

Executive Summary – Enforcement Matter – Case No. 66423

Rock Solid Precast, LP

RN105288740

Docket No. 2024-1300-WQ-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

WQ

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

The Lake, 11393 Sleepy Hollow Road, Conroe, Montgomery County

Type of Operation:

Ready-mixed concrete facility

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: April 18, 2025

Comments Received: No

Penalty Information

Total Penalty Assessed: \$12,436

Amount Deferred for Expedited Settlement: \$2,487

Total Paid to General Revenue: \$9,949

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: April 26, 2024

Date(s) of NOE(s): July 3, 2024

Executive Summary – Enforcement Matter – Case No. 66423
Rock Solid Precast, LP
RN105288740
Docket No. 2024-1300-WQ-E

Violation Information

1. Failed to comply with permitted effluent limitations. Specifically, the Respondent exceeded the daily maximum concentration limit for total suspended solids of 65 milligrams per liter ("mg/L") with a result 176 mg/L during October 2023 and 120 mg/L during January 2024 at Outfall No. 002 [30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") General Permit No. TXG113338, Part III, Permit Requirements Section A.1].
2. Failed to collect and analyze effluent samples at the intervals specified in the permit. Specifically, the Respondent did not collect and analyze a pH sample at Outfall No. 002 for the month of October 2023 [30 TEX. ADMIN. CODE §§ 305.125(1) and 319.5(b) and TPDES General Permit No. TXG113338, Part III, Permit Requirements Section A.1].
3. Failed to collect and analyze effluent samples at the intervals specified in the permit. Specifically, the Respondent did not collect and analyze hazardous metals and whole effluent toxicity samples at Outfall No. 002 for the annual monitoring period ending December 31, 2023 [30 TEX. ADMIN. CODE §§ 305.125(1) and 319.5(b) and TPDES General Permit No. TXG113338, Part III, Permit Requirements Section A.2 and A.5].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

- a. By September 4, 2024, developed and implemented procedures and conducted employee training to ensure pH samples are collected and analyzed, in accordance with TPDES General Permit No. TXG113338, Part III, Permit Requirements Section A.1;
- b. By September 4, 2024, developed and implemented procedures and conducted employee training to ensure whole effluent toxicity samples are collected and analyzed in accordance with TPDES General Permit No. TXG113338, Part III, Permit Requirements Section A.5.;
- c. By July 19, 2024, submitted a discharge monitoring report ("DMR") containing properly collected and analyzed whole effluent toxicity sample results;
- d. By July 19, 2024, submitted a DMR containing properly collected and analyzed hazardous metals sample results; and
- e. By October 3, 2024, developed and implemented procedures and conducted employee training to ensure hazardous metals samples are collected and analyzed in accordance with TPDES General Permit No. TXG113338, Part III, Permit Requirements Section A.2.

Executive Summary – Enforcement Matter – Case No. 66423

Rock Solid Precast, LP

RN105288740

Docket No. 2024-1300-WQ-E

Technical Requirements:

The Order will require the Respondent to:

- a. Within 30 days, submit three consecutive months of DMRs containing properly collected and analyzed pH sample results;
- b. Within 45 days, submit written certification to demonstrate compliance with a.
- c. Within 130 days, submit written certification of compliance with the permitted effluent limitations of TPDES General Permit No. TXG113338 demonstrating at least three consecutive months of compliance with all permitted effluent limitations.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Harley Hobson, Enforcement Division, Enforcement Team 1, MC 219, (512) 239-1337; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Bryan Lynn Saunders, President/Owner, Rock Solid Precast, LP, 13602 Dovetail Glen Court, Suite 1100, Houston, Texas 77059

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	15-Jul-2024	Screening	17-Jul-2024	EPA Due	
	PCW	6-Feb-2025				

RESPONDENT/FACILITY INFORMATION

Respondent	Rock Solid Precast, LP
Reg. Ent. Ref. No.	RN105288740
Facility/Site Region	12-Houston
Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	66423	No. of Violations	3
Docket No.	2024-1300-WQ-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Harley Hobson
		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$11,250
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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	10.0%	Adjustment	Subtotals 2, 3, & 7	\$1,125
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Notes Enhancement for two months of self-reported effluent violations.

Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$250
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts \$926
Estimated Cost of Compliance \$5,375
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$12,125
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OTHER FACTORS AS JUSTICE MAY REQUIRE	2.6%	Adjustment	\$311
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes Recommended enhancement to capture the avoided cost of compliance associated with Violation Nos. 2 and 3.

Final Penalty Amount	\$12,436
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$12,436
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DEFERRAL	20.0%	Reduction	Adjustment	-\$2,487
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes Deferral offered for expedited settlement.

PAYABLE PENALTY	\$9,949
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Screening Date	17-Jul-2024	Docket No.	2024-1300-WQ-E	PCW
Respondent	Rock Solid Precast, LP			
Case ID No.	66423			
Reg. Ent. Reference No.	RN105288740			
Media	Water Quality			
Enf. Coordinator	Harley Hobson			

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>)	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) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for two months of self-reported effluent violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 10%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 10%

Screening Date	17-Jul-2024	Docket No.	2024-1300-WQ-E	PCW	
Respondent	Rock Solid Precast, LP			Policy Revision 5 (January 28, 2021)	
Case ID No.	66423			PCW Revision February 11, 2021	
Reg. Ent. Reference No.	RN105288740				
Media	Water Quality				
Enf. Coordinator	Harley Hobson				
Violation Number	1				
Rule Cite(s)	30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") General Permit No. TXG113338, Part III, Permit Requirements Section A.1				
Violation Description	Failed to comply with permitted effluent limitations. Specifically, the Respondent exceeded the daily maximum concentration limit for total suspended solids of 65 milligrams per liter ("mg/L") with a result 176 mg/L during October 2023 and 120 mg/L during January 2024 at Outfall No. 002.				
Base Penalty				\$25,000	
>> Environmental, Property and Human Health Matrix					
OR	Release	Major	Harm Moderate	Minor	
	Actual			x	
	Potential				
Percent				15.0%	
>>Programmatic Matrix					
	Falsification	Major	Moderate	Minor	
Percent				0.0%	
Matrix Notes	Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.				
Adjustment				\$21,250	
				\$3,750	
Violation Events					
Number of Violation Events		2	62	Number of violation days	
	daily				
	weekly				
	monthly				
	quarterly	x			
	semiannual				
	annual				
	single event				
Violation Base Penalty					\$7,500
Two quarterly events are recommended for the quarters containing the months of October 2023 and January 2024.					
Good Faith Efforts to Comply		0.0%	Reduction	\$0	
	Extraordinary		Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	
	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	\$612	Violation Final Penalty Total	\$8,462		
This violation Final Assessed Penalty (adjusted for limits)		\$8,462			

Economic Benefit Worksheet

Respondent Rock Solid Precast, LP
Case ID No. 66423
Reg. Ent. Reference No. RN105288740
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
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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)	\$5,000	31-Oct-2023	12-Apr-2026	2.45	\$612	n/a	\$612
Notes for DELAYED costs Estimated Other cost to determine the cause of noncompliance, make the necessary repairs/adjustments to the Facility, and achieve compliance with the permitted effluent limitations. The Date Required is the end date of the first month of noncompliance, 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	\$5,000	TOTAL	\$612
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Screening Date	17-Jul-2024		Docket No.	2024-1300-WQ-E		PCW	
Respondent	Rock Solid Precast, LP		Policy Revision 5 (January 28, 2021)				
Case ID No.	66423		PCW Revision February 11, 2021				
Reg. Ent. Reference No.	RN105288740						
Media	Water Quality						
Enf. Coordinator	Harley Hobson						
Violation Number	2						
Rule Cite(s)	30 Tex. Admin. Code §§ 305.125(1) and 319.5(b) and TPDES General Permit No. TXG113338, Part III, Permit Requirements Section A.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 a pH sample at Outfall No. 002 for the month of October 2023.						
			Base Penalty	\$25,000			
>> Environmental, Property and Human Health Matrix							
OR	Release	Harm	Major	Moderate	Minor		
	Actual						
	Potential		x			Percent	5.0%
>> Programmatic Matrix							
	Falsification	Major	Moderate	Minor			
					Percent	0.0%	
Matrix Notes	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	Number of violation days		31		
	daily						
	weekly						
	monthly						
	quarterly						
	semiannual						
	annual						
	single event	x					
			Violation Base Penalty	\$1,250			
One single event is recommended for the missed monthly monitoring period.							
Good Faith Efforts to Comply			0.0%	Reduction			
			\$0				
	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			\$313		Violation Final Penalty Total		
			\$1,410				
			This violation Final Assessed Penalty (adjusted for limits)				
			\$1,410				

Economic Benefit Worksheet

Respondent Rock Solid Precast, LP
Case ID No. 66423
Reg. Ent. Reference No. RN105288740
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	\$25	26-Apr-2024	17-Jan-2026	1.73	\$2	n/a	\$2
Training/Sampling				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 pH samples are collected and analyzed in accordance with permit requirements as demonstrated by three months of properly sampled effluent. 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	\$300	31-Oct-2023	17-Jul-2024	0.71	\$11	\$300	\$311
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs	Estimated avoided cost to collect and analyze effluent samples (\$100 for each sample missed). The Date Required is the initial date of noncompliance, and the Final Date is the screening date.						
Approx. Cost of Compliance	\$325			TOTAL		\$313	

Screening Date	17-Jul-2024	Docket No.	2024-1300-WQ-E	PCW	
Respondent	Rock Solid Precast, LP	Policy Revision 5 (January 28, 2021)			
Case ID No.	66423	PCW Revision February 11, 2021			
Reg. Ent. Reference No.	RN105288740				
Media	Water Quality				
Enf. Coordinator	Harley Hobson				
Violation Number	3				
Rule Cite(s)	30 Tex. Admin. Code §§ 305.125(1) and 319.5(b) and TPDES General Permit No. TXG113338, Part III, Permit Requirements Section A.2 and A.5				
Violation Description	Failed to collect and analyze effluent samples at the intervals specified in the permit. Specifically, the Respondent did not collect and analyze hazardous metals and whole effluent toxicity samples at Outfall No. 002 for the annual monitoring period ending December 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					
	Falsification	Major	Moderate	Minor	
Percent					0.0%
Matrix Notes	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		2	199	Number of violation days	
	daily				
	weekly				
	monthly				
	quarterly				
	semiannual				
	annual				
	single event		x		
Violation Base Penalty					\$2,500
Two single events are recommended, one for each sample type missed.					
Good Faith Efforts to Comply		10.0%	Reduction		\$250
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer			
	Extraordinary				
	Ordinary		X		
	N/A				
Notes	The Respondent achieved compliance by October 3, 2024.				
Violation Subtotal					\$2,250
Economic Benefit (EB) for this violation					Statutory Limit Test
Estimated EB Amount		\$1	Violation Final Penalty Total		\$2,564
This violation Final Assessed Penalty (adjusted for limits)					\$2,564

Economic Benefit Worksheet

Respondent Rock Solid Precast, LP
Case ID No. 66423
Reg. Ent. Reference No. RN105288740
Media Water Quality
Violation No. 3

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
Training/Sampling	\$25	26-Apr-2024	4-Sep-2024	0.36	\$0	n/a	\$0
Training/Sampling	\$25	26-Apr-2024	3-Oct-2024	0.44	\$1	n/a	\$1
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 whole effluent toxicity samples are collected and analyzed in accordance with permit requirements as demonstrated by submittal of one annual report showing samples were collected properly. The Date Required is the investigation date, and the Final Date is the date of compliance.

Estimated Training/Sampling cost to develop and implement procedures and conduct employee training to ensure hazardous metal samples are collected and analyzed in accordance with permit requirements as demonstrated by submittal of one annual report showing samples were collected properly. The Date Required is the investigation date, 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

Avoided cost captured in Economic Benefit No. 2.

Approx. Cost of Compliance

\$50

TOTAL

\$1



Compliance History Report

Compliance History Report for CN605203009, RN105288740, Rating Year 2024 which includes Compliance History (CH) components from September 1, 2019, through August 31, 2024.

Customer, Respondent, or Owner/Operator: CN605203009, Rock Solid Precast, LP

Classification: SATISFACTORY

Rating: 10.83

Regulated Entity: RN105288740, THE LAKE

Classification: SATISFACTORY

Rating: 2.00

Complexity Points: 4

Repeat Violator: NO

CH Group: 09 - Construction

Location: 11393 Sleepy Hollow Road, Conroe, Montgomery County, Texas

TCEQ Region: REGION 12 - HOUSTON

ID Number(s):

AIR NEW SOURCE PERMITS ACCOUNT NUMBER MQA010J

STORMWATER PERMIT TXR1570SN

WASTEWATER PERMIT TXG113338

Compliance History Period: September 01, 2019 to August 31, 2024

Rating Year: 2024

Rating Date: 09/01/2024

Date Compliance History Report Prepared: January 15, 2025

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: January 15, 2020 to January 15, 2025

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

Name: Harley Hobson

Phone: (512) 239-1337

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	August 07, 2023	(1929563)	Item 7	April 19, 2024	(1993364)
Item 2	September 06, 2023	(1929372)	Item 8	May 20, 2024	(1999806)
Item 3	October 16, 2023	(1949248)	Item 9	July 17, 2024	(2014311)
Item 4	December 20, 2023	(1964704)	Item 10	August 20, 2024	(2020144)
Item 5	January 24, 2024	(1971323)	Item 11	September 18, 2024	(2026916)
Item 6	March 20, 2024	(1986828)	Item 12	October 21, 2024	(2033056)

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: 01/31/2024 (1980331)

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

Date: 05/31/2024 (2006764)

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
ROCK SOLID PRECAST, LP
RN105288740

§ BEFORE THE
§ TEXAS COMMISSION ON
§ ENVIRONMENTAL QUALITY
§

AGREED ORDER DOCKET NO. 2024-1300-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 Rock Solid Precast, LP (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 ready-mixed concrete facility located at 11393 Sleepy Hollow Road in Conroe, Montgomery County, Texas (the "Facility"). The Facility 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 \$12,436 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$9,949 of the penalty and \$2,487 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order. The deferred amount shall be waived only upon full compliance with all the terms and conditions contained in this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms or requirements contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.
5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.

6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Facility:
 - a. By September 4, 2024, developed and implemented procedures and conducted employee training to ensure pH samples are collected and analyzed, in accordance with Texas Pollutant Discharge Elimination System ("TPDES") General Permit No. TXG113338, Part III, Permit Requirements Section A.1;
 - b. By September 4, 2024, developed and implemented procedures and conducted employee training to ensure whole effluent toxicity samples are collected and analyzed in accordance with TPDES General Permit No. TXG113338, Part III, Permit Requirements Section A.5.
 - c. By July 19, 2024, submitted a discharge monitoring report ("DMR") containing properly collected and analyzed whole effluent toxicity sample results.
 - d. By July 19, 2024, submitted a DMR containing properly collected and analyzed hazardous metals sample results.
 - e. By October 3, 2024, developed and implemented procedures and conducted employee training to ensure hazardous metals samples are collected and analyzed in accordance with TPDES General Permit No. TXG113338, Part III, Permit Requirements Section A.2.

II. ALLEGATIONS

During a record review for the Facility conducted on April 26, 2024, an investigator documented that the Respondent:

1. Failed to comply with permitted effluent limitations, in violation of 30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and TPDES General Permit No. TXG113338, Part III, Permit Requirements Section A.1. Specifically, the Respondent exceeded the daily maximum concentration limit for total suspended solids of 65 milligrams per liter ("mg/L") with a result 176 mg/L during October 2023 and 120 mg/L during January 2024 at Outfall No. 002.
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. TXG113338, Part III, Permit Requirements Section A.1. Specifically, the Respondent

did not collect and analyze a pH sample at Outfall No. 002 for the month of October 2023.

3. 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. TXG113338, Part III, Permit Requirements Section A.2 and A.5. Specifically, the Respondent did not collect and analyze hazardous metals and whole effluent toxicity samples at Outfall No. 002 for the annual monitoring period ending December 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: Rock Solid Precast, LP, Docket No. 2024-1300-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
 - a. Within 30 days after the effective date of this Order, submit three consecutive months of DMRs containing properly collected and analyzed pH sample results.
 - 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 No. 2.a, in accordance with Ordering Provision No. 2.c.
 - c. Within 130 days after the effective date of this Order, submit written certification of compliance with the permitted effluent limitations of TPDES General Permit No. TXG113338, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance. 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 Facility operations referenced in this Order.
5. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Enforcement Division at the address listed above.
6. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate

reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

8. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

For the Executive Director

5/15/2025

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

Name (Printed or typed)

Title

Authorized Representative of
Rock Solid Precast, LP

☐ 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.