

Executive Summary – Enforcement Matter – Case No. 66295
GULF COAST CONCRETE AND SHELL, INC.
RN100860790
Docket No. 2024-1059-WQ-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

WQ

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Gulf Coast Concrete, 4401 County Road 58, Manvel, Brazoria 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: November 1, 2024

Comments Received: No

Penalty Information

Total Penalty Assessed: \$35,358

Amount Deferred for Expedited Settlement: \$7,071

Total Paid to General Revenue: \$28,287

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications:

Person/CN - High

Site/RN - High

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: March 13, 2024 and June 21, 2024

Date(s) of NOE(s): May 29, 2024

Executive Summary – Enforcement Matter – Case No. 66295
GULF COAST CONCRETE AND SHELL, INC.
RN100860790
Docket No. 2024-1059-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 were not submitted for Outfalls 003 and 004 for the monitoring periods of June 2023 through December 2023 by the 20th day of the following month [30 TEX. ADMIN. CODE §§ 305.125(1) and (17) and 319.7(d) and Texas Pollutant Discharge Elimination System General Permit No. TXG112023, Part III Permit Requirements, Section A, No. 1; and Part IV Standard Permit Conditions No. 7.f].
2. Failed to pay General Permits Wastewater fees and associated late fees and collection cost recovery fees for TCEQ Financial Administration Account No. 20503260 [30 TEX. ADMIN. CODE § 205.6 and TEX. WATER CODE § 5.702].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

By February 7, 2023, the Respondent sold the Plant and discharges at the Plant were covered under a different permit beginning on April 17, 2024.

Technical Requirements:

Within 30 days, submit payment for all outstanding assessed fees for TCEQ Financial Administration Account No. 20503260.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Nancy Sims, Enforcement Division, Enforcement Team 1, MC R-12, (512) 239-5053; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Faustino Ramirez, Owner, GULF COAST CONCRETE AND SHELL, INC., P.O. Box 16812, Sugar Land, Texas 77496

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	10-Jun-2024	Screening	12-Jun-2024	EPA Due	
	PCW	7-Aug-2024				

RESPONDENT/FACILITY INFORMATION

Respondent	GULF COAST CONCRETE AND SHELL, INC.				
Reg. Ent. Ref. No.	RN100860790				
Facility/Site Region	12-Houston	Major/Minor Source	Minor		

CASE INFORMATION

Enf./Case ID No.	66295	No. of Violations	2
Docket No.	2024-1059-WQ-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Nancy M. Sims
		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	\$35,000
---	-------------------	----------

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

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

Notes: Enhancement for two NOV's with the same/similar violations, offset by a 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	\$0
--	-------------------	-----

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

Total EB Amounts: \$358
Estimated Cost of Compliance: \$354
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$35,000
-----------------------------	-----------------------	----------

OTHER FACTORS AS JUSTICE MAY REQUIRE	1.0%	Adjustment	\$358
---	------	-------------------	-------

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Recommended enhancement to capture the avoided cost of compliance associated with Violation No. 1.

Final Penalty Amount	\$35,358
-----------------------------	----------

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$35,358
-----------------------------------	-------------------------------	----------

DEFERRAL	20.0%	Reduction	Adjustment	-\$7,071
-----------------	-------	------------------	-------------------	----------

Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY	\$28,287
------------------------	----------

Screening Date	12-Jun-2024	Docket No.	2024-1059-WQ-E	PCW
Respondent	GULF COAST CONCRETE AND SHELL, INC.			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	66295			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN100860790			
Media	Water Quality			
Enf. Coordinator	Nancy M. Sims			

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>)	2	10%
	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) 10%

>> Repeat Violator (Subtotal 3)

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Adjustment Percentage (Subtotal 7) -10%

>> Compliance History Summary

Compliance History Notes

Enhancement for two NOVs with the same/similar violations, offset by a reduction for High Performer Classification.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 0%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 0%

Screening Date	12-Jun-2024	Docket No.	2024-1059-WQ-E	PCW
Respondent	GULF COAST CONCRETE AND SHELL, INC.			Policy Revision 5 (January 28, 2021)
Case ID No.	66295			PCW Revision February 11, 2021
Reg. Ent. Reference No.	RN100860790			
Media	Water Quality			
Enf. Coordinator	Nancy M. Sims			
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 General Permit No. TXG112023, Part III Permit Requirements, Section A, 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 Outfalls 003 and 004 for the monitoring periods of June 2023 through December 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	14	184	Number of violation days
	daily			
	weekly			
	monthly			
	quarterly			
	semiannual			
	annual			
	single event	X		
			Violation Base Penalty	\$35,000
	Fourteen single events are recommended, one for each missed report per outfall.			
>> 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	\$35,000	
>> Economic Benefit (EB) for this violation				
	Estimated EB Amount	\$358	Violation Final Penalty Total	\$35,358
		This violation Final Assessed Penalty (adjusted for limits)	\$35,358	

Economic Benefit Worksheet

Respondent GULF COAST CONCRETE AND SHELL, INC.
Case ID No. 66295
Reg. Ent. Reference No. RN100860790
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				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs							

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)	\$354	20-Jan-2024	17-Apr-2024	0.24	\$4	\$354	\$358
Notes for AVOIDED costs	Estimated avoided cost plus accrued interest to submit the DMRs for the missed monitoring periods. The Date Required is the due date for the last DMR, and the Final Date is the date discharges at the Plant were covered under a different permit.						

Approx. Cost of Compliance \$354

TOTAL \$358

Screening Date 12-Jun-2024 Respondent GULF COAST CONCRETE AND SHELL, INC. Case ID No. 66295 Reg. Ent. Reference No. RN100860790 Media Water Quality Enf. Coordinator Nancy M. Sims	Docket No. 2024-1059-WQ-E Base Penalty \$25,000	PCW <small>Policy Revision 5 (January 28, 2021)</small> <small>PCW Revision February 11, 2021</small>
---	--	--

Violation Number	2	
Rule Cite(s)		30 Tex. Admin. Code § 205.6 and Tex. Water Code § 5.702
Violation Description	Failed to pay General Permit Wastewater fees and associated late fees and collection cost recovery fees for TCEQ Financial Administration Account No. 20503260.	

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				
	Potential				
				Percent	0.0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
				Percent	0.0%

Matrix Notes	All penalties and interest will be determined by the Financial Administration Division at the next billing cycle.
--------------	---

Adjustment \$25,000

\$0

Violation Events

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

Violation Base Penalty \$0

All penalties and interest will be determined by the Financial Administration Division at the next billing cycle.	
---	--

Good Faith Efforts to Comply

	0.0%	
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	
Notes	The Respondent does not meet the good faith criteria for this violation.	

Violation Subtotal \$0

Economic Benefit (EB) for this violation

	Statutory Limit Test
Estimated EB Amount	Violation Final Penalty Total
\$0	\$0
This violation Final Assessed Penalty (adjusted for limits)	
\$0	

Economic Benefit Worksheet

Respondent GULF COAST CONCRETE AND SHELL, INC.
Case ID No. 66295
Reg. Ent. Reference No. RN100860790
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
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

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)				0.00	\$0	n/a	\$0
Notes for DELAYED costs	N/A						

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	N/A						

Approx. Cost of Compliance \$0

TOTAL \$0



Compliance History Report

Compliance History Report for CN601708399, RN100860790, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

Customer, Respondent, or Owner/Operator: CN601708399, GULF COAST CONCRETE AND SHELL, INC. **Classification:** HIGH **Rating:** 0.00

Regulated Entity: RN100860790, GULF COAST CONCRETE **Classification:** HIGH **Rating:** 0.00

Complexity Points: 5 **Repeat Violator:** NO

CH Group: 04 - Mining

Location: 4401 County Road 58, Manvel, Brazoria County, Texas

TCEQ Region: REGION 12 - HOUSTON

ID Number(s):
AIR NEW SOURCE PERMITS ACCOUNT NUMBER BL0749D **AIR NEW SOURCE PERMITS** REGISTRATION 71672
WASTEWATER PERMIT TXG112023 **WASTEWATER PERMIT** TXG113673

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

Date Compliance History Report Prepared: June 11, 2024

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: June 11, 2019 to June 11, 2024

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.
Name: Nancy M. Sims **Phone:** (512) 239-5053

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	June 20, 2019	(1589233)	Item 15	December 04, 2020	(1721153)
Item 2	August 20, 2019	(1602431)	Item 16	January 13, 2021	(1721154)
Item 3	September 26, 2019	(1609330)	Item 17	February 18, 2021	(1734235)
Item 4	November 25, 2019	(1621987)	Item 18	March 22, 2021	(1734236)
Item 5	March 19, 2020	(1650088)	Item 19	April 20, 2021	(1734237)
Item 6	April 08, 2020	(1650085)	Item 20	May 18, 2021	(1744429)
Item 7	April 20, 2020	(1656505)	Item 21	June 14, 2021	(1744430)
Item 8	May 19, 2020	(1662984)	Item 22	July 15, 2021	(1754597)
Item 9	June 19, 2020	(1669536)	Item 23	August 13, 2021	(1759904)
Item 10	July 20, 2020	(1676504)	Item 24	September 20, 2021	(1769501)
Item 11	August 14, 2020	(1683292)	Item 25	October 20, 2021	(1780532)
Item 12	September 10, 2020	(1689861)	Item 26	November 20, 2021	(1786739)
Item 13	October 12, 2020	(1696177)	Item 27	December 20, 2021	(1793568)
Item 14	November 20, 2020	(1721152)	Item 28	January 19, 2022	(1801392)

Item 29	February 16, 2022	(1809247)	Item 37	October 20, 2022	(1865454)
Item 30	March 18, 2022	(1816385)	Item 38	November 18, 2022	(1872343)
Item 31	April 20, 2022	(1822864)	Item 39	December 29, 2022	(1878223)
Item 32	May 18, 2022	(1831701)	Item 40	January 20, 2023	(1885120)
Item 33	June 20, 2022	(1838043)	Item 41	March 09, 2023	(1892854)
Item 34	July 19, 2022	(1845158)	Item 42	April 19, 2023	(1908224)
Item 35	August 18, 2022	(1851696)	Item 43	May 19, 2023	(1915357)
Item 36	September 19, 2022	(1859116)	Item 44	June 20, 2023	(1922007)

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:	10/23/2023	(1955123)		
	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:	01/22/2024	(1982629)		
	Self Report?	NO		Classification:	Moderate
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)			
		30 TAC Chapter 305, SubChapter F 305.125(17)			
	Description:	NON-RPT VIOS FOR MONIT PER OR PIPE			
	Self Report?	NO		Classification:	Moderate
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)			
		30 TAC Chapter 305, SubChapter F 305.125(17)			
	Description:	NON-RPT VIOS FOR MONIT PER OR PIPE			
	Self Report?	NO		Classification:	Moderate
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)			
		30 TAC Chapter 305, SubChapter F 305.125(17)			
	Description:	NON-RPT VIOS FOR MONIT PER OR PIPE			

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
GULF COAST CONCRETE AND SHELL,
INC.
RN100860790

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

AGREED ORDER DOCKET NO. 2024-1059-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 GULF COAST CONCRETE AND SHELL, INC. (the "Respondent") under the authority of TEX. WATER CODE chs. 5, 7, and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owned and operated a concrete batch plant located at 4401 County Road 58 in Manvel, Brazoria 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 and 5.702 because it alleges violations of TEX. WATER CODE chs. 5 and 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 \$35,358 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$28,287 of the penalty and \$7,071 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 by February 7, 2023, the Respondent sold the Plant and discharges at the Plant were covered under a different permit beginning on April 17, 2024.

II. ALLEGATIONS

1. During a record review for the Plant conducted on March 13, 2024, an investigator documented that the Respondent 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 319.7(d) and Texas Pollutant Discharge Elimination System General Permit No. TXG112023, Part III Permit Requirements, Section A, No. 1; and Part IV Standard Permit Conditions No. 7.f. Specifically, the monthly conventional pollutants Discharge Monitoring Reports were not submitted for Outfalls 003 and 004 for the monitoring periods of June 2023 through December 2023 by the 20th day of the following month.
2. During a record review for the Plant conducted on June 21, 2024, an investigator documented that the Respondent failed to pay General Permits Wastewater fees and associated late fees and collection cost recovery fees for TCEQ Financial Administration Account No. 20503260, in violation of 30 TEX. ADMIN. CODE § 205.6 and TEX. WATER CODE § 5.702.

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: GULF COAST CONCRETE AND SHELL, INC., Docket No. 2024-1059-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, within 30 days after the effective date of this Order, submit payment for all outstanding assessed fees for TCEQ Financial Administration Account No. 20503260. The payment shall be sent to the address listed in Ordering Provision No. 1.
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.
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.
6. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
8. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

For the Executive Director

11/20/2024

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

Date

Faustino Ramirez

08/29/2024

Owner

Name (Printed or typed)

Title

Authorized Representative of

GULF COAST CONCRETE AND SHELL, INC.

☐ 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.