

**Executive Summary – Enforcement Matter – Case No. 60791**

**Centex Materials LLC**

**RN102190592**

**Docket No. 2021-0669-MLM-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

MLM – EAQ, WQ

**Small Business:**

Yes

**Location(s) Where Violation(s) Occurred:**

Buda Plant Quarry, 1100 Jack C Hays Trail, Buda, Hays County

**Type of Operation:**

Aggregate production operation

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** December 8, 2023

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$23,580

**Amount Deferred for Expedited Settlement:** \$4,716

**Total Paid to General Revenue:** \$18,864

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - Satisfactory

**Major Source:** EAQ: Yes; WQ: No

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** January 2021

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** March 23, 2021

**Date(s) of NOE(s):** April 30, 2021

**Executive Summary – Enforcement Matter – Case No. 60791**

**Centex Materials LLC**

**RN102190592**

**Docket No. 2021-0669-MLM-E**

***Violation Information***

1. Failed to obtain approval of a modification to an approved aboveground storage tank ("AST") System Facility Plan prior to commencing a regulated activity over the Edwards Aquifer Recharge Zone. Specifically, one-1,000 gallon AST was installed without prior approval [30 TEX. ADMIN. CODE § 213.4(j)(6) and Edwards Aquifer Protection Plan No. 11001536].
2. Failed to conduct annual comprehensive compliance evaluations at the Site and assess the effectiveness of the stormwater pollution prevention plan ("SWP3") [30 TEX. ADMIN. CODE § 305.125(1) and Texas Pollutant Discharge Elimination System ("TPDES") General Permit No. TXR05DB38, Part III, Section B.5].
3. Failed to conduct annual effluent limitations monitoring by December 31<sup>st</sup> each year and submit the report to the TCEQ by March 31<sup>st</sup> of the following year [30 TEX. ADMIN. CODE § 305.125(1) and TPDES General Permit No. TXR05DB38, Part III, Section E.6(a)(1) and (2)].
4. Failed to conduct benchmark monitoring for discharges from regulated industrial activities once every six months [30 TEX. ADMIN. CODE § 305.125(1) and TPDES General Permit No. TXR05DB38, Part IV, Section A.1 and B].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

The Respondent removed the AST from service by May 24, 2021.

**Technical Requirements:**

The Order will require the Respondent to:

- a. Within the permit year in effect upon the effective date of this Order, conduct the required annual comprehensive evaluation at the Site, and assess the effectiveness of the SWP3;
- b. Throughout the first twelve-month period (January through December or July through June) that begins immediately after the effective date of this Order, collect the required benchmark monitoring samples at each outfall on a semiannual basis and ensure that the samples are analyzed;
- c. Throughout the permit year that begins immediately after the effective date of this Order, conduct the required annual effluent limitations monitoring and submit the report to the TCEQ by March 31<sup>st</sup> of the following year;

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**Centex Materials LLC**

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**Docket No. 2021-0669-MLM-E**

- d. Within 30 days, develop and implement procedures to ensure all monitoring and inspection requirements are completed;
- e. Within 45 days, submit written certification to demonstrate compliance with d.
- f. Within 380 days, submit written certification to demonstrate compliance with a. and b.
- g. Within 485 days, submit written certification to demonstrate compliance with c.

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Taylor Williamson, Enforcement Division, Enforcement Team 1, MC R-12, (512) 239-2097; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

**Respondent:** Michael Haack, President, Centex Materials LLC, 3019 Alvin Devane Boulevard, Building 1, Suite 100, Austin, Texas 78741-7419

J. Seay, Vice President of Operations, Centex Materials LLC, 3019 Alvin Devane Boulevard, Building 1, Suite 100, Austin, Texas 78741-7419

**Respondent's Attorney:** Chris Pepper, Rigby Slack Lawrence Berger Akinc Pepper + Comerford, PLLC, 3500 Jefferson Street, Suite 330, Austin, Texas 78731



# Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

<b>DATES</b>	<b>Assigned</b>	3-May-2021	<b>Screening</b>	10-May-2021	<b>EPA Due</b>	
	<b>PCW</b>	22-Jun-2021				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Centex Materials LLC
<b>Reg. Ent. Ref. No.</b>	RN102190592
<b>Facility/Site Region</b>	11-Austin
<b>Major/Minor Source</b>	Major

<b>CASE INFORMATION</b>				
<b>Enf./Case ID No.</b>	60791	<b>No. of Violations</b>	1	
<b>Docket No.</b>	2021-0669-MLM-E	<b>Order Type</b>	1660	
<b>Media Program(s)</b>	Edwards Aquifer	<b>Government/Non-Profit</b>	No	
<b>Multi-Media</b>	Water Quality	<b>Enf. Coordinator</b>	Taylor Williamson	
		<b>EC's Team</b>	Enforcement Team 1	
<b>Admin. Penalty \$</b>	<b>Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$10,000
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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.

<b>Compliance History</b>	37.0% Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	\$3,700
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Notes: Enhancement for two orders containing a denial of liability. Reduction for one notice of an intended audit and one disclosure of violations.

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

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	-\$1,000
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts: \$16  
 Estimated Cost of Compliance: \$650  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$12,700
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0% Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	\$12,700
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$12,700
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<b>DEFERRAL</b>	20.0% Reduction Adjustment	-\$2,540
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	\$10,160
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Screening Date 10-May-2021

Docket No. 2021-0669-MLM-E

PCW

Respondent Centex Materials LLC

Policy Revision 5 (January 28, 2021)

Case ID No. 60791

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN102190592

Media Edwards Aquifer

Enf. Coordinator Taylor Williamson

### 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> )	2	40%
	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) 37%

#### >> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

#### >> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

#### >> Compliance History Summary

Compliance History Notes

Enhancement for two orders containing a denial of liability. Reduction for one notice of an intended audit and one disclosure of violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 37%

#### >> Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% 37%

Screening Date 10-May-2021

Docket No. 2021-0669-MLM-E

PCW

Respondent Centex Materials LLC

Policy Revision 5 (January 28, 2021)

Case ID No. 60791

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN102190592

Media Edwards Aquifer

Enf. Coordinator Taylor Williamson

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 213.4(j)(6) and Edwards Aquifer Protection Plan No. 11001536

Violation Description Failed to obtain approval of a modification to an approved Aboveground Storage Tank ("AST") System Facility Plan prior to commencing a regulated activity over the Edwards Aquifer Recharge Zone. Specifically, one-1,000 gallon AST was installed without prior approval.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), Percent (0.0%). Includes 'OR' label.

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, Percent (20.0%).

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$20,000

\$5,000

Violation Events

Number of Violation Events 2 Number of violation days 48

Table with frequency categories: daily, weekly, monthly (marked with 'x'), quarterly, semiannual, annual, single event.

Violation Base Penalty \$10,000

Two monthly events are recommended from the March 23, 2021 record review date to the May 10, 2021 screening date.

Good Faith Efforts to Comply

10.0%

Reduction \$1,000

Table with columns: Before NOE/NOV, NOE/NOV to EDPRP/Settlement Offer. Rows: Extraordinary, Ordinary (marked with 'x'), N/A.

Notes The Respondent achieved compliance by May 24, 2021.

Violation Subtotal \$9,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$11

Violation Final Penalty Total \$12,700

This violation Final Assessed Penalty (adjusted for limits) \$12,700

# Economic Benefit Worksheet

**Respondent** Centex Materials LLC  
**Case ID No.** 60791  
**Reg. Ent. Reference No.** RN102190592  
**Media** Edwards Aquifer  
**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	\$5
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	\$650	23-Mar-2021	24-May-2021	0.17	\$6	n/a	\$6
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs** Estimated Permit cost to prepare, submit, and obtain approval of a modification to an Edwards Aquifer AST System Facility Plan. The Date Required is the record review date and the Final Date is the 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 \$650

**TOTAL** \$11



# Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

<b>DATES</b>	<b>Assigned</b>	3-May-2021	<b>Screening</b>	10-May-2021	<b>EPA Due</b>	
	<b>PCW</b>	1-Dec-2021				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Centex Materials LLC
<b>Reg. Ent. Ref. No.</b>	RN102190592
<b>Facility/Site Region</b>	11-Austin
<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>				
<b>Enf./Case ID No.</b>	60791	<b>No. of Violations</b>	3	
<b>Docket No.</b>	2021-0669-MLM-E	<b>Order Type</b>	1660	
<b>Media Program(s)</b>	Water Quality	<b>Government/Non-Profit</b>	No	
<b>Multi-Media</b>	Edwards Aquifer	<b>Enf. Coordinator</b>	Taylor Williamson	
		<b>EC's Team</b>	Enforcement Team 1	
<b>Admin. Penalty \$</b>	<b>Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$7,500
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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.

<b>Compliance History</b>	37.0% Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	\$2,775
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<b>Notes</b>	Enhancement for two orders containing a denial of liability. Reduction for one notice of an intended audit and one disclosure of violations.
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<b>Culpability</b>	No	0.0% Enhancement	<b>Subtotal 4</b>	\$0
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<b>Notes</b>	The Respondent does not meet the culpability criteria.
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<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$0
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts	\$659	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$1,350	

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$10,275
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	5.9%	<b>Adjustment</b>	\$605
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Reduces or enhances the Final Subtotal by the indicated percentage.

<b>Notes</b>	Recommended enhancement to capture the avoided cost of compliance associated with Violation Nos. 1, 2, and 3.
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<b>Final Penalty Amount</b>	\$10,880
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$10,880
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<b>DEFERRAL</b>	20.0%	Reduction	<b>Adjustment</b>	-\$2,176
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Reduces the Final Assessed Penalty by the indicated percentage.

<b>Notes</b>	Deferral offered for expedited settlement.
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<b>PAYABLE PENALTY</b>	\$8,704
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Screening Date 10-May-2021

Docket No. 2021-0669-MLM-E

PCW

Respondent Centex Materials LLC

Policy Revision 5 (January 28, 2021)

Case ID No. 60791

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN102190592

Media Water Quality

Enf. Coordinator Taylor Williamson

### 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> )	2	40%
	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) 37%

#### >> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

#### >> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

#### >> Compliance History Summary

Compliance History Notes

Enhancement for two orders containing a denial of liability. Reduction for one notice of an intended audit and one disclosure of violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 37%

#### >> Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% 37%

**Screening Date** 10-May-2021  
**Respondent** Centex Materials LLC  
**Case ID No.** 60791  
**Reg. Ent. Reference No.** RN102190592  
**Media** Water Quality  
**Enf. Coordinator** Taylor Williamson

**Docket No.** 2021-0669-MLM-E

**PCW**

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

**Violation Number** 1

**Rule Cite(s)** 30 Tex. Admin. Code § 305.125(1) and Texas Pollutant Discharge Elimination System "TPDES" General Permit No. TXR05DB38, Part III, Section B.5

**Violation Description** Failed to conduct annual comprehensive compliance evaluations at the Site and assess the effectiveness of the stormwater pollution prevention plan ("SWP3").

**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 1      48 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	x
single event	

**Violation Base Penalty** \$1,250

One annual 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** \$301

**Violation Final Penalty Total** \$1,813

**This violation Final Assessed Penalty (adjusted for limits)** \$1,813

# Economic Benefit Worksheet

**Respondent** Centex Materials LLC  
**Case ID No.** 60791  
**Reg. Ent. Reference No.** RN102190592  
**Media** Water Quality  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$5
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	\$750	23-Mar-2021	29-May-2022	1.18	\$44	n/a	\$44
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs** Estimated Training/Sampling cost to develop and implement procedures to ensure all monitoring and inspection requirements are completed. The Date Required is the record review date, and the Final Date is the estimated date of compliance.

### Avoided Costs

#### ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs	\$250	23-Mar-2021	10-May-2021	0.13	\$2	\$250	\$252
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs** Estimated avoided cost to conduct annual comprehensive compliance evaluations at the Site and assess the effectiveness of the SWP3. The Date Required is the record review date, and the Final Date is the screening date.

Approx. Cost of Compliance \$1,000

**TOTAL** \$301

**Screening Date** 10-May-2021 **Docket No.** 2021-0669-MLM-E **PCW**  
**Respondent** Centex Materials LLC *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 60791 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN102190592  
**Media** Water Quality  
**Enf. Coordinator** Taylor Williamson

**Violation Number** 2  
**Rule Cite(s)** 30 Tex. Admin. Code § 305.125(1) and TPDES General Permit No. TXR05DB38, Part III, Section E.6(a)(1) and (2)  
**Violation Description** Failed to conduct annual effluent limitations monitoring by December 31st each year and submit the report to the TCEQ by March 31st of the following year.

**Base Penalty** \$25,000

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

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

**>> Programmatic Matrix**

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
					0.0%
Human health or the environment will or could be exposed to significant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.					

**Adjustment** \$23,750

\$1,250

**Violation Events**

Number of Violation Events 1 48 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** \$106 **Violation Final Penalty Total** \$1,813

**This violation Final Assessed Penalty (adjusted for limits)** \$1,813

## Economic Benefit Worksheet

**Respondent** Centex Materials LLC  
**Case ID No.** 60791  
**Reg. Ent. Reference No.** RN102190592  
**Media** Water Quality  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$5
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

Economic Benefit included in Violation No. 1.

### 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	\$100	23-Mar-2021	10-May-2021	0.13	\$1	\$100	\$101
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated avoided cost to conduct annual effluent limitations monitoring and submit the report to the TCEQ. The Date Required is the record review date, and the Final Date is the screening date.

Approx. Cost of Compliance

\$100

**TOTAL**

\$106

**Screening Date** 10-May-2021 **Docket No.** 2021-0669-MLM-E **PCW**  
**Respondent** Centex Materials LLC *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 60791 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN102190592  
**Media** Water Quality  
**Enf. Coordinator** Taylor Williamson

**Violation Number** 3  
**Rule Cite(s)** 30 Tex. Admin. Code § 305.125(1) and TPDES General Permit No. TXR05DB38, Part IV, Section A.1 and B  
**Violation Description** Failed to conduct benchmark monitoring for discharges from regulated industrial activities once every six months.

**Base Penalty** \$25,000

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

OR		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual				<b>Percent</b> 5.0%
Potential		x			

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
					<b>Percent</b> 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 4 48 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	x
annual	
single event	

**Violation Base Penalty** \$5,000

Four semiannual events are recommended (one semiannual event per outfall).

**Good Faith Efforts to Comply** 0.0% Reduction \$0

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

**Notes** The Respondent does not meet the good faith criteria for this violation.

**Violation Subtotal** \$5,000

**Economic Benefit (EB) for this violation** **Statutory Limit Test**

**Estimated EB Amount** \$252 **Violation Final Penalty Total** \$7,253

**This violation Final Assessed Penalty (adjusted for limits)** \$7,253

## Economic Benefit Worksheet

**Respondent** Centex Materials LLC  
**Case ID No.** 60791  
**Reg. Ent. Reference No.** RN102190592  
**Media** Water Quality  
**Violation No.** 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
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

Economic Benefit included in Violation No. 1.

### 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	\$250	23-Mar-2021	10-May-2021	0.13	\$2	\$250	\$252
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated avoided costs to conduct semiannual benchmark monitoring at each outfall. The Date Required is the record review date, and the Final Date is the screening date.

Approx. Cost of Compliance \$250

**TOTAL** \$252

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



# Compliance History Report

Compliance History Report for CN600397434, RN102190592, Rating Year 2020 which includes Compliance History (CH) components from September 1, 2015, through August 31, 2020.

**Customer, Respondent, or Owner/Operator:** CN600397434, Centex Materials LLC **Classification:** SATISFACTORY **Rating:** 5.16

**Regulated Entity:** RN102190592, BUDA PLANT QUARRY **Classification:** SATISFACTORY **Rating:** 9.82

**Complexity Points:** 10 **Repeat Violator:** NO

**CH Group:** 04 - Mining

**Location:** 1100 Jack C Hays Trail, Buda, Hays County, Texas

**TCEQ Region:** REGION 11 - AUSTIN

## ID Number(s):

**AGGREGATE PRODUCTION OPERATION REGISTRATION**  
AP0002405

**AIR NEW SOURCE PERMITS PERMIT 3720**

**AIR NEW SOURCE PERMITS ACCOUNT NUMBER HK0006L**

**AIR NEW SOURCE PERMITS REGISTRATION 10196**

**AIR NEW SOURCE PERMITS REGISTRATION 10798**

**AIR NEW SOURCE PERMITS REGISTRATION 30836**

**AIR NEW SOURCE PERMITS REGISTRATION 96668**

**AIR NEW SOURCE PERMITS AFS NUM 4820901742**

**PETROLEUM STORAGE TANK REGISTRATION**

**PETROLEUM STORAGE TANK REGISTRATION**

REGISTRATION 57264

REGISTRATION 85320

**EDWARDS AQUIFER PERMIT 1105050302**

**EDWARDS AQUIFER PERMIT 11-06062903**

**EDWARDS AQUIFER PERMIT 11001536**

**STORMWATER PERMIT TXR05DB38**

**AIR EMISSIONS INVENTORY ACCOUNT NUMBER HK0006L**

**TAX RELIEF ID NUMBER 18812**

**Compliance History Period:** September 01, 2015 to August 31, 2020 **Rating Year:** 2020 **Rating Date:** 09/01/2020

**Date Compliance History Report Prepared:** May 10, 2021

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** May 10, 2016 to May 10, 2021

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

**Name:** Steven Van Landingham

**Phone:** (512) 239-5717

## 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:

1 Effective Date: 09/11/2017 ADMINORDER 2015-1606-WQ-E (1660 Order-Agreed Order With Denial)

Classification: Major

Citation: 30 TAC Chapter 342, SubChapter B 342.25(d)

Description: Failed to renew the APO registration annually.

2 Effective Date: 01/28/2020 ADMINORDER 2019-1044-EAQ-E (1660 Order-Agreed Order With Denial)

Classification: Major

Citation: 30 TAC Chapter 213, SubChapter A 213.4(a)(1)

Description: Failed to obtain approval of an Edwards Aquifer Protection Plan prior to commencing a regulated activity over the Edwards Aquifer Recharge Zone. Specifically, the Respondent installed a 15,000-gallon aboveground petroleum storage tank without approval of an AST Facility Plan.

### 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 29, 2019 (1552869)

### 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:**

**Notice of Intent Date:** 04/11/2018 (1505410)

Disclosure Date: 07/16/2018

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: PERMIT SC No. 8

Description: Failure to install water spray bars at the inlet and outlet of all crushers and shaker screens and at all material transfer points.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: PERMIT GC No. 7

Description: Failure to maintain a copy of the NSR Permit on-site.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: PERMIT SC No. 17

Description: Failure to perform quarterly visible emissions observations.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: PERMIT SC No. 12

Description: Failure to mark equipment authorized by the NSR Permit.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter A 106.8(c)

Description: Failure to maintain a copy of each PBR used to authorize an emission unit and the applicable general conditions of 30 TAC 106.4 in effect at the time of the authorization.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT 000 60.676(a)

Description: Failure to submit notification to the TCEQ when a VSI crusher replaced a roll crusher in 2002 and when a gravel screen was replaced in 2005.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT 000 60.671

Description: Failure to document NSPS applicability and compliance for equipment at the site. Specifically, crusher, screening operations, and belt conveyors constructed after August 31, 1983 are subject to NSPS Subpart 000 emissions standards.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: PERMIT TPDES General Permit No. TXG050000

Description: Failure to file DMRs for all outfalls for all reporting periods, including periods when there is no discharge for an outfall.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to conduct an annual review of the Storm Water Pollution Prevention Plan.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to conduct and document annual Storm Water Pollution Prevention Training.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11

Description: Failure to develop a waste inventory or document waste determinations.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11

Description: Failure to maintain records of the halogen content for used oil shipped offsite.

## **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  
CENTEX MATERIALS LLC  
RN102190592

§  
§  
§  
§  
§

BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

## AGREED ORDER DOCKET NO. 2021-0669-MLM-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 Centex Materials LLC (the "Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent, represented by Mr. Chris Pepper of the law firm of Rigby Slack Lawrence Berger Akinc Pepper + Comerford, PLLC, together stipulate that:

1. The Respondent owns and operates an aggregate production operation located at 1100 Jack C Hays Trail in Buda, Hays County, Texas (the "Site"). The Site is near or adjacent to water in the state as defined in TEX. WATER CODE § 26.001(5).
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. WATER CODE ch. 26 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$23,580 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$18,864 of the penalty and \$4,716 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order. The deferred amount shall be waived only upon full compliance with all the terms and conditions contained in this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms or requirements contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.
5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.

6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that the Respondent removed the Aboveground Storage Tank ("AST") from service by May 24, 2021.

## **II. ALLEGATIONS**

During a record review conducted for the Site on March 23, 2021, an investigator documented that the Respondent:

1. Failed to obtain approval of a modification to an approved AST System Facility Plan prior to commencing a regulated activity over the Edwards Aquifer Recharge Zone, in violation of 30 TEX. ADMIN. CODE § 213.4(j)(6) and Edwards Aquifer Protection Plan No. 11001536. Specifically, one-1,000 gallon AST was installed without prior approval.
2. Failed to conduct annual comprehensive compliance evaluations at the Site and assess the effectiveness of the stormwater pollution prevention plan ("SWP3"), in violation of 30 TEX. ADMIN. CODE § 305.125(1) and Texas Pollutant Discharge Elimination System "TPDES" General Permit No. TXR05DB38, Part III, Section B.5.
3. Failed to conduct annual effluent limitations monitoring by December 31<sup>st</sup> each year and submit the report to the TCEQ by March 31<sup>st</sup> of the following year, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TPDES General Permit No. TXR05DB38, Part III, Section E.6(a)(1) and (2).
4. Failed to conduct benchmark monitoring for discharges from regulated industrial activities once every six months, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TPDES General Permit No. TXR05DB38, Part IV, Section A.1 and B.

## **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: Centex Materials LLC, Docket No. 2021-0669-MLM-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 the permit year in effect upon the effective date of this Order, conduct the required annual comprehensive evaluation at the Site, and assess the effectiveness of the SWP3, in accordance with the requirements of TPDES General Permit No. TXR05DB38.
  - b. Throughout the first twelve-month period (January through December or July through June) that begins immediately after the effective date of this Order, collect the required benchmark monitoring samples at each outfall on a semiannual basis and ensure that the samples are analyzed, in accordance with the requirements of TPDES General Permit No. TXR05DB38.
  - c. Throughout the permit year that begins immediately after the effective date of this Order, conduct the required annual effluent limitations monitoring, and submit the report to the TCEQ by March 31<sup>st</sup> of the following year.
  - d. Within 30 days after the effective date of this Order, develop and implement procedures to ensure all monitoring and inspection requirements are completed, in accordance with the requirements of TPDES General Permit No. TXR05DB38.
  - e. Within 45 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.g below to demonstrate compliance with Ordering Provision No. 2.d.
  - f. Within 380 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.g below to demonstrate compliance with Ordering Provision Nos. 2.a and 2.b.
  - g. Within 485 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.c. The certification shall be signed by the Respondent and shall include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false

information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

Water Section Manager  
Austin Regional Office  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

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 Site 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 Enforcement Division 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.

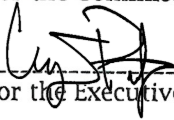
9. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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For the Commission

-----  
Date

  
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12/22/2023  
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For the Executive Director

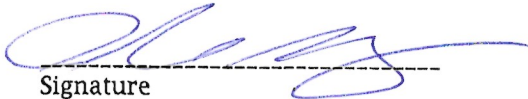
Date

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.

  
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Signature

11/8/23  
-----

Date

J. Seay  
-----

U. P. Operations  
-----

Name (Printed or typed)  
Authorized Representative of  
Centex Materials LLC

Title

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

Centex Materials  
3019 Alvin Deane Blvd.  
Bldg 1 STE 100  
Austin, TX 78747

**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.