

Executive Summary – Enforcement Matter – Case No. 63535
BC MATERIALS, L.L.C.
RN110941416
Docket No. 2023-0151-WQ-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

WQ

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Frankston Plant, 18919 North State Highway 155, Frankston, Anderson County

Type of Operation:

Concrete batch plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Past-Due Fees: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: September 19, 2025

Comments Received: No

Penalty Information

Total Penalty Assessed: \$22,338

Amount Deferred for Expedited Settlement: \$4,467

Total Paid to General Revenue: \$17,871

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - High

Major Source: 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: October 27, 2022 through November 10, 2022

Date(s) of NOE(s): January 3, 2023

Executive Summary – Enforcement Matter – Case No. 63535
BC MATERIALS, L.L.C.
RN110941416
Docket No. 2023-0151-WQ-E

Violation Information

1. Failed to obtain authorization to discharge wastewater and stormwater associated with industrial activity from ready-mixed concrete plants, concrete product plants, and their associated facilities, in violation of 30 TEX. ADMIN. CODE § 205.4(a) and TEX. WATER CODE § 26.040(e). Specifically, the Respondent was performing industrial activities prior to obtaining authorization under Texas Pollutant Discharge Elimination System ("TPDES") General Permit No. TXG110000.
2. Failed to conduct the survey of potential non-stormwater sources evaluation at the Plant within 180 days of renewing the notice of intent and provide certification [30 TEX. ADMIN. CODE § 281.25(a)(4) and TPDES General Permit No. TXR05EN50, Part III, Section B.1(b)].
3. Failed to collect samples and visually examine stormwater discharges on a quarterly basis [30 TEX. ADMIN. CODE § 281.25(a)(4) and TPDES General Permit No. TXR05EN50, Part III, Section B.3].
4. 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 [30 TEX. ADMIN. CODE § 281.25(a)(4) and TPDES General Permit No. TXR05EN50, Part III, Section E.6(a)(2)].
5. Failed to conduct benchmark monitoring for discharges from regulated industrial activities once every six months [30 TEX. ADMIN. CODE § 281.25(a)(4) and TPDES General Permit No. TXR05EN50, Part IV, Section B.1(a)].
6. Failed to maintain annual employee training records and make them readily available for review by a TCEQ representative for a period of three years. Specifically, the annual employee training records were not maintained and available for review. [30 TEX. ADMIN. CODE § 281.25(a)(4) and TPDES General Permit No. TXR05EN50, Part III, Section D.5].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

- a. On November 18, 2022, submitted the Notice of Intent and obtained authorization under TPDES General Permit No. TXG113265;
- b. On November 22, 2022, cancelled TPDES General Permit No. TXR05EN50; and
- c. On November 29, 2022, submitted the annual employee training records.

Executive Summary – Enforcement Matter – Case No. 63535

BC MATERIALS, L.L.C.

RN110941416

Docket No. 2023-0151-WQ-E

Technical Requirements:

N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Harley Hobson, Enforcement Division, Enforcement Team 1, MC 219, (512) 239-1337; Michael Parrish, Enforcement Division, MC R-12, (512) 239-2548

Respondent: John W. Miller, President, BC MATERIALS, L.L.C., P.O. Box 249, Hewitt, Texas 76643

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	9-Jan-2023		
	PCW	5-Mar-2025	Screening	17-Jan-2023
			EPA Due	

RESPONDENT/FACILITY INFORMATION

Respondent	BC MATERIALS, L.L.C.			
Reg. Ent. Ref. No.	RN110941416			
Facility / Site Region	5-Tyler	Major / Minor Source	Minor	

CASE INFORMATION

Enf. / Case ID No.	63535	No. of Violations	6
Docket No.	2023-0151-WQ-E	Order Type	1660
Media Program(s)	Water Quality	Government / Non-Profit	No
Multi-Media		Enf. Coordinator	Harley Hobson
		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$21,250
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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	0.0 %	Adjustment	Subtotals 2, 3, & 7	\$0
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Notes	No adjustment for Compliance History.			
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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	-\$625
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Economic Benefit	0.0 %	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$1,713	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$1,793	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$20,625
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OTHER FACTORS AS JUSTICE MAY REQUIRE	8.3 %	Adjustment	\$1,713
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	Recommended enhancement to capture the avoided cost of compliance associated with Violation Nos. 2, 3, 4, and 5.			
	Final Penalty Amount	\$22,338		

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$22,338
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DEFERRAL	20.0 %	Reduction	Adjustment	-\$4,467
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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	\$17,871
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Screening Date

17-Jan-2023

Docket No.

2023-0151-WQ-E

PCW

Respondent

BC MATERIALS, L.L.C.

Case ID No.

63535

Reg. Ent. Reference No.

RN110941416

Media

Water Quality

Enf. Coordinator

Harley Hobson

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

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		17-Jan-2023		Docket No.		2023-0151-WQ-E		PCW		
Respondent		BC MATERIALS, L.L.C.		Policy Revision 5 (January 28, 2021)						
Case ID No.		63535		PCW Revision February 11, 2021						
Reg. Ent. Reference No.		RN110941416								
Media		Water Quality								
Enf. Coordinator		Harley Hobson								
Violation Number		1								
Rule Cite(s)		30 Tex. Admin. Code § 205.4(a) and Tex. Water Code § 26.040(e)								
Violation Description		Failed to obtain authorization to discharge wastewater and stormwater associated with industrial activity from ready-mixed concrete plants, concrete product plants, and their associated facilities. Specifically, the Respondent was performing industrial activities prior to obtaining authorization under Texas Pollutant Discharge Elimination System ("TPDES") General Permit No. TXG110000.								
				Base Penalty		\$25,000				
>> Environmental, Property and Human Health Matrix										
OR		Release		Major		Moderate		Minor		
		Actual								
		Potential								
						Percent		0.0%		
>> Programmatic Matrix										
		Falsification		Major		Moderate		Minor		
				X						
						Percent		10.0%		
Matrix Notes		100% of the rule requirements were not met.								
				Adjustment		\$22,500				
						\$2,500				
Violation Events										
		Number of Violation Events		1		22		Number of violation days		
		daily								
		weekly								
		monthly		X						
		quarterly								
		semiannual								
		annual								
		single event								
		Violation Base Penalty								\$2,500
		One monthly event is recommended from the October 27, 2022 investigation date to the November 18, 2022 compliance date.								
Good Faith Efforts to Comply		25.0 %				Reduction		\$625		
		Before NOE/NOV		NOE/NOV to EDPRP/Settlement Offer						
		Extraordinary								
		Ordinary		X						
		N/A								
		Notes		The Respondent achieved compliance by November 18, 2022.						
				Violation Subtotal		\$1,875				
Economic Benefit (EB) for this violation										
Statutory Limit Test										
		Estimated EB Amount		\$0		Violation Final Penalty Total		\$2,031		
				This violation Final Assessed Penalty (adjusted for limits)		\$2,031				

Economic Benefit Worksheet

Respondent BC MATERIALS, L.L.C.
Case ID No. 63535
Reg. Ent. Reference No. RN110941416
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	\$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	\$100	27-Oct-2022	18-Nov-2022	0.06	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs: Actual Permit Cost to submit a Notice of Intent to obtain authorization to discharge wastewater and stormwater associated with industrial activities under TPDES General Permit No. TXG113265. The Date Required is the investigation 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: \$100 TOTAL: \$0

Screening Date 17-Jan-2023 Respondent BC MATERIALS, L.L.C. Case ID No. 63535 Reg. Ent. Reference No. RN110941416 Media Water Quality Enf. Coordinator Harley Hobson		Docket No. 2023-0151-WQ-E PCW		<i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>																	
Violation Number 2 Rule Cite(s) 30 Tex. Admin. Code § 281.25(a)(4) and TPDES General Permit No. TXR05EN50, Part III, Section B.1(b)		Violation Description Failed to conduct the survey of potential non-stormwater sources evaluation at the Plant within 180 days of renewing the notice of intent and provide certification.																			
		Base Penalty \$25,000																			
> > Environmental, Property and Human Health Matrix																					
OR	<table border="1"> <thead> <tr> <th></th> <th colspan="3">Harm</th> </tr> <tr> <th>Release</th> <th>Major</th> <th>Moderate</th> <th>Minor</th> </tr> </thead> <tbody> <tr> <td>Actual</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Potential</td> <td>X</td> <td></td> <td></td> </tr> </tbody> </table>				Harm			Release	Major	Moderate	Minor	Actual				Potential	X			Percent 15.0%	
		Harm																			
	Release	Major	Moderate	Minor																	
Actual																					
Potential	X																				
> > Programmatic Matrix																					
	<table border="1"> <thead> <tr> <th>Falsification</th> <th>Major</th> <th>Moderate</th> <th>Minor</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>			Falsification	Major	Moderate	Minor					Percent 0.0%									
Falsification	Major	Moderate	Minor																		
Matrix Notes	Human health or the environment will or could be exposed to pollutants that would exceed levels that are protective of human health or environmental receptors as a result of the violation.																				
		Adjustment \$21,250																			
				\$3,750																	
Violation Events																					
Number of Violation Events 1		854 Number of violation days																			
	<table border="1"> <tbody> <tr><td>daily</td><td></td></tr> <tr><td>weekly</td><td></td></tr> <tr><td>monthly</td><td></td></tr> <tr><td>quarterly</td><td></td></tr> <tr><td>semiannual</td><td></td></tr> <tr><td>annual</td><td></td></tr> <tr><td>single event</td><td>X</td></tr> </tbody> </table>	daily		weekly		monthly		quarterly		semiannual		annual		single event	X	Violation Base Penalty \$3,750					
daily																					
weekly																					
monthly																					
quarterly																					
semiannual																					
annual																					
single event	X																				
One single event is recommended.																					
Good Faith Efforts to Comply 0.0 %		Reduction		\$0																	
	<table border="1"> <thead> <tr> <th></th> <th>Before NOE/NOV</th> <th>NOE/NOV to EDPRP/Settlement Offer</th> </tr> </thead> <tbody> <tr> <td>Extraordinary</td> <td></td> <td></td> </tr> <tr> <td>Ordinary</td> <td></td> <td></td> </tr> <tr> <td>N/A</td> <td>X</td> <td></td> </tr> </tbody> </table>					Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	Extraordinary			Ordinary			N/A	X						
	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 \$112		Violation Final Penalty Total		\$4,061																	
		This violation Final Assessed Penalty (adjusted for limits)		\$4,061																	

Economic Benefit Worksheet

Respondent BC MATERIALS, L.L.C.
Case ID No. 63535
Reg. Ent. Reference No. RN110941416
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	\$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							

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	21-Jul-2020	22-Nov-2022	2.34	\$12	\$100	\$112
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs	Estimated avoided cost to conduct the survey of potential non-stormwater sources evaluation at the Site within 180 days of renewing the notice of intent and provide certification. The Date Required is the due date of the evaluation. The Final Date is the date the permit was cancelled.						

Approx. Cost of Compliance	\$100	TOTAL	\$112
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Screening Date		17-Jan-2023		Docket No.		2023-0151-WQ-E		PCW	
Respondent		BC MATERIALS, L.L.C.							
Case ID No.		63535							
Reg. Ent. Reference No.		RN110941416							
Media		Water Quality							
Enf. Coordinator		Harley Hobson							
Violation Number		3							
Rule Cite(s)		30 Tex. Admin. Code § 281.25(a)(4) and TPDES General Permit No. TXR05EN50, Part III, Section B.3							
Violation Description		Failed to collect samples and visually examine stormwater discharges on a quarterly basis.							
Base Penalty								\$25,000	
>> Environmental, Property and Human Health Matrix									
OR		Release		Major		Moderate		Minor	
		Actual							
		Potential				X			
						Percent		5.0%	
>> 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		944		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				\$50		Violation Final Penalty Total			
						\$1,354			
This violation Final Assessed Penalty (adjusted for limits)								\$1,354	

Economic Benefit Worksheet

Respondent BC MATERIALS, L.L.C.
Case ID No. 63535
Reg. Ent. Reference No. RN110941416
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							

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	\$50	30-Sep-2022	22-Nov-2022	0.15	\$0	\$50	\$50
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs	Estimated avoided cost to collect and visually examine stormwater discharges from each outfall on a quarterly basis. The Date Required is the date the latest quarterly examination was due. The Final Date is the date the permit was cancelled.						

Approx. Cost of Compliance	\$50	TOTAL	\$50
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Screening Date 17-Jan-2023 Respondent BC MATERIALS, L.L.C. Case ID No. 63535 Reg. Ent. Reference No. RN110941416 Media Water Quality Enf. Coordinator Harley Hobson		Docket No. 2023-0151-WQ-E PCW		<i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>																
Violation Number 4 Rule Cite(s) 30 Tex. Admin. Code § 281.25(a)(4) and TPDES General Permit No. TXR05EN50, Part III, Section E.6(a)(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	<table border="1"> <thead> <tr> <th rowspan="2">Release</th> <th colspan="3">Harm</th> </tr> <tr> <th>Major</th> <th>Moderate</th> <th>Minor</th> </tr> </thead> <tbody> <tr> <td>Actual</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Potential</td> <td></td> <td></td> <td></td> </tr> </tbody> </table>			Release	Harm			Major	Moderate	Minor	Actual				Potential				Percent 0.0%	
	Release	Harm																		
		Major	Moderate	Minor																
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Falsification	Major	Moderate	Minor																	
	X																			
Matrix Notes	100% of the rule requirements were not met.																			
Adjustment				\$22,500																
				\$2,500																
Violation Events																				
Number of Violation Events 2		601 Number of violation days																		
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daily																				
weekly																				
monthly																				
quarterly																				
semiannual																				
annual																				
single event	X																			
Two single events are recommended, one for 2021 and one for 2022.																				
Good Faith Efforts to Comply		0.0% Reduction \$0																		
	<table border="1"> <thead> <tr> <th></th> <th>Before NOE/NOV</th> <th>NOE/NOV to EDPRP/Settlement Offer</th> </tr> </thead> <tbody> <tr> <td>Extraordinary</td> <td></td> <td></td> </tr> <tr> <td>Ordinary</td> <td></td> <td></td> </tr> <tr> <td>N/A</td> <td>X</td> <td></td> </tr> </tbody> </table>		Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	Extraordinary			Ordinary			N/A	X								
	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 \$212		Violation Final Penalty Total \$5,415																		
This violation Final Assessed Penalty (adjusted for limits)				\$5,415																

Economic Benefit Worksheet

Respondent BC MATERIALS, L.L.C.
Case ID No. 63535
Reg. Ent. Reference No. RN110941416
Media Water Quality
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
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

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							

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	\$205	31-Mar-2022	22-Nov-2022	0.65	\$7	\$205	\$212
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs	Estimated avoided cost plus accrued interest to conduct annual effluent limitations monitoring and submit the 2021 and 2022 reports to the TCEQ. The Date Required is the date the latest annual report was due. The Final Date is the date the permit was cancelled.						

Approx. Cost of Compliance	\$205	TOTAL	\$212
----------------------------	-------	--------------	-------

Screening Date		17-Jan-2023		Docket No.		2023-0151-WQ-E		PCW	
Respondent		BC MATERIALS, L.L.C.		Policy Revision 5 (January 28, 2021)					
Case ID No.		63535		PCW Revision February 11, 2021					
Reg. Ent. Reference No.		RN110941416							
Media		Water Quality							
Enf. Coordinator		Harley Hobson							
Violation Number		5							
Rule Cite(s)		30 Tex. Admin. Code § 281.25(a)(4) and TPDES General Permit No. TXR05EN50, Part IV, Section B.1(a)							
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		Release		Major		Moderate		Minor	
		Actual							
		Potential				X			
				Percent		5.0%			
>> 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		5		875		Number of violation days	
		daily							
		weekly							
		monthly							
		quarterly							
		semiannual							
		annual							
		single event		x					
		Violation Base Penalty							
		\$6,250							
		Five single events are recommended, one for each missing monitoring period.							
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		\$6,250			
Economic Benefit (EB) for this violation									
		Estimated EB Amount		\$1,339		Violation Final Penalty Total		\$6,769	
				This violation Final Assessed Penalty (adjusted for limits)		\$6,769			

Economic Benefit Worksheet

Respondent BC MATERIALS, L.L.C.
Case ID No. 63535
Reg. Ent. Reference No. RN110941416
Media Water Quality
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

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

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							

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	\$1,313	30-Jun-2022	22-Nov-2022	0.40	\$26	\$1,313	\$1,339
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs	Estimated avoided costs plus accrued interest to conduct semiannual benchmark monitoring. The Date Required is the date the latest benchmark monitoring period which passed. The Final Date is the date the permit was cancelled.						

Approx. Cost of Compliance \$1,313

TOTAL \$1,339

Screening Date 17-Jan-2023 Respondent BC MATERIALS, L.L.C. Case ID No. 63535 Reg. Ent. Reference No. RN110941416 Media Water Quality Enf. Coordinator Harley Hobson		Docket No. 2023-0151-WQ-E PCW																		
		<i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>																		
Violation Number 6 Rule Cite(s) 30 Tex. Admin. Code § 281.25(a)(4) and TPDES General Permit No. TXR05EN50, Part III, Section D.5 Violation Description Failed to maintain annual employee training records and make them readily available for review by a TCEQ representative for a period of three years. Specifically, the annual employee training records were not maintained and available for review.		Base Penalty \$25,000																		
> > Environmental, Property and Human Health Matrix																				
OR	<table border="1"> <thead> <tr> <th></th> <th colspan="3">Harm</th> </tr> <tr> <th>Release</th> <th>Major</th> <th>Moderate</th> <th>Minor</th> </tr> </thead> <tbody> <tr> <td>Actual</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Potential</td> <td></td> <td></td> <td></td> </tr> </tbody> </table>				Harm			Release	Major	Moderate	Minor	Actual				Potential				Percent 0.0%
		Harm																		
	Release	Major	Moderate	Minor																
Actual																				
Potential																				
> > Programmatic Matrix																				
	<table border="1"> <thead> <tr> <th></th> <th>Falsification</th> <th>Major</th> <th>Moderate</th> <th>Minor</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td>X</td> <td></td> <td></td> </tr> </tbody> </table>				Falsification	Major	Moderate	Minor			X			Percent 10.0%						
	Falsification	Major	Moderate	Minor																
		X																		
Matrix Notes	100% of the rule requirements were not met.																			
Adjustment \$22,500																				
\$2,500																				
Violation Events																				
Number of Violation Events 1		26 Number of violation days																		
	<table border="1"> <tbody> <tr><td>daily</td><td></td></tr> <tr><td>weekly</td><td></td></tr> <tr><td>monthly</td><td>X</td></tr> <tr><td>quarterly</td><td></td></tr> <tr><td>semiannual</td><td></td></tr> <tr><td>annual</td><td></td></tr> <tr><td>single event</td><td></td></tr> </tbody> </table>	daily		weekly		monthly	X	quarterly		semiannual		annual		single event		Violation Base Penalty \$2,500				
daily																				
weekly																				
monthly	X																			
quarterly																				
semiannual																				
annual																				
single event																				
One monthly event is recommended from the October 27, 2022 investigation date to the November 22, 2022 permit cancellation date.																				
Good Faith Efforts to Comply 0.0 %		Reduction \$0																		
	<table border="1"> <thead> <tr> <th></th> <th>Before NOE/NOV</th> <th>NOE/NOV to EDPRP/Settlement Offer</th> </tr> </thead> <tbody> <tr> <td>Extraordinary</td> <td></td> <td></td> </tr> <tr> <td>Ordinary</td> <td></td> <td></td> </tr> <tr> <td>N/A</td> <td>X</td> <td></td> </tr> </tbody> </table>				Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	Extraordinary			Ordinary			N/A	X						
	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 \$0		Violation Final Penalty Total \$2,708																		
This violation Final Assessed Penalty (adjusted for limits) \$2,708																				

Economic Benefit Worksheet

Respondent BC MATERIALS, L.L.C.
Case ID No. 63535
Reg. Ent. Reference No. RN110941416
Media Water Quality
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

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

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)	\$25	27-Oct-2022	29-Nov-2022	0.09	\$0	n/a	\$0

Notes for DELAYED costs
Estimated cost to submit the annual employee training records. The Date Required is the investigation date. The Final Date is the date the permit was cancelled. The records were submitted November 29, 2022.

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 \$25

TOTAL \$0



Compliance History Report

Compliance History Report for CN602636565, RN110941416, Rating Year 2024 which includes Compliance History (CH) components from September 1, 2019, through August 31, 2024.

Customer, Respondent, or Owner/Operator: CN602636565, BC Materials, L.L.C.

Classification: SATISFACTORY

Rating: 0.20

Regulated Entity: RN110941416, FRANKSTON PLANT

Classification: HIGH

Rating: 0.00

Complexity Points: 4

Repeat Violator: NO

CH Group: 10 - Cement and Concrete Product Manufacturing

Location: 18919 North State Highway 155, Frankston, Anderson County, Texas

TCEQ Region: REGION 05 - TYLER

ID Number(s):

PETROLEUM STORAGE TANK REGISTRATION REGISTRATION 91514

WASTEWATER PERMIT TXG113265

POLLUTION PREVENTION PLANNING ID NUMBER P10903

Compliance History Period: September 01, 2019 to August 31, 2024

Rating Year: 2024

Rating Date: 09/01/2024

Date Compliance History Report Prepared: July 18, 2025

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: July 18, 2020 to July 18, 2025

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

Name: Harley Hobson

Phone: (512) 239-1337

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	January 18, 2023	(1885506)	Item 16	April 17, 2024	(1993335)
Item 2	February 13, 2023	(1893231)	Item 17	May 16, 2024	(1999778)
Item 3	March 10, 2023	(1901828)	Item 18	June 18, 2024	(2006736)
Item 4	April 12, 2023	(1908595)	Item 19	July 12, 2024	(2014283)
Item 5	May 04, 2023	(1915725)	Item 20	August 06, 2024	(2020116)
Item 6	June 05, 2023	(1922376)	Item 21	September 09, 2024	(2026889)
Item 7	July 14, 2023	(1929338)	Item 22	October 16, 2024	(2033029)
Item 8	August 10, 2023	(1936194)	Item 23	November 12, 2024	(2039291)
Item 9	September 02, 2023	(1942451)	Item 24	December 10, 2024	(2045765)
Item 10	October 13, 2023	(1949212)	Item 25	January 07, 2025	(2052319)
Item 11	November 07, 2023	(1954877)	Item 26	February 05, 2025	(2059811)
Item 12	December 12, 2023	(1964671)	Item 27	March 13, 2025	(2068387)
Item 13	January 02, 2024	(1971290)	Item 28	April 08, 2025	(2075248)
Item 14	February 15, 2024	(1980298)	Item 29	May 06, 2025	(2081593)
Item 15	March 11, 2024	(1986797)			

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

Component Appendices

Appendix A

All NOV's Issued During Component Period 7/18/2020 and 7/18/2025

N/A

Appendix B

All Investigations Conducted During Component Period July 18, 2020 and July 18, 2025

Item 1	January 03, 2023**	(1862424)
Item 2*	January 18, 2023**	(1885506)
Item 3*	February 13, 2023**	(1893231)
Item 4*	March 10, 2023**	(1901828)
Item 5*	April 12, 2023**	(1908595)
Item 6*	May 04, 2023**	(1915725)
Item 7*	June 05, 2023**	(1922376)
Item 8*	July 14, 2023**	(1929338)
Item 9*	August 10, 2023**	(1936194)
Item 10*	September 02, 2023**	(1942451)
Item 11*	October 13, 2023**	(1949212)
Item 12*	November 07, 2023**	(1954877)
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Item 17*	April 17, 2024**	(1993335)
Item 18*	May 16, 2024**	(1999778)
Item 19*	June 18, 2024**	(2006736)
Item 20*	July 12, 2024**	(2014283)
Item 21*	August 06, 2024**	(2020116)
Item 22*	September 09, 2024	(2026889)
Item 23*	October 16, 2024	(2033029)
Item 24*	November 12, 2024	(2039291)
Item 25*	December 10, 2024	(2045765)
Item 26*	January 07, 2025	(2052319)
Item 27*	February 05, 2025	(2059811)
Item 28*	March 13, 2025	(2068387)
Item 29*	April 08, 2025	(2075248)
Item 30*	May 06, 2025	(2081593)

* No violations documented during this investigation

**Investigation applicable for the Compliance History Rating period between 09/01/2019 and 08/31/2024.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
BC MATERIALS, L.L.C.
RN110941416

§ BEFORE THE
§ TEXAS COMMISSION ON
§ ENVIRONMENTAL QUALITY
§

AGREED ORDER DOCKET NO. 2023-0151-WQ-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 BC MATERIALS, L.L.C. (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 together stipulate that:

1. The Respondent owns and operates a concrete batch plant located at 18919 North State Highway 155 in Frankston, Anderson County, Texas (the "Plant"). The Plant 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 \$22,338 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$17,871 of the penalty and \$4,467 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 implemented the following corrective measures at the Plant:
 - a. On November 18, 2022, submitted the Notice of Intent and obtained authorization under Texas Pollutant Discharge Elimination System ("TPDES") General Permit No. TXG113265;
 - b. On November 22, 2022, cancelled TPDES General Permit No. TXR05EN50; and
 - c. On November 29, 2022, submitted the annual employee training records.

II. ALLEGATIONS

During an investigation at the Plant conducted from October 27, 2022 through November 10, 2022, an investigator documented that the Respondent:

1. Failed to obtain authorization to discharge wastewater and stormwater associated with industrial activity from ready-mixed concrete plants, concrete product plants, and their associated facilities, in violation of 30 TEX. ADMIN. CODE § 205.4(a) and TEX. WATER CODE § 26.040(e). Specifically, the Respondent was performing industrial activities prior to obtaining authorization under Texas Pollutant Discharge Elimination System ("TPDES") General Permit No. TXG110000.
2. Failed to conduct the survey of potential non-stormwater sources evaluation at the Plant within 180 days of renewing the notice of intent and provide certification, in violation of 30 TEX. ADMIN. CODE § 281.25(a)(4) and TPDES General Permit No. TXR05EN50, Part III, Section B.1(b).
3. Failed to collect samples and visually examine stormwater discharges on a quarterly basis, in violation of 30 TEX. ADMIN. CODE § 281.25(a)(4) and TPDES General Permit No. TXR05EN50, Part III, Section B.3.
4. 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, in violation of 30 TEX. ADMIN. CODE § 281.25(a)(4) and TPDES General Permit No. TXR05EN50, Part III, Section E.6(a)(2).

5. Failed to conduct benchmark monitoring for discharges from regulated industrial activities once every six months, in violation of 30 TEX. ADMIN. CODE § 281.25(a)(4) and TPDES General Permit No. TXR05EN50, Part IV, Section B.1(a).
6. Failed to maintain annual employee training records and make them readily available for review by a TCEQ representative for a period of three years, in violation of 30 TEX. ADMIN. CODE § 281.25(a)(4) and TPDES General Permit No. TXR05EN50, Part III, Section D.5. Specifically, the annual employee training records were not maintained and available for review.

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: BC MATERIALS, L.L.C., Docket No. 2023-0151-WQ-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753
2. All relief not expressly granted in this Order is denied.
3. 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.
4. 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.
5. 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.

6. 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.
7. 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

Krista Mello-Jurach

For the Executive Director

Date

10/11/2025

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 OAG 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 OAG 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.

J. W. Miller

Signature

John W. Miller

Name (Printed or typed)
Authorized Representative of
BC MATERIALS, L.L.C.

08-07-25

Date

President.

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.