$4,000
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Screening Date	15-Feb-2024	Docket No.	2024-0486-MLM-E	PCW
Respondent	JB STONE, LLC and Bernardo Espinoza PCW No. 2 of 2			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	65545			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN106170103			
Media	Aggregate Production Operation			
Enf. Coordinator	Megan Crinklaw			

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%
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>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer	Adjustment Percentage (Subtotal 7)	0%
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>> Compliance History Summary

Compliance History Notes	No adjustment for Compliance History.
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Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 0%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 0%

Screening Date	15-Feb-2024	Docket No.	2024-0486-MLM-E	PCW
Respondent	JB STONE, LLC and Bernardo Espinoza PCW No. 2 of 2			
Case ID No.	65545	<i>Policy Revision 5 (January 28, 2021)</i>		
Reg. Ent. Reference No.	RN106170103	<i>PCW Revision February 11, 2021</i>		
Media	Aggregate Production Operation			
Enf. Coordinator	Megan Crinklaw			
Violation Number	1			
Rule Cite(s)	30 Tex. Admin. Code § 342.25(b)			
Violation Description	Failed to register the Site as an aggregate production operation ("APO") no later than the tenth business day before the beginning date of regulated activities.			
Base Penalty				\$20,000

>> Environmental, Property and Human Health Matrix

OR	Release	Major	Moderate	Minor	Percent	
	Actual					
	Potential					

>> Programmatic Matrix

OR	Falsification	Major	Moderate	Minor	Percent	
		x				

Matrix Notes	100% of the rule requirement was not met.
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Adjustment	\$18,000
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\$2,000

Violation Events

Number of Violation Events	1	28	Number of violation days
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	daily			Violation Base Penalty	
	weekly				
	monthly				
	quarterly				
	semiannual				
	annual				
	single event	x			

	One single event is recommended.
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Good Faith Efforts to Comply

	25.0%				
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer			
Extraordinary					
Ordinary	x				
N/A					
Notes	The Respondent achieved compliance by January 18, 2024.				

Violation Subtotal	\$1,500
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Economic Benefit (EB) for this violation

Estimated EB Amount	\$15				
		Violation Final Penalty Total			\$1,500
This violation Final Assessed Penalty (adjusted for limits)					\$5,000

Economic Benefit Worksheet

Respondent JB STONE, LLC and Bernardo Espinoza PCW No. 2 of 2
Case ID No. 65545
Reg. Ent. Reference No. RN106170103
Media Aggregate Production Operation
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
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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	\$500	8-Jun-2023	18-Jan-2024	0.61	\$15	n/a	\$15
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated Permit Costs to obtain an APO registration for the active pit at the Site. The Date Required is the most recent registration renewal due date for the previous active pit 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

\$500

TOTAL

\$15



Compliance History Report

Compliance History Report for CN605944883, RN106170103, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

Customer, Respondent, or Owner/Operator: CN605944883, JB STONE, LLC **Classification:** HIGH **Rating:** 0.00

Regulated Entity: RN106170103, JB STONE QUARRY **Classification:** HIGH **Rating:** 0.00

Complexity Points: 6 **Repeat Violator:** NO

CH Group: 04 - Mining

Location: 500 Private Road 909 Georgetown, Williamson County, Texas

TCEQ Region: REGION 11 - AUSTIN

ID Number(s):
EDWARDS AQUIFER PERMIT 11-11060703
EDWARDS AQUIFER PERMIT 11002725
EDWARDS AQUIFER PERMIT 11004007
AGGREGATE PRODUCTION OPERATION REGISTRATION AP0001419
EDWARDS AQUIFER PERMIT 11-11060702
EDWARDS AQUIFER PERMIT 11000828
STORMWATER PERMIT TXR05FR68

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

Date Compliance History Report Prepared: June 03, 2024

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: June 03, 2019 to June 03, 2024

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.
Name: Megan Crinklaw **Phone:** (512) 239-1129

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five-year compliance period? YES
- 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	March 28, 2023	(1894755)
Item 2	March 15, 2024	(1981981)

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

Component Appendices

Appendix A

All NOVs Issued During Component Period 6/3/2019 and 6/3/2024

- 1 Date: 04/03/2020 (1637185)
Self Report? NO Classification: Major
Citation:
30 TAC Chapter 342, SubChapter B 342.25(d)
Description: Failure to renew an expired Aggregate Production Operation (APO)
registration for an active APO.
Self Report? NO Classification: Moderate
Citation:
30 TAC Chapter 281, SubChapter A 281.25(a)(4)
TXR050000 Part III. Section A.1. PERMIT
Description: Failure to develop and implement a Storm Water Pollution Prevention Plan
(SWP3) at the facility.
- 2 Date: 06/29/2022 (1810218)
Self Report? NO Classification: Moderate
Citation:
11002725 PERMIT
30 TAC Chapter 213, SubChapter A 213.4(k)
Description: Failure to comply with an approved Water Pollution Abatement Plan (WPAP),
specifically, failure to maintain an approved 25 ft. vegetative buffer setback
along the property perimeter.

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

Appendix B

All Investigations Conducted During Component Period June 03, 2019 and June 03, 2024

- | | | |
|---------|---------------------|-----------|
| Item 1 | April 02, 2020** | (1637185) |
| Item 2 | May 20, 2021** | (1708614) |
| Item 3 | November 04, 2022** | (1846572) |
| Item 4* | March 28, 2023** | (1894755) |
| Item 5 | February 08, 2024 | (1956251) |
| Item 6* | March 15, 2024 | (1981981) |

* No violations documented during this investigation

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



Compliance History Report

Compliance History Report for CN603864844, RN106170103, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

Customer, Respondent, or Owner/Operator: CN603864844, Bernardo Espinoza **Classification:** SATISFACTORY **Rating:** 4.16

Regulated Entity: RN106170103, JB STONE QUARRY **Classification:** HIGH **Rating:** 0.00

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

CH Group: 04 - Mining

Location: 500 Private Road 909, Georgetown, Williamson County, Texas

TCEQ Region: REGION 11 - AUSTIN

ID Number(s):
EDWARDS AQUIFER PERMIT 11-11060703 EDWARDS AQUIFER PERMIT 11-11060702
EDWARDS AQUIFER PERMIT 11002725 EDWARDS AQUIFER PERMIT 11000828
EDWARDS AQUIFER PERMIT 11004007 STORMWATER PERMIT TXR05FR68
AGGREGATE PRODUCTION OPERATION REGISTRATION
AP0001419

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

Date Compliance History Report Prepared: June 03, 2024

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: June 03, 2019 to June 03, 2024

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.
Name: Megan Crinklaw **Phone:** (512) 239-1129

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five-year compliance period? YES
- 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	March 28, 2023	(1894755)
Item 2	March 15, 2024	(1981981)

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

Component Appendices

Appendix A

All NOVs Issued During Component Period 6/3/2019 and 6/3/2024

- | | | | | |
|---|--------------|--|-----------|--------------------------|
| 1 | Date: | 04/03/2020 | (1637185) | |
| | Self Report? | NO | | Classification: Major |
| | Citation: | 30 TAC Chapter 342, SubChapter B 342.25(d) | | |
| | Description: | Failure to renew an expired Aggregate Production Operation (APO) registration for an active APO. | | |
| | Self Report? | NO | | Classification: Moderate |
| | Citation: | 30 TAC Chapter 281, SubChapter A 281.25(a)(4)
TXR050000 Part III. Section A.1. PERMIT | | |
| | Description: | Failure to develop and implement a Storm Water Pollution Prevention Plan (SWP3) at the facility. | | |
| 2 | Date: | 06/29/2022 | (1810218) | |
| | Self Report? | NO | | Classification: Moderate |
| | Citation: | 11002725 PERMIT
30 TAC Chapter 213, SubChapter A 213.4(k) | | |
| | Description: | Failure to comply with an approved Water Pollution Abatement Plan (WPAP), specifically, failure to maintain an approved 25 ft. vegetative buffer setback along the property perimeter. | | |

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

Appendix B

All Investigations Conducted During Component Period June 03, 2019 and June 03, 2024

Item 1	April 02, 2020**	(1637185)
Item 2	May 20, 2021**	(1708614)
Item 3	November 04, 2022**	(1846572)
Item 4*	March 28, 2023**	(1894755)
Item 5	February 08, 2024	(1956251)
Item 6*	March 15, 2024	(1981981)

* 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
JB STONE, LLC AND BERNARDO
ESPINOZA
RN106170103

§
§
§
§
§
§

BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2024-0486-MLM-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 JB STONE, LLC and Bernardo Espinoza (the "Respondents") under the authority of TEX. WATER CODE chs. 7, 26, and 28A. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondents together stipulate that:

1. The Respondents own and operate a stone quarry located at 500 Private Road 909 in Georgetown, Williamson County, Texas (the "Site"). The Respondents are responsible parties as defined in TEX. WATER CODE § 28A.001(6), because they are owners and operators as defined in TEX. WATER CODE § 28A.001(4) and (5), of an aggregate production operation ("APO") at the Site. Aggregates are being or have been removed from the Site's earth. Therefore, the Site is an APO as defined in TEX. WATER CODE § 28A.001(1). 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 Respondents 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 Respondents are 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 chs. 26 and 28A 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 Respondents of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$10,000 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondents paid \$8,000 of the penalty and \$2,000 is deferred contingent upon the Respondents' 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 Respondents fail 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 Respondents 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 Respondents have 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 January 18, 2024, the Respondents prepared and submitted an APO registration for the Site.

II. ALLEGATIONS

During an investigation at the Site conducted on December 21, 2023, an investigator documented that the Respondents:

1. Failed to obtain approval of a modification to an approved Water Pollution Abatement Plan ("WPAP") prior to commencing a regulated activity over the Edwards Aquifer Recharge Zone, in violation of 30 TEX. ADMIN. CODE § 213.4(a)(1) and Edwards Aquifer Protection Plan ID No. 11002725, Standard Condition No. 6. Specifically, two 2,000-gallon Petroleum Storage Tanks ("PSTs") were observed on site when there was only approval for one 3,000-gallon PST.
2. Failed to register the Site as an aggregate production operation ("APO") no later than the tenth business day before the beginning date of regulated activities, in violation of 30 TEX. ADMIN. CODE § 342.25(b).

III. DENIALS

The Respondents generally deny each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

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

1. The Respondents are assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the Respondents' 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: JB STONE, LLC and Bernardo Espinoza, Docket No. 2024-0486-MLM-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 Respondents are jointly and severally liable for the violations documented in this Order, and are jointly and severally liable for timely and satisfactory compliance with all terms and conditions of this Order.
3. The Respondents shall undertake the following technical requirements:
 - a. Immediately cease any regulated activity at the Site until such time that the modification to the previously approved Edwards Aquifer WPAP has been reviewed and approved by the TCEQ Austin Regional Office.
 - b. Within 30 days after the effective date of this Order, the Respondents shall submit an application and obtain approval for a modification of a previously approved WPAP for review and approval through the TCEQ File Transfer Protocol Secure website to EAAdmin@tceq.texas.gov.

Respond completely and adequately to all TCEQ requests for additional information within 30 days of such requests or any other deadline specified in writing.

- c. Within 120 days after the effective date of this Order, submit written certification submit written certification that approval of a modification to the previously approved Edwards Aquifer WPAP has been obtained to demonstrate compliance with Ordering Provision Nos. 3.a and 3.b. The certification shall be signed by the Respondents 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
Austin Regional Office
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. All relief not expressly granted in this Order is denied.
5. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondents. The Respondents are ordered to give notice of this Order to personnel who maintain day-to-day control over the Site 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 the Respondents shall be made in writing to the Executive Director. Extensions are not effective until the Respondents receive 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. This Order, issued by the Commission, shall not be admissible against the Respondents 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.
8. 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.
9. 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

11/4/2024

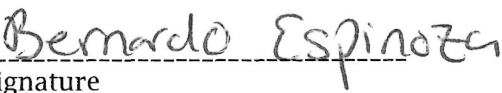
Date

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.

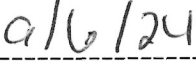
I also understand that failure to comply with the Ordering Provisions, if any, in this Order and/or failure to timely pay the penalty amount, may result in:

- 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.

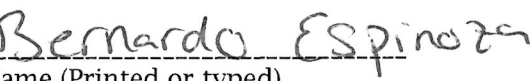
In addition, any falsification of any compliance documents may result in criminal prosecution.



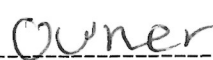
Signature



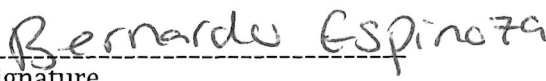
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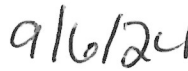
Name (Printed or typed)
Authorized Representative of
JB STONE, LLC



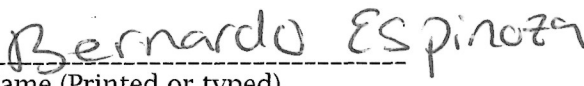
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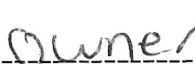
Signature



Date



Name (Printed or typed)
Bernardo Espinoza



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.