

Executive Summary – Enforcement Matter – Case No. 59072
Alleyton Resource Company, LLC
RN102576683
Docket No. 2020-0390-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Plant 4, 9210 Farm-to-Market Road 723, Richmond, Fort Bend 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 25, 2022

Comments Received: No

Penalty Information

Total Penalty Assessed: \$7,563

Amount Deferred for Expedited Settlement: \$1,512

Total Paid to General Revenue: \$6,051

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications:

Person/CN - High

Site/RN - Unclassified

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: September 5, 2019

Date(s) of NOE(s): February 28, 2020

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Alleyton Resource Company, LLC
RN102576683
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Violation Information

1. Failed to maintain a copy of each Permit-by-Rule ("PBR") under which the facility is operating and failed to maintain records containing sufficient information to demonstrate compliance with all applicable general requirements and PBR conditions. Specifically, on September 5, 2019, the Respondent was requested to provide a copy of each authorization for which the Plant was authorized to be constructed and operated and on September 5, 2019, the Respondent was requested to provide records demonstrating the duct emissions at the batch drop point are controlled by a shroud or other pickup device delivering a minimum of 4,000 actual cubic feet per minute ("acfm") of air to a fabric filter with automatic air cleaning and a 7.0 feet per minute ("ft/min") maximum filtering velocity, but no documents were provided [30 TEX. ADMIN. CODE §§ 106.8(c)(1) and (c)(2)(B) and 106.13, PBR Registration No. 41236, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
2. Failed to sprinkle all stockpiles with water and/or dust-suppressant chemicals as necessary to achieve maximum control of dust emissions. Specifically, on September 5, 2019, TCEQ staff observed that the sand, rock, and limestone stockpiles were not equipped with a stockpile sprinkler system [30 TEX. ADMIN. CODE §§ 106.13 and 106.201(1), PBR Registration No. 41236, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
3. Failed to submit an initial notification for a reportable emissions event no later than 24 hours after the discovery of an emissions event. Specifically, the Respondent had an emissions event that began on August 19, 2019 and ended on September 5, 2019, but the initial notification for the emissions event was not submitted [30 TEX. ADMIN. CODE § 101.201(a)(1)(B) and TEX. HEALTH & SAFETY CODE § 382.085(b)].
4. Failed to maintain all emissions control equipment in good condition and operated properly during operation of the facility. Specifically, on September 5, 2019, TCEQ staff observed visible emissions at the top of the cement silo and the Plant was being operated while two of the six fabric filters in the cement silo baghouse had holes in them [30 TEX. ADMIN. CODE §§ 106.4(c) and 106.13, PBR Registration No. 41236, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

On September 5, 2019, the Respondent replaced the six fabric filters in the cement silo baghouse.

Technical Requirements:

The Order will require the Respondent to:

- a. Within 30 days:

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- i. Begin maintaining a copy of PBR Registration No. 41236 and records demonstrating that the duct emissions at the batch drop point are controlled by a shroud or other pickup device delivering a minimum of 4,000 acfm of air to a fabric filter with automatic air cleaning and a 7.0 ft/min maximum filtering velocity;
 - ii. Install a stockpile sprinkler system to sprinkle all stockpiles with water and/or dust suppressant chemicals as necessary to achieve maximum control of dust emissions; and
 - iii. Submit the initial notification for the emissions event that began on August 19, 2019.
- b. Within 45 days, submit written certification to demonstrate compliance with a.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Yuliya Dunaway, Enforcement Division, Enforcement Team 2, MC R-13, (210) 403-4077; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Brad Bowman, Vice-President, Alleyton Resource Company, LLC, 1550 Wynkoop Street, 3rd Floor, Denver, Colorado 80202

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

DATES	Assigned	5-Mar-2020	Screening	6-Mar-2020	EPA Due	
	PCW	10-Jul-2020				

RESPONDENT/FACILITY INFORMATION	
Respondent	Alleyton Resource Company, LLC
Reg. Ent. Ref. No.	RN102576683
Facility/Site Region	12-Houston
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	59072	No. of Violations	4
Docket No.	2020-0390-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Yuliya Dunaway
		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$8,750
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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	-\$875
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Notes	Reduction for High Performer classification.
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Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes	The Respondent does not meet the culpability criteria.
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Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$312
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$2,099	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$27,750	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$7,563
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	
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Final Penalty Amount	\$7,563
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$7,563
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DEFERRAL	20.0%	Reduction	Adjustment	-\$1,512
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes	Deferral offered for expedited settlement.
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PAYABLE PENALTY	\$6,051
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Screening Date 6-Mar-2020

Docket No. 2020-0390-AIR-E

PCW

Respondent Alleyton Resource Company, LLC

Policy Revision 4 (April 2014)

Case ID No. 59072

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102576683

Media Air

Enf. Coordinator Yuliya Dunaway

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 0%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

High Performer

Adjustment Percentage (Subtotal 7) -10%

>> Compliance History Summary

Compliance History Notes

Reduction for High Performer classification.

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

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% -10%

Screening Date 6-Mar-2020 **Docket No.** 2020-0390-AIR-E **PCW**
Respondent Alleyton Resource Company, LLC *Policy Revision 4 (April 2014)*
Case ID No. 59072 *PCW Revision March 26, 2014*
Reg. Ent. Reference No. RN102576683
Media Air
Enf. Coordinator Yuliya Dunaway

Violation Number 1
Rule Cite(s) 30 Tex. Admin. Code §§ 106.8(c)(1) and (c)(2)(B) and 106.13, Permit by Rule ("PBR") Registration No. 41236, and Tex. Health & Safety Code § 382.085(b)
Violation Description Failed to maintain a copy of each PBR under which the facility is operating and failed to maintain records containing sufficient information to demonstrate compliance with all applicable general requirements and PBR conditions. Specifically, on September 5, 2019, the Respondent was requested to provide a copy of each authorization for which the Plant was authorized to be constructed and operated and on September 5, 2019, the Respondent was requested to provide records demonstrating the duct emissions at the batch drop point are controlled by a shroud or other pickup device delivering a minimum of 4,000 actual cubic feet per minute ("acfm") of air to a fabric filter with automatic air cleaning and a 7.0 feet per minute ("ft/min") maximum filtering velocity, but no documents were provided.
Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
		x			5.0%
100% of the rule requirements were not met.					
Adjustment					\$23,750

Adjustment \$23,750 **Subtotal** \$1,250

Violation Events

Number of Violation Events: 2 Number of violation days: 183

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$2,500

Two single events are recommended (one event for each missing record).

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 \$2,500

Economic Benefit (EB) for this violation **Statutory Limit Test**
 Estimated EB Amount \$106 Violation Final Penalty Total \$2,250
This violation Final Assessed Penalty (adjusted for limits) \$2,250

Economic Benefit Worksheet

Respondent Alleyton Resource Company, LLC
Case ID No. 59072
Reg. Ent. Reference No. RN102576683
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	\$1,500	5-Sep-2019	1-Feb-2021	1.41	\$106	n/a	\$106
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

Estimated cost to begin maintaining a copy of PBR Registration No. 41236 at the Plant and records demonstrating that the duct emissions at the batch drop point are controlled by a shroud or other pickup device delivering a minimum of 4,000 acfm of air to a fabric filter with automatic air cleaning and a 7.0 ft/min maximum filtering velocity. The Date Required is the first day the authorizations and records were requested 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

\$1,500

TOTAL

\$106

Screening Date 6-Mar-2020
Respondent Alleyton Resource Company, LLC
Case ID No. 59072
Reg. Ent. Reference No. RN102576683
Media Air
Enf. Coordinator Yuliya Dunaway

Docket No. 2020-0390-AIR-E

PCW

Policy Revision 4 (April 2014)
PCW Revision March 26, 2014

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 106.13 and 106.201(1), PBR Registration No. 41236, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to sprinkle all stockpiles with water and/or dust-suppressant chemicals as necessary to achieve maximum control of dust emissions. Specifically, on September 5, 2019, TCEQ staff observed that the sand, rock, and limestone stockpiles were not equipped with a stockpile sprinkler system.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				5.0%
	Potential		x		

>> 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 3 183 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$3,750

Three quarterly events are recommended from the September 5, 2019 investigation date to the March 6, 2020 screening date.

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 \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,975

Violation Final Penalty Total \$3,375

This violation Final Assessed Penalty (adjusted for limits) \$3,375

Economic Benefit Worksheet

Respondent Alleyton Resource Company, LLC
Case ID No. 59072
Reg. Ent. Reference No. RN102576683
Media Air
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
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Delayed Costs

Equipment	\$20,000	5-Sep-2019	1-Feb-2021	1.41	\$94	\$1,881	\$1,975
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 Estimated cost to install a stockpile sprinkler system to sprinkle all stockpiles at the Plant with water and/or dust suppressant chemicals as necessary to achieve maximum control of dust emissions. The Date Required is the date of the investigation 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 \$20,000

TOTAL \$1,975

Screening Date 6-Mar-2020
Respondent Alleyton Resource Company, LLC
Case ID No. 59072
Reg. Ent. Reference No. RN102576683
Media Air
Enf. Coordinator Yuliya Dunaway

Docket No. 2020-0390-AIR-E

PCW

Policy Revision 4 (April 2014)
PCW Revision March 26, 2014

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 101.201(a)(1)(B) and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to submit an initial notification for a reportable emissions event no later than 24 hours after the discovery of an emissions event. Specifically, the Respondent had an emissions event that began on August 19, 2019 and ended on September 5, 2019, but the initial notification for the emissions event was not submitted.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
		x			5.0%

Matrix Notes 100% of the rule requirement was not met.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1 183 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$1,250

One single event is recommended.

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 \$1,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$18

Violation Final Penalty Total \$1,125

This violation Final Assessed Penalty (adjusted for limits) \$1,125

Economic Benefit Worksheet

Respondent Alleyton Resource Company, LLC
Case ID No. 59072
Reg. Ent. Reference No. RN102576683
Media Air
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
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)	\$250	19-Aug-2019	1-Feb-2021	1.46	\$18	n/a	\$18

Notes for DELAYED costs

Estimated costs to submit the initial notification for the emissions event that began on August 19, 2019.
 The Date Required is the date the emission event began 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

\$250

TOTAL

\$18

Screening Date 6-Mar-2020
Respondent Alleyton Resource Company, LLC
Case ID No. 59072
Reg. Ent. Reference No. RN102576683
Media Air
Enf. Coordinator Yuliya Dunaway

Docket No. 2020-0390-AIR-E

PCW

Policy Revision 4 (April 2014)
PCW Revision March 26, 2014

Violation Number 4

Rule Cite(s)
30 Tex. Admin. Code §§ 106.4(c) and 106.13, PBR Registration No. 41236, and Tex. Health & Safety Code § 382.085(b)

Violation Description
Failed to maintain all emissions control equipment in good condition and operated properly during operation of the facility. Specifically, on September 5, 2019, TCEQ staff observed visible emissions at the top of the cement silo and the Plant was being operated while two of the six fabric filters in the cement silo baghouse had holes in them.

Base Penalty \$25,000

>> **Environmental, Property and Human Health Matrix**

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual			X	5.0%
	Potential				

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes

Human health or the environment will or could be exposed to insignificant 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 1 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$1,250

One single event is recommended for the day of the observation.

Good Faith Efforts to Comply

25.0%

Reduction \$312

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		

Notes: The Respondent completed the corrective action on September 5, 2019, prior to the Notice of Enforcement dated February 28, 2020.

Violation Subtotal \$938

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$813

This violation Final Assessed Penalty (adjusted for limits) \$813

Economic Benefit Worksheet

Respondent Alleyton Resource Company, LLC
Case ID No. 59072
Reg. Ent. Reference No. RN102576683
Media Air
Violation No. 4

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	\$6,000	5-Sep-2019	5-Sep-2019	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

Estimated cost to replace the six fabric filters in the cement silo baghouse. 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

Approx. Cost of Compliance

\$6,000

TOTAL

\$0



Compliance History Report

Compliance History Report for CN604538801, RN102576683, Rating Year 2019 which includes Compliance History (CH) components from September 1, 2014, through August 31, 2019.

Customer, Respondent, or Owner/Operator:	CN604538801, Alleyton Resource Company, LLC	Classification: HIGH	Rating: 0.03
Regulated Entity:	RN102576683, PLANT 4	Classification: UNCLASSIFIED	Rating: -----
Complexity Points:	5	Repeat Violator:	NO
CH Group:	14 - Other		
Location:	9210 FM 723, RICHMOND, FORT BEND COUNTY, TX		
TCEQ Region:	REGION 12 - HOUSTON		
ID Number(s):	AIR NEW SOURCE PERMITS REGISTRATION 41236 AIR NEW SOURCE PERMITS ACCOUNT NUMBER FG0343R		
Compliance History Period:	September 01, 2014 to August 31, 2019	Rating Year: 2019	Rating Date: 09/01/2019
Date Compliance History Report Prepared:	July 10, 2020		
Agency Decision Requiring Compliance History:	Enforcement		
Component Period Selected:	July 10, 2015 to July 10, 2020		
TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.			
Name:	Yuliya Dunaway	Phone:	(210) 403-4077

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? YES
- 3) Who is the current owner/operator? Alleyton Resource Company, LLC OWNER OPERATOR since 1/1/2015
Alcomat, Inc. OWNER OPERATOR since 1/9/2013
- 4) Who was/were the prior owner(s)/operator(s)? Alcomat, LLC, OWNER OPERATOR, 1/17/2014 to 12/31/2014

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.):

N/A

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

N/A

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
ALLEYTON RESOURCE
COMPANY, LLC
RN102576683**

§
§
§
§
§
§

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2020-0390-AIR-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 Alleyton Resource Company, LLC (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a concrete batch plant located at 9210 Farm-to-Market Road 723 in Richmond, Fort Bend 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 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. HEALTH & SAFETY CODE ch. 382 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 \$7,563 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$6,051 of the penalty and \$1,512 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 on September 5, 2019, the Respondent replaced the six fabric filters in the cement silo baghouse.

II. ALLEGATIONS

During an investigation conducted on September 5, 2019, an investigator documented that the Respondent:

1. Failed to maintain a copy of each Permit-by-Rule ("PBR") under which the facility is operating and failed to maintain records containing sufficient information to demonstrate compliance with all applicable general requirements and PBR conditions, in violation of 30 TEX. ADMIN. CODE §§ 106.8(c)(1) and (c)(2)(B) and 106.13, PBR Registration No. 41236, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, on September 5, 2019, the Respondent was requested to provide a copy of each authorization for which the Plant was authorized to be constructed and operated and on September 5, 2019, the Respondent was requested to provide records demonstrating the duct emissions at the batch drop point are controlled by a shroud or other pickup device delivering a minimum of 4,000 actual cubic feet per minute ("acfm") of air to a fabric filter with automatic air cleaning and a 7.0 feet per minute ("ft/min") maximum filtering velocity, but no documents were provided.
2. Failed to sprinkle all stockpiles with water and/or dust-suppressant chemicals as necessary to achieve maximum control of dust emissions, in violation of 30 TEX. ADMIN. CODE §§ 106.13 and 106.201(1), PBR Registration No. 41236, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, on September 5, 2019, TCEQ staff observed that the sand, rock, and limestone stockpiles were not equipped with a stockpile sprinkler system.
3. Failed to submit an initial notification for a reportable emissions event no later than 24 hours after the discovery of an emissions event, in violation of 30 TEX. ADMIN. CODE § 101.201(a)(1)(B) and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent had an emissions event that began on August 19, 2019 and ended on September 5, 2019, but the initial notification for the emissions event was not submitted.

4. Failed to maintain all emissions control equipment in good condition and operated properly during operation of the facility, in violation of 30 TEX. ADMIN. CODE §§ 106.4(c) and 106.13, PBR Registration No. 41236, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, on September 5, 2019, TCEQ staff observed visible emissions at the top of the cement silo and the Plant was being operated while two of the six fabric filters in the cement silo baghouse had holes in them.

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: Alleyton Resource Company, LLC, Docket No. 2020-0390-AIR-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 undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Order:
 - i. Begin maintaining a copy of PBR Registration No. 41236 at the Plant and records demonstrating that the duct emissions at the batch drop point are controlled by a shroud or other pickup device delivering a minimum of 4,000 acfm of air to a fabric filter with automatic air cleaning and a 7.0 ft/min maximum filtering velocity;
 - ii. Install a stockpile sprinkler system to sprinkle all stockpiles at the Plant with water and/or dust suppressant chemicals as necessary to achieve maximum control of dust emissions; and
 - iii. Submit the initial notification for the emissions event that began on August 19, 2019.
 - 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. 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:

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

with a copy to:

Air 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 Plant operations referenced in this Order.
5. If the 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, the Respondent's failure to comply is not a violation of this Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the 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 Order Compliance Team at the address listed above.


7. 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.
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



12/12/2022

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, 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 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
- TCEQ seeking other relief as authorized by law.

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



Signature

10/31/22

Date

BRAD BOWMAN

Name (Printed or typed)
Authorized Representative of
Alleyton Resource Company, LLC

VP

Title

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

Instructions: Send the original, signed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Ordering Provision 1 of this Order.