

**Nortex RediMix, LLC**  
**RN109942433**  
**Docket No. 2021-1029-AIR-E**

**Order Type:**  
 Agreed Order

**Media:**  
 AIR

**Small Business:**  
 Yes

**Location(s) Where Violation(s) Occurred:**  
 10850 Luna Road, Dallas, Dallas County (the “Plant”)

**Type of Operation:**  
 concrete batch plant

**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:** July 21, 2023

**Comments Received:** None

**Penalty Information**

**Total Penalty Assessed:** \$27,500

**Total Paid to General Revenue:** \$27,500

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

**Compliance History Classifications:**

Person/CN - Satisfactory  
 Site/RN - High

**Major Source:** No

**Statutory Limit Adjustment:** None

**Applicable Penalty Policy:** January 28, 2021

**Investigation Information**

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

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

**Date(s) of NOV(s):** N/A

**Date(s) of NOE(s):** June 11, 2021

**Nortex RediMix, LLC**  
RN109942433  
Docket No. 2021-1029-AIR-E

**Violation Information**

Failed to maintain written records sufficient to demonstrate applicability of and compliance with the standard permit, [TEX. HEALTH & SAFETY CODE § 382.085(b), 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(E) and (c) and 116.615(8), Standard Permit Registration No. 148415, and Amendments to the Air Quality Standard Permit for Concrete Batch Plants, Special Conditions No. (3)(J)].

**Corrective Actions/Technical Requirements**

**Corrective Action(s) Completed:**

None

**Technical Requirements:**

1. Immediately begin maintaining the records on-site for a rolling 24-month period for emissions events; scheduled maintenance, startup, and shutdown activities; production rates for each hour and day of operation; all repairs and maintenance of abatement systems; material safety data sheets for all additives and other chemicals used at the site; road cleaning, application of road dust control, or road maintenance for dust control; stockpile dust suppression; silo warning device or shut-off system tests; quarterly visible emissions observations and any corrective actions required to control excess visible emissions; demonstration of compliance with the additional applicable requirements for stationary compression ignition internal combustion engines; and type of fuel used to power engines authorized by the permit.
2. Within 45 days submit written certification to demonstrate compliance with Technical Requirement No. 1.

**Litigation Information**

**Date Petition(s) Filed:** January 30, 2023  
**Date(s) of Service:** February 23, 2023  
**Settlement Date:** May 25, 2023

**Contact Information**

**TCEQ Attorneys:** Katherine Keithley, Litigation Division, (512) 239-3400  
Sheldon Wayne, Public Interest Counsel, (512) 239-6363

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

**TCEQ Enforcement Coordinator:** Yuliya Dunaway, Enforcement Division, (210) 403-4077

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

**Respondent Contact:** Eric Poynor, Nortex RediMix, LLC, 10850 Luna Road, Dallas, Texas 75220  
Zachary Weir, Manager, Nortex RediMix, LLC, P.O. Box 542404, Dallas, Texas  
7554-2404

**Respondent's Attorney:** N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

<b>DATES</b>	<b>Assigned</b>	3-Aug-2021	<b>Screening</b>	4-Aug-2021	<b>EPA Due</b>	
	<b>PCW</b>	28-Jun-2022				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Nortex RediMix, LLC
<b>Reg. Ent. Ref. No.</b>	RN109942433
<b>Facility/Site Region</b>	4-Dallas/Fort Worth
<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	61137	<b>No. of Violations</b>	1
<b>Docket No.</b>	2021-1029-AIR-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Air	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Yuliya Dunaway
		<b>EC's Team</b>	Enforcement Team 4
<b>Admin. Penalty \$ 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>	\$27,500
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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>	0.0% Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	\$0
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Notes: No adjustment for compliance history.

<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>	\$0
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts: \$120  
 Estimated Cost of Compliance: \$1,500  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$27,500
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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>	\$27,500
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$27,500
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<b>DEFERRAL</b>	Reduction Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral not offered for non-expedited settlement.

<b>PAYABLE PENALTY</b>	\$27,500
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**Screening Date** 4-Aug-2021

**Docket No.** 2021-1029-AIR-E

**PCW**

**Respondent** Nortex RediMix, LLC

Policy Revision 5 (January 28, 2021)

**Case ID No.** 61137

PCW Revision February 11, 2021

**Reg. Ent. Reference No.** RN109942433

**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)**

Satisfactory Performer

**Adjustment Percentage (Subtotal 7)** 0%

**>> Compliance History Summary**

**Compliance History Notes**

No adjustment for compliance history.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 0%

**>> Final Compliance History Adjustment**

**Final Adjustment Percentage \*capped at 100%** 0%

**Screening Date** 4-Aug-2021 **Docket No.** 2021-1029-AIR-E **PCW**  
**Respondent** Nortex RediMix, LLC *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 61137 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN109942433  
**Media** Air  
**Enf. Coordinator** Yuliya Dunaway

**Violation Number** 1  
**Rule Cite(s)** 30 Tex. Admin. Code §§ 116.115(b)(2)(E) and (c) and 116.615(8), Standard Permit Registration No. 148415, Amendments to the Air Quality Standard Permit for Concrete Batch Plants, Special Conditions No. (3)(J), and Tex. Health & Safety Code § 382.085(b)  
**Violation Description** Failed to maintain written records sufficient to demonstrate applicability of and compliance with the standard permit. Specifically, on April 28, 2021, May 13, 2021, and June 4, 2021, the records for emissions events; scheduled maintenance, startup, and shutdown activities; production rates for each hour and day of operation; all repairs and maintenance of abatement systems; material safety data sheets for all additives and other chemicals used at the site; road cleaning, application of road dust control, or road maintenance for dust control; stockpile dust suppression; silo warning device or shut-off system tests; quarterly visible emissions observations and any corrective actions required to control excess visible emissions; demonstration of compliance with the additional applicable requirements for stationary compression ignition internal combustion engines; and type of fuel used to power engines authorized by the permit were requested and due by May 21, 2021 and June 7, 2021, but the records were never provided.

**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			10.0%

Matrix Notes: 100% of the rule requirements were not met.

**Adjustment** \$22,500

\$2,500

**Violation Events**

Number of Violation Events: 11      103 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

**Violation Base Penalty** \$27,500

Eleven single events are recommended (one event for each set of missing records).

**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** \$27,500

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

**Estimated EB Amount** \$120      **Violation Final Penalty Total** \$27,500

**This violation Final Assessed Penalty (adjusted for limits)** \$27,500

## Economic Benefit Worksheet

**Respondent** Nortex RediMix, LLC  
**Case ID No.** 61137  
**Reg. Ent. Reference No.** RN109942433  
**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	28-Apr-2021	1-Dec-2022	1.59	\$120	n/a	\$120
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 written records on-site for a rolling 24-month period for emissions events; scheduled maintenance, startup, and shutdown activities; production rates for each hour and day of operation; all repairs and maintenance of abatement systems; material safety data sheets for all additives and other chemicals used at the site; road cleaning, application of road dust control, or road maintenance for dust control; stockpile dust suppression; silo warning device or shut-off system tests; quarterly visible emissions observations and any corrective actions required to control excess visible emissions; demonstration of compliance with the additional applicable requirements for stationary compression ignition internal combustion engines; and type of fuel used to power engines authorized by the permit. The Date Required is the day the records were initially 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**

\$120



# Compliance History Report

Compliance History Report for CN605063585, RN109942433, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

**Customer, Respondent, or Owner/Operator:** CN605063585, Nortex RediMix, LLC      **Classification:** SATISFACTORY      **Rating:** 6.66

**Regulated Entity:** RN109942433, CONCRETE BATCH PLANT      **Classification:** HIGH      **Rating:** 0.00  
3 SN 140317

**Complexity Points:** 2      **Repeat Violator:** NO

**CH Group:** 10 - Cement and Concrete Product Manufacturing

**Location:** 10850 LUNA ROAD, DALLAS, DALLAS COUNTY, TEXAS

**TCEQ Region:** REGION 04 - DFW METROPLEX

**ID Number(s):**  
**AIR NEW SOURCE PERMITS REGISTRATION** 148415

**Compliance History Period:** September 01, 2016 to August 31, 2021      **Rating Year:** 2021      **Rating Date:** 09/01/2021

**Date Compliance History Report Prepared:** April 14, 2022

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** April 14, 2017 to April 14, 2022

**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?      NO
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period?      NO

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

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

N/A

### **B. Criminal convictions:**

N/A

### **C. Chronic excessive emissions events:**

N/A

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

Item 1      August 30, 2019      (1576203)

### **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  
NORTEX REDIMIX, LLC;  
RN109942433

§  
§  
§  
§

BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

## AGREED ORDER

DOCKET NO. 2021-1029-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 Nortex RediMix, LLC ("Respondent") under the authority of TEX. WATER CODE ch. 7 and TEX. HEALTH & SAFETY CODE ch. 382. The Executive Director of the TCEQ, represented by the Litigation Division, and Respondent together stipulate that:

1. Respondent owns and operates a concrete batch plant located at 10850 Luna Road in Dallas, Dallas County, Texas (the "Plant"). The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
2. The Executive Director and Respondent agree that 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 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 Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of twenty-seven thousand five hundred dollars (\$27,500.00) is assessed by the Commission in settlement of the violations alleged in Section II. Respondent paid twenty-seven thousand five hundred dollars (\$27,500.00) 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 that 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 commenced on April 23, 2021, an investigator documented that Respondent failed to maintain written records sufficient to demonstrate applicability of and compliance with the standard permit, in violation of TEX. HEALTH & SAFETY CODE § 382.085(b), 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(E) and (c) and 116.615(8), and Standard Permit Registration No. 148415, Amendments to the Air Quality Standard Permit for Concrete Batch Plants, Special Conditions No. (3)(J). Specifically, on April 28, 2021, May 13, 2021, and June 4, 2021, the records for emissions events; scheduled maintenance, startup, and shutdown activities; production rates for each hour and day of operation; all repairs and maintenance of abatement systems; material safety data sheets for all additives and other chemicals used at the site; road cleaning, application of road dust control, or road maintenance for dust control; stockpile dust suppression; silo warning device or shut-off system tests; quarterly visible emissions observations and any corrective actions required to control excess visible emissions; demonstration of compliance with the additional applicable requirements for stationary compression ignition internal combustion engines; and type of fuel used to power engines authorized by the permit were requested and due by May 21, 2021, and June 7, 2021, but the records were never provided.

## 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 which are not raised here.
2. Respondent shall undertake the following technical requirements:
  - a. Immediately upon effective date of this Order, begin maintaining the records on-site for a rolling 24-month period for emissions events; scheduled maintenance, startup, and shutdown activities; production rates for each hour and day of operation; all repairs and maintenance of abatement systems; material safety data sheets for all additives and other chemicals used at the site; road cleaning, application of road dust control, or road maintenance for dust control; stockpile dust suppression; silo warning device or shut-off system tests; quarterly visible emissions observations and any corrective actions required to control excess visible emissions; demonstration of compliance with the additional applicable requirements for stationary compression ignition internal combustion engines; and type of fuel used to power engines authorized by the permit.
  - b. Within 45 days after the effective date of this Order, submit written certification to demonstrate compliance with Ordering Provisions 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 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 fine and imprisonment for knowing violations.”

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

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

and:

Air Section Manager  
Dallas 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 Enforcement Division 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 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. Chamallop  
\_\_\_\_\_  
For the Executive Director

8/7/23  
\_\_\_\_\_  
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
- TCEQ seeking other relief as authorized by law.

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

Zachry Weir  
\_\_\_\_\_  
Signature

5/25/23  
\_\_\_\_\_  
Date

Zachry Weir  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized representative of  
Nortex RediMix, LLC

Manager  
\_\_\_\_\_  
Title

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

\_\_\_\_\_