

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 2
DOCKET NO.: 2007-0977-EAQ-E TCEQ ID: RN104796594 CASE NO.: 28312
RESPONDENT NAME: SUPERIOR STONE INC.

ORDER TYPE:		
<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: within the Edwards Aquifer recharge zone, at the eastern end of a 264.72 acre tract with a street address of 455 County Road 344, Jarrell, Bell County</p> <p>TYPE OF OPERATION: limestone cutting facility</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on November 12, 2007. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney: Ms. Kathleen Decker, Litigation Division, MC 175, (512) 239-6500 Ms. Jennifer Cook, Litigation Division, MC 175, (512) 239-1873 TCEQ Enforcement Coordinator: Mr. Jorge Ibarra, Air Enforcement Section, MC R-4, (817) 588-5890 TCEQ Regional Contact: Ms. Carolyn Runyon, Austin Regional Office, MC R-11, (512) 339-2929 Respondent: Mr. Fred Tillman, President, Superior Stone Inc., 7011 Bee Caves Road, Austin, Texas 78746 Respondent's Attorney: Not represented by counsel on this enforcement matter.</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation:</p> <p><input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input checked="" type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date of Complaints Relating to this Case: None</p> <p>Dates of Investigation Relating to this Case: May 4, 2007</p> <p>Date of NOE Relating to this Case: May 30, 2007</p> <p>Background Facts:</p> <p>An EDRP was filed on August 8, 2007. Settlement was achieved with the receipt of a signed Agreed Order on October 4, 2007.</p> <p>The Respondent in this case does not owe any other penalties according to the Administrative Penalty Database Report.</p> <p>EAQ:</p> <p>Failed to obtain approval for an Edwards Aquifer Protection Plan ("EAPP") for the above ground storage tanks ("AST") [30 TEX. ADMIN. CODE § 213.4(a)(1); TEX. WATER CODE § 7.051(a)(1)(b); Agreed Order No. 2006-0173-MLM-E, Ordering Provision No. 2.c.].</p>	<p>Total Assessed: \$13,200</p> <p>Total Deferred: \$0</p> <p>Total Paid/Due to General Revenue: \$2,200/\$11,000</p> <p>The Respondent has paid \$2,200 of the administrative penalty. The remaining \$11,000 of the administrative penalty shall be payable in 11 monthly payments of \$1,000 each.</p> <p>Site Compliance History Classification: <input type="checkbox"/> High <input type="checkbox"/> Average <input checked="" type="checkbox"/> Poor</p> <p>Person Compliance History Classification: <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p> <p>Findings Justification:</p> <p>This is a Findings Orders because the violation is a gross deviation from a standard of conduct common to a given industry defined as indifference to legal duty. The Respondent had the legal duty to abide by the terms of the prior Agreed Order which required it to obtain approval for an EAPP.</p>	<p>Technical Requirement(s):</p> <p>The Respondent shall:</p> <ol style="list-style-type: none"> 1) Within 30 days, submit an administratively complete EAPP for review and approval. 2) Respond completely and adequately to all TCEQ requests for additional information within 30 days of such request, or by any other deadline specified in writing. 3) Within 45 days, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 1.



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision March 19, 2007

TCEQ

DATES	Assigned	4-Jun-2007	Screening	14-Jun-2007	EPA Due	
	PCW	19-Jun-2007				

RESPONDENT/FACILITY INFORMATION	
Respondent	Superior Stone Inc.
Reg. Ent. Ref. No.	RN104796594
Facility/Site Region	11-Austin
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	28312	No. of Violations	1
Docket No.	2007-0977-EAQ-E	Order Type	Findings
Media Program(s)	Edwards Aquifer	Enf. Coordinator	Jorge Ibarra, P.E.
Multi-Media		EC's Team	EnforcementTeam 2
Admin. Penalty \$	Limit Minimum \$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$11,000
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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	20% Enhancement	Subtotals 2, 3, & 7	\$2,200
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Notes: The Respondent was issued a 1660 Agreed Order.

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

Good Faith Effort to Comply	0% Reduction	Subtotal 5	\$0
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	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes: The Respondent does not meet the good faith criteria.

	0% Enhancement*	Subtotal 6	\$0
Total EB Amounts	\$117	*Capped at the Total EB \$ Amount	
Approx. Cost of Compliance	\$1,500		

SUM OF SUBTOTALS 1-7	Final Subtotal	\$13,200
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OTHER FACTORS AS JUSTICE MAY REQUIRE	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes:

Final Penalty Amount	\$13,200
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$13,200
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DEFERRAL	0% Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$13,200
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Screening Date: 14-Jun-2007

Docket No. 2007-0977-EAQ-E

PCW

Respondent: Superior Stone Inc.

Policy Revision 2 (September 2002)

Case ID No. 28312

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN104796594

Media [Statute] Edwards Aquifer

Enf. Coordinator Jorge Ibarra, P.E.

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
	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 (number of judgements or consent decrees meeting criteria)	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 (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	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 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%

Please Enter Yes or No

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) 20%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

The Respondent was issued a 1660 Agreed Order.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 20%

Screening Date 14-Jun-2007

Docket No. 2007-0977-EAQ-E

PCW

Respondent Superior Stone Inc.

Policy Revision 2 (September 2002)

Case ID No. 28312

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN104796594

Media [Statute] Edwards Aquifer

Enf. Coordinator Jorge Ibarra, P.E.

Violation Number 1

Rule Cite(s) Agreed Order Docket no. 2006-0173-MLM-E, Ordering Provision No. 2.c., 30 Tex. Admin. Code § 213.4(a)(1), and Tex. Water Code § 7.051(a)(1)(b)

Violation Description Failed to obtain approval for an Edwards Aquifer Protection Plan ("EAPP") for the above ground storage tank ("AST").

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 11

335 Number of violation days

mark only one with an x

daily	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$11,000

Eleven monthly events are recommended based on the effective date of the order, July 14, 2006, to the screening date, June 14, 2007.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$117

Violation Final Penalty Total \$13,200

This violation Final Assessed Penalty (adjusted for limits) \$13,200

Compliance History

Customer/Respondent/Owner-Operator:	CN602807927 Superior Stone Inc.	Classification: AVERAGE	Rating: 23.13
Regulated Entity:	RN104796594 SUPERIOR STONE COUNTY ROAD 344	Classification: POOR	Site Rating: 85.00
ID Number(s):			
Location:	455 COUNTY ROAD 344, JARRELL, TX, 76537	Rating Date: September 01 06	Repeat Violator: NO
TCEQ Region:	REGION 11 - AUSTIN		
Date Compliance History Prepared:	June 05, 2007		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	June 05, 2002 to June 05, 2007		

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Jorge Ibarra, P.E. Phone: (817) 588-5890

Site Compliance History Components

- | | |
|--|------------|
| 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 of the site during the compliance period? | No |
| 3. If Yes, who is the current owner? | <u>N/A</u> |
| 4. If Yes, who was/were the prior owner(s)? | <u>N/A</u> |
| 5. When did the change(s) in ownership occur? | <u>N/A</u> |

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
- | | |
|--|----------------------------|
| Effective Date: 07/14/2006 | ADMINORDER 2006-0173-MLM-E |
| Classification: Moderate | |
| Citation: 30 TAC Chapter 281, SubChapter A 281.25(a)(4)
40 CFR Chapter 122, SubChapter D, PT 122, SubPT B 122.26(c) | |
| Description: Failed to obtain authorization to discharge storm water associated with stone cutting activities to waters in the state through the Multi-Sector Industrial General Permit issued under the Texas Pollutant Discharge Elimination System. | |
| Classification: Major | |
| Citation: 30 TAC Chapter 213, SubChapter A 213.4(a)(1) | |
| Description: Failed to submit an Edwards Aquifer Protection Plan ("EAPP") for Commission approval prior to conducting regulated activities on the Edwards Aquifer Recharge Zone. | |
| Classification: Moderate | |
| Citation: 30 TAC Chapter 335, SubChapter A 335.4[G]
TWC Chapter 26 26.121(c) | |
| Description: Failed to prevent an unauthorized discharge of industrial waste into or adjacent to any water in the state. | |
- B. Any criminal convictions of the state of Texas and the federal government.
N/A
- C. Chronic excessive emissions events.
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
- | | | |
|---|------------|----------|
| 1 | 02/02/2006 | (438616) |
| 2 | 05/31/2007 | (559601) |
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
- 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
AGAINST
SUPERIOR STONE INC.;
RN104796594

§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2007-0977-EAQ-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Superior Stone Inc. ("Superior") under the authority of TEX. WATER CODE chs. 7 and 26; and 30 TEX. ADMIN. CODE ch. 213. The Executive Director of the TCEQ, represented by the Litigation Division, and Superior presented this agreement to the Commission.

Superior understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, Superior agrees to waive all notice and procedural rights.

It is further understood and agreed that this Agreed Order represents the complete and fully-integrated agreement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon Superior.

The Commission makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. Superior operates a limestone cutting facility that is located within the Edwards Aquifer recharge zone, at the eastern end of a 264.72 acre tract with a street address of 455 County Road 344 in Jarrell, Bell County, Texas (the "Site").
2. The Site is regulated under the Edwards Aquifer rules and is not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission.

3. During an inspection conducted on May 4, 2007, a TCEQ Austin Regional Office investigator documented that Superior failed to obtain Commission approval for an Edwards Aquifer Protection Plan ("EAPP") for above ground storage tanks (ASTs).
4. Superior received notice of the violation on or about June 4, 2007.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact Nos. 1 and 2, Superior is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE §§ 7.002 and 7.051 and ch. 26; and rules of the Commission.
2. As evidenced by Finding of Fact No. 3, Superior failed to obtain Commission approval for an Edwards Aquifer Protection Plan ("EAPP") for above ground storage tanks (ASTs), in violation of 30 TEX. ADMIN. CODE § 213.4(a)(1); TEX. WATER CODE § 7.051(a)(1)(b); and TCEQ Agreed Order No. 2006-0173-MLM-E, Ordering Provision No. 2.c.
3. Pursuant to TEX. WATER CODE § 7.051 the Commission has the authority to assess an administrative penalty against Superior for violations of the Texas Water Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
4. An administrative penalty in the amount of thirteen thousand two hundred dollars (\$13,200.00) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE §7.053. Superior has paid two thousand two hundred dollars (\$2,200.00) of the administrative penalty. The remaining amount of eleven thousand dollars (\$11,000.00) of the administrative penalty shall be payable in eleven monthly payments of one thousand dollars (\$1,000.00) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If Superior fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, including the payment schedule, the Executive Director may, at his option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of Superior to meet the payment schedule of this Agreed Order constitutes the failure of Superior to timely and satisfactorily comply with all of the terms of this Agreed Order.

ORDERING PROVISIONS

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

1. Superior is assessed an administrative penalty in the amount of thirteen thousand two hundred dollars (\$13,200.00) as set for in Conclusion of Law No. 4 for violations of TCEQ rules and state statutes. The payment of the administrative penalty and Superior's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "Texas Commission on Environmental Quality" and be sent with the notation "Re: Superior Stone Inc.; Docket No. 2007-0977-EAQ-E" to:

Financial Administration Division, Revenues
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. Superior shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, Superior shall submit an administratively complete EAPP for review and approval in accordance with 30 TEX. ADMIN. CODE § 213.4(a)(1) to:

Edwards Aquifer Section, Manager
Austin Regional Office
Texas Commission on Environmental Quality
1921 Cedar Bend Drive, Suite A150
Austin, Texas 78758-5336
 - b. Superior shall respond completely and adequately to all TCEQ requests for additional information within 30 days of such requests, or by any other deadline specified in writing.
 - c. Within 45 days after the effective date of this Agreed Order, Superior shall submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.

The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Ms. Carolyn Runyon
Water Section Manager
Austin Regional Office
Texas Commission on Environmental Quality
1921 Cedar Bend Drive, Suite A150
Austin, Texas 78758-5327

3. The provisions of this Agreed Order shall apply to and be binding upon Superior. Superior is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Site operations referenced in this Agreed Order.
4. If Superior fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Superior's failure to comply is not a violation of this Agreed Order. Superior shall have the burden of establishing to the Executive Director's

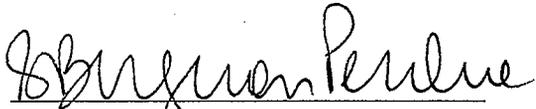
satisfaction that such an event has occurred. Superior shall notify the Executive Director within seven days after Superior becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Superior shall be made in writing to the Executive Director. Extensions are not effective until Superior receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Superior if the Executive Director determines that Superior has not complied with one or more of the terms or conditions in this Agreed Order.
7. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
8. This Agreed Order, issued by the Commission, shall not be admissible against Superior in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed 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.
9. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
10. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. Pursuant to 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date of this Agreed Order is the date of hand-delivery of the Order to Superior, or three days after the date on which the Commission mails notice of the Order to Superior, whichever is earlier.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

10/10/07

Date

I, the undersigned, have read and understand the attached Agreed Order. I represent that I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, 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 Superior's failure to comply with the Ordering Provisions, if any, in this order and/or Superior's failure to timely pay the penalty amount, may result in:

- A negative impact on Superior's compliance history;
- Greater scrutiny of any permit applications submitted by Superior;
- Referral of this case to the Attorney General's office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions against Superior;
- Automatic referral to the Attorney General's Office of any future enforcement actions against Superior; and
- TCEQ seeking other relief as authorized by law.

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



Signature

9-5-07

Date

Fred Tillman

Name (Printed or typed)

pres

Title

Authorized Representative of
Superior Stone Inc.