

Order Type:
Agreed Order

Media:
AIR

Small Business:
Yes

Location(s) Where Violation(s) Occurred:
2251 Silver Creek Road, Fort Worth, Tarrant County (the "Plant")

Type of Operation:
composting facility

Other Significant Matters:
Additional Pending Enforcement Actions: None
Past-Due Penalties: None
Past-Due Fees: None
Other: None
Interested Third Parties: None

Texas Register Publication Date: May 13, 2022

Comments Received: None

Penalty Information

Total Penalty Assessed: \$10,350

Total Paid to General Revenue: \$10,350

Compliance History Classifications:
Person/CN - HIGH
Site/RN - HIGH

Major Source: No

Statutory Limit Adjustment: None

Applicable Penalty Policy: April 2014

Investigation Information

Complaint Date(s): See below

Complaint Information:

Complainants alleged a putrid garbage and raw sewage odor coming from the Plant, stating that it interfered with the normal use and enjoyment of their property and caused health effects such as headaches, eye irritation, stuffy nose, and respiratory irritation. 18 complaints were received:

September 10, 2019	Incident No. 324023
September 16, 2019	Incident Nos. 324026 and 324027
September 22, 2019	Incident No. 324028
September 24, 2019	Incident Nos. 324029 and 324030
October 4, 2019	Incident No. 324031
October 7, 2019	Incident No. 324032
October 16, 2019	Incident No. 324035

October 17, 2019	Incident No. 324037
October 18, 2019	Incident No. 324038
October 21, 2019	Incident No. 324039
October 22, 2019	Incident No. 324040
October 23, 2019	Incident No. 324042
November 1, 2019	Incident Nos. 324043, 324187, and 324186
November 14, 2019	Incident No. 325076

Date(s) of Investigation: September 25, 2019, through November 19, 2019
Date(s) of NOV(s): July 12, 2019
Date(s) of NOE(s): November 19, 2019

Violation Information

Failed to prevent nuisance odor conditions. Specifically, investigators conducted off-site odor surveys at complainants' sites or equal distance on October 4, October 10, and October 11, 2019, and they detected nuisance odor conditions as follows: light to moderate and offensive garbage and decaying compost odors on October 4, 2019; moderate and offensive garbage and decaying compost odors on October 10, 2019; and moderate to strong and offensive garbage and decaying compost odors on October 11, 2019 [TEX. HEALTH & SAFETY CODE § 382.085(a) and (b) and 30 TEX. ADMIN. CODE § 101.4].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

None

Technical Requirements:

1. Within 30 days, implement measures and/or procedures designed to minimize odors from the Plant from causing nuisance odor conditions.
2. Within 45 days, submit written certification to demonstrate compliance.

Litigation Information

Date Petition(s) Filed: February 22, 2021; November 15, 2021
Date Answer(s) Filed: March 11, 2021; December 2, 2021
SOAH Referral Date: January 28, 2022
Hearing Date(s):
 Preliminary hearing: March 24, 2022 (Waived)
 Evidentiary hearing: July 21, 2022 (Scheduled)
Settlement Date: April 15, 2022

Contact Information

TCEQ Attorneys: Jess Robinson, Litigation Division, (512) 239-3400
Pranjal Mehta, Public Interest Counsel, (512) 239-6363

TCEQ Litigation Agenda Coordinator: Katherine McKenzie, Litigation Division, (512) 239-2575

TCEQ Enforcement Coordinator: Johnnie Wu, Enforcement Division, (512) 239-2524

TCEQ Regional Contact: Kimberli Fowler, Dallas-Fort Worth Regional Office, (817) 588-5800

Respondent Contact: Robert Dow, President, SILVER CREEK MATERIALS, INC., 6904 Hazeltine Drive,
Fort Worth, Texas 76132

Respondent's Attorney: Ali Abazari, Jackson Walker LLP, 100 Congress Avenue, Suite 1100, Austin,
Texas 78701

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Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

DATES	Assigned	2-Dec-2019	Screening	5-Dec-2019	EPA Due	
	PCW	5-Feb-2021				

RESPONDENT/FACILITY INFORMATION

Respondent	SILVER CREEK MATERIALS, INC.				
Reg. Ent. Ref. No.	RN100628304				
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Minor		

CASE INFORMATION

Enf./Case ID No.	58675	No. of Violations	1
Docket No.	2019-1736-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Johnnie Wu
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$11,250**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **-8.0%** Adjustment **Subtotals 2, 3, & 7** **-\$900**

Notes: Enhancement for one NOV with same/similar violations. Reduction for one notice of intent to conduct an audit, one disclosure of violations, and 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: \$2,079
 Estimated Cost of Compliance: \$20,000
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$10,350**

OTHER FACTORS AS JUSTICE MAY REQUIRE **0.0%** Adjustment **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount **\$10,350**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$10,350**

DEFERRAL **0.0%** Reduction Adjustment **\$0**

Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

Deferral not offered for non-expedited settlement.

PAYABLE PENALTY **\$10,350**

Screening Date 5-Dec-2019

Docket No. 2019-1736-AIR-E

PCW

Respondent SILVER CREEK MATERIALS, INC.

Policy Revision 4 (April 2014)

Case ID No. 58675

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100628304

Media Air

Enf. Coordinator Johnnie Wu

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	1	5%
	Other written NOVs	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>)	1	-1%
	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>)	1	-2%
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) 2%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

High Performer

Adjustment Percentage (Subtotal 7) -10%

>> Compliance History Summary

Compliance History Notes

Enhancement for one NOV with same/similar violations. Reduction for one notice of intent to conduct an audit, one disclosure of violations, and High Performer classification.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) -8%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% -8%

Screening Date 5-Dec-2019

Docket No. 2019-1736-AIR-E

PCW

Respondent SILVER CREEK MATERIALS, INC.

Policy Revision 4 (April 2014)

Case ID No. 58675

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100628304

Media Air

Enf. Coordinator Johnnie Wu

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 101.4 and Tex. Health & Safety Code § 382.085(a) and (b)

Violation Description Failed to prevent nuisance odor conditions. Specifically, investigators conducted off-site odor surveys at complainants' sites or equal distance on October 4, 10, and 11, 2019, and they detected nuisance odor conditions as follows: light to moderate and offensive garbage and decaying compost odors on October 4, 2019; moderate and offensive garbage and decaying compost odors on October 10, 2019; and moderate to strong and offensive garbage and decaying compost odors on October 11, 2019.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual		x		15.0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent

Human health or the environment has been exposed to significant amounts of pollutants as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 3 Number of violation days 3

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$11,250

Three single events are recommended for each day an odor was detected that contributed to the documented nuisance odor conditions.

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 \$11,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2,079 Violation Final Penalty Total \$10,350

This violation Final Assessed Penalty (adjusted for limits) \$10,350

Economic Benefit Worksheet

Respondent SILVER CREEK MATERIALS, INC.
Case ID No. 58675
Reg. Ent. Reference No. RN100628304
Media Air
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)	\$20,000	4-Oct-2019	1-Nov-2021	2.08	\$2,079	n/a	\$2,079

Notes for DELAYED costs

Estimated cost to implement measures and/or procedures designed to minimize odors from the Site from causing nuisance odor conditions. The Date Required is the first date an odor was detected and the Final Date is the estimated compliance date.

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

\$20,000

TOTAL

\$2,079



Compliance History Report

Compliance History Report for CN600337141, RN100628304, Rating Year 2019 which includes Compliance History (CH) components from September 1, 2014, through August 31, 2019.

Customer, Respondent, or Owner/Operator: CN600337141, Silver Creek Materials, Inc. **Classification:** HIGH **Rating:** 0.00

Regulated Entity: RN100628304, SILVER CREEK MATERIALS **Classification:** HIGH **Rating:** 0.00

Complexity Points: 11 **Repeat Violator:** NO

CH Group: 05 - Chemical Manufacturing

Location: 2251 SILVER CREEK RD NEAR FORT WORTH, TX 76108-9710, TARRANT COUNTY

TCEQ Region: REGION 04 - DFW METROPLEX

ID Number(s):

MUNICIPAL SOLID WASTE PROCESSING REGISTRATION
100036

AIR QUALITY NON PERMITTED ACCOUNT NUMBER TA3345N

AIR NEW SOURCE PERMITS REGISTRATION 86997

TIRES REGISTRATION 6079554

PETROLEUM STORAGE TANK REGISTRATION REGISTRATION
60048

MUNICIPAL SOLID WASTE PROCESSING REGISTRATION
47057

AIR NEW SOURCE PERMITS ACCOUNT NUMBER TA3345H

AIR NEW SOURCE PERMITS REGISTRATION 100058

STORMWATER PERMIT TXR05N615

AGGREGATES REGISTRATION AP0000857

Compliance History Period: September 01, 2014 to August 31, 2019 **Rating Year:** 2019 **Rating Date:** 09/01/2019

Date Compliance History Report Prepared: December 05, 2019

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: December 05, 2014 to December 05, 2019

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

Name: Johnnie Wu

Phone: (512) 239-2524

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1	March 07, 2017	(1384269)
Item 2	July 28, 2017	(1416930)

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: 07/12/2019 (1579301)
Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.4
5C THSC Chapter 382 382.085(b)
Description: Failure to refrain from discharging from any source whatsoever one or more air contaminants or combinations thereof, in such concentration and of such duration as are or may tend to be injurious to or to adversely affect human health or welfare, animal life, vegetation, or property, or as to interfere with the normal use and enjoyment of animal life, vegetation, or property.

F. Environmental audits:

Notice of Intent Date: 09/04/2015 (1280662)

Disclosure Date: 10/22/2015

Viol. Classification: Moderate

Citation: 30 TAC Chapter 328, SubChapter A 328.4(b)

30 TAC Chapter 328, SubChapter A 328.5(f)

30 TAC Chapter 332, SubChapter A 332.3(d)

30 TAC Chapter 332, SubChapter A 332.4(5)

Description: Failure to main adequate records of the amount of material being accumulated on site, amounts of materials being recycled ina six-month period, records of indicentals received per load, and annual average.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 328, SubChapter A 328.4(b)

30 TAC Chapter 328, SubChapter A 328.5(b)

30 TAC Chapter 332, SubChapter A 332.3(d)

30 TAC Chapter 332, SubChapter A 332.4(5)

Description: Failure to comply with TCEQ Notice of Intent representations regarding the amount of recycling/composting materials accepted and stored on site.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 328, SubChapter A 328.5(c)

30 TAC Chapter 328, SubChapter A 328.5(d)

30 TAC Chapter 332, SubChapter A 332.3(d)

30 TAC Chapter 332, SubChapter A 332.4(5)

Description: Failure to ensure adequate closure cost estimates for financial assurance based on representations of the volume of recycling/composting material accepted and stored onsite.

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
SILVER CREEK MATERIALS, INC.;
RN100628304

§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER

DOCKET NO. 2019-1736-AIR-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding SILVER CREEK MATERIALS, INC. ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, represented by the Litigation Division, and Respondent, represented by Ali Abazari of the law firm Jackson Walker LLP, together stipulate that:

1. Respondent owns and operates a composting facility located at 2251 Silver Creek Road near Fort Worth, Tarrant County, Texas (the "Plant"). The Plant consists or consisted of one or more sources, as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
2. The Executive Director and Respondent agree the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that Respondent is subject to the TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 382 and 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 Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of ten thousand three hundred fifty dollars (\$10,350.00) is assessed by the Commission in settlement of the violations alleged in Section II. Respondent paid ten thousand three hundred fifty dollars (\$10,350.00) of the penalty.
5. The Executive Director and Respondent agree on a settlement of the matters addressed in this Order, 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 Respondent has not complied with one or more of the terms or conditions contained 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 full compliance with all the terms and conditions set forth in this Order, whichever is later.

II. ALLEGATIONS

During an investigation beginning around September 25, 2019, investigators documented that Respondent failed to prevent nuisance odor conditions, in violation of TEX. HEALTH & SAFETY CODE § 382.085(a) and (b) and 30 TEX. ADMIN. CODE § 101.4. Specifically, investigators conducted off-site odor surveys at complainants' sites or equal distance on October 4, October 10, and October 11, 2019, and they detected nuisance odor conditions as follows: light to moderate and offensive garbage and decaying compost odors on October 4, 2019; moderate and offensive garbage and decaying compost odors on October 10, 2019; and moderate to strong and offensive garbage and decaying compost odors on October 11, 2019.

III. DENIALS

Respondent generally denies the Allegation in Section II.

IV. ORDERING PROVISIONS

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

1. Respondent is assessed an administrative penalty as set forth in Section I, Paragraph 4. The payment of this penalty and 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 actions or penalties for violations not raised here.
2. Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Order, implement measures and/or procedures designed to minimize odors from the Plant from causing nuisance odor conditions.
 - b. Within 45 days after the effective date of this Order, submit written certification to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be accompanied by detailed supporting documentation, including photographs, receipts, and/or other records, shall be signed by 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 based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the submitted information is true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The written certification and supporting documentation necessary to demonstrate compliance with these Ordering Provisions shall be sent to:

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

and:

Air Section Manager
Dallas-Fort Worth Regional Office
Texas Commission on Environmental Quality
2309 Gravel Drive
Fort Worth, Texas 76118-6951

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 Respondent. Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Plant operations referenced in this Order.
5. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by Respondent shall be made in writing to the Executive Director. Extensions are not effective until 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 Order Compliance Team at the address listed above.
6. If Respondent fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Respondent's failure to comply is not a violation of this Order. Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Respondent shall notify the Executive Director within seven days after Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
7. This Order, issued by the Commission, shall not be admissible against 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 TCEQ's jurisdiction or of a rule adopted or an order or permit issued by the TCEQ under such a statute.
8. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
9. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

Erin E. Chanallop

05/23/22

For the Executive Director

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 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;
- 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;
- Automatic referral to the Attorney General's office of any future enforcement actions; and
- The TCEQ seeking other relief as authorized by law.

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

Robert Dow

Signature - Robert Dow, President
SILVER CREEK MATERIALS, INC.
6904 Hazeltine Drive
Fort Worth, Texas 76132

4/15/2022

Date

If mailing address has changed, please check this box and provide the new address below:
