

Executive Summary – Enforcement Matter – Case No. 65698
ELITE ASPHALT, L.L.C. and Lhoist North America of Texas, LLC
RN111637369
Docket No. 2024-0485-WQ-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

WQ

Small Business:

No

Location(s) Where Violation(s) Occurred:

Boling Ranch Estates Project, 700 Block of Boling Ranch Road, Azle, Parker County

Type of Operation:

Asphalt paving and lime slurry material supply businesses

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Past-Due Fees: No

Other: N/A

Interested Third-Parties: The complainant has expressed an interest in this matter but does not wish to speak at Agenda.

Texas Register Publication Date: September 19, 2025

Comments Received: No

Penalty Information

Total Penalty Assessed: \$25,000

Amount Deferred for Expedited Settlement: \$5,000

Total Paid to General Revenue: \$20,000

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): November 8, 2022

Complaint Information: Alleged a dump truck was discharging lime onto road that was getting into water way.

Date(s) of Investigation: November 15, 2023

Date(s) of NOE(s): November 29, 2023

Executive Summary – Enforcement Matter – Case No. 65698
ELITE ASPHALT, L.L.C. and Lhoist North America of Texas, LLC
RN111637369
Docket No. 2024-0485-WQ-E

Violation Information

Failed to prevent an unauthorized discharge of waste into or adjacent to waters of the state and adequately contain and abate the discharge. Specifically, a truck discharged hydrated lime slurry on the ground which then entered a storm drain and a pond adjacent to the road on November 7, 2022, and the spilled substance was not removed [TEX. WATER CODE § 26.121(a)(1) and 30 TEX. ADMIN. CODE § 327.5(a)(5)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondents implemented the following corrective actions:

- a. By January 22, 2024, the Texas Commission on Environmental Quality (“TCEQ”) is in receipt of documentation that the Respondent and the property owner have reached a civil settlement; and
- b. By January 29, 2024, the property owner has represented to TCEQ that the Property owner assumes responsibility for the remediation of the pond located on private property.

Technical Requirements:

N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Mistie Gonzales, Enforcement Division, Enforcement Team 1, MC R-09, (254) 761-3056; Michael Parrish, Enforcement Division, MC R-12, (512) 239-2548

Respondent: Harry Gallagher, Director, ELITE ASPHALT, L.L.C., 5080 Ben Day Murrin Road, Lot 4, Fort Worth, Texas 76126

Mary McDonald, Director of Operations, ELITE ASPHALT, L.L.C., 5080 Ben Day Murrin Road, Lot 4, Fort Worth, Texas 76126

Justin Andrews, Director Environmental Affairs, Lhoist North America of Texas, LLC, 5600 Clearfork Main Street, Suite 300, Fort Worth, Texas 76185-5004

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	11-Mar-2024			
	PCW	26-Jun-2025	Screening	12-Mar-2024	EPA Due

RESPONDENT/FACILITY INFORMATION

Respondent	ELITE ASPHALT, L.L.C. and Lhoist North America of Texas, LLC				
Reg. Ent. Ref. No.	RN111637369				
Facility/Site Region	4-Dallas/Fort Worth		Major/Minor Source	Minor	

CASE INFORMATION

Enf./Case ID No.	65698	No. of Violations	1
Docket No.	2024-0485-WQ-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Mistie Gonzales
		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	\$25,000
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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.

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 Respondents do not meet the culpability criteria.				
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Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$1,534	<i>*Capped at the Total EB \$ Amount</i>
Estimated Cost of Compliance	\$25,000	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$25,000
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes		
	Final Penalty Amount	\$25,000

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$25,000
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DEFERRAL	20.0%	Reduction	Adjustment	-\$5,000
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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	\$20,000
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Screening Date

12-Mar-2024

Docket No.

2024-0485-WQ-E

PCW

Respondent

ELITE ASPHALT, L.L.C. and Lhoist North America of Texas, LLC

Case ID No.

65698

Reg. Ent. Reference No.

RN111637369

Media

Water Quality

Enf. Coordinator

Mistie Gonzales

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

0%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100%

0%

Screening Date	12-Mar-2024	Docket No.	2024-0485-WQ-E	PCW	
Respondent	ELITE ASPHALT, L.L.C. and Lhoist North America of Texas, LLC			Policy Revision 5 (January 28, 2021)	
Case ID No.	65698	PCW Revision February 11, 2021			
Reg. Ent. Reference No.	RN111637369				
Media	Water Quality				
Enf. Coordinator	Mistie Gonzales				
Violation Number	1				
Rule Cite(s)	Tex. Water Code § 26.121(a)(1) and 30 Tex. Admin. Code § 327.5(a)(5)				
Violation Description	Failed to prevent an unauthorized discharge of waste into or adjacent to waters of the state and adequately contain and abate the discharge. Specifically, a truck discharged hydrated lime slurry on the ground which then entered a storm drain and a pond adjacent to the road on November 7, 2022, and the spilled substance was not removed.				
Base Penalty				\$25,000	
>> Environmental, Property and Human Health Matrix					
OR	Release	Harm			
		Major	Moderate	Minor	
	Actual		x		
	Potential				Percent 25.0%
>> Programmatic Matrix					
	Falsification	Major	Moderate	Minor	
					Percent 0.0%
Matrix Notes	Human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.				
Adjustment				\$18,750	
					\$6,250
Violation Events					
Number of Violation Events		4	118	Number of violation days	
	daily				
	weekly				
	monthly	x			
	quarterly			Violation Base Penalty \$25,000	
	semiannual				
	annual				
	single event				
Four monthly events are recommended from the record review date (November 15, 2023) to the screening date (March 12, 2024).					
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 Respondents do not meet the good faith criteria for this violation.				
Violation Subtotal				\$25,000	
Economic Benefit (EB) for this violation					
Statutory Limit Test					
Estimated EB Amount	\$1,534	Violation Final Penalty Total	\$25,000		
This violation Final Assessed Penalty (adjusted for limits)				\$25,000	

Economic Benefit Worksheet

Respondent

Case ID No.

Reg. Ent. Reference No.

Media

Violation No.

ELITE ASPHALT, L.L.C. and Lhoist North America of Texas, LLC
65698
RN111637369
Water Quality
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	\$25,000	7-Nov-2022	29-Jan-2024	1.23	\$1,534	n/a	\$1,534
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated Remediation/Disposal cost to remediate the impacted pond. The Date Required is the unauthorized discharge date, and the Final Date is the date the property owner notified the TCEQ via email that the property owner assumed responsibility of remediating the pond.

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

\$25,000

TOTAL

\$1,534



Compliance History Report

Compliance History Report for CN606096675, RN111637369, Rating Year 2024 which includes Compliance History (CH) components from September 1, 2019, through August 31, 2024.

Customer, Respondent, or Owner/Operator: CN606096675, Elite Asphalt, L.L.C.

Classification: HIGH

Rating: 0.00

Regulated Entity: RN111637369, BOLING RANCH ESTATES PROJECT

Classification: HIGH

Rating: 0.00

Complexity Points: 1

Repeat Violator: NO

CH Group: 14 - Other

Location: 700 Block of Boling Ranch Road, Azle, Parker County, Texas

TCEQ Region: REGION 04 - DFW METROPLEX

ID Number(s):

WATER QUALITY NON PERMITTED ID NUMBER
R04111637369

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

Rating Year: 2024

Rating Date: 09/01/2024

Date Compliance History Report Prepared: February 05, 2025

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: February 05, 2020 to February 05, 2025

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

Name: Mistie Gonzales

Phone: (254) 761-3056

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.):
N/A

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):
A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.
N/A

F. Environmental audits:
N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

Component Appendices

Appendix A

All NOV's Issued During Component Period 2/5/2020 and 2/5/2025

- 1 Date: 02/16/2023 (1861720)
- Self Report? NO Classification: Moderate
- Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(2)
- Description: Failure to prevent an unauthorized discharge of waste into or adjacent to waters of the state. Specifically, an Elite Asphalt truck discharged an unknown quantity of hydrated lime slurry onto the ground which then entered a storm drain and a pond adjacent to the road. There shall be no unauthorized discharges of waste.
- Self Report? NO Classification: Moderate
- Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 327 327.5(a)(5)
- Description: Failed to prevent an unauthorized discharge of waste into or adjacent to waters of the state and adequately contain and abate the discharge, in violation of TEX. WATER CODE § 26.121(a)(1) and 30 TEX. ADMIN. CODE § 327.5(a)(5). Specifically, a truck discharged hydrated lime slurry on the ground which then entered a storm drain and a pond adjacent to the road on November 7, 2022, and the spilled substance was not removed.
- 2 Date: 04/28/2023 (1889001)
- Self Report? NO Classification: Moderate
- Citation: TWC Chapter 26 26.121(a)(2)
- Description: Failure to prevent an unauthorized discharge of waste into or adjacent to waters of the state.

* NOV's applicable for the Compliance History rating period 9/1/2019 to 8/31/2024

Appendix B

All Investigations Conducted During Component Period February 05, 2020 and February 05, 2025

- | | | |
|--------|----------------------|-----------|
| Item 1 | April 27, 2023** | (1889001) |
| Item 2 | August 14, 2023** | (1922629) |
| Item 3 | September 22, 2023** | (1929832) |
| Item 4 | October 24, 2023** | (1937212) |
| Item 5 | November 27, 2023** | (1938381) |

* No violations documented during this investigation

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



Compliance History Report

Compliance History Report for CN605752088, RN111637369, Rating Year 2024 which includes Compliance History (CH) components from September 1, 2019, through August 31, 2024.

Customer, Respondent, or Owner/Operator: CN605752088, Lhoist North America Of Texas, LLC **Classification:** SATISFACTORY **Rating:** 0.67

Regulated Entity: RN111637369, BOLING RANCH ESTATES PROJECT **Classification:** HIGH **Rating:** 0.00

Complexity Points: 1 **Repeat Violator:** NO

CH Group: 14 - Other

Location: 700 BLOCK OF BOLING RANCH RD, AZLE TX 76020 PARKER, TX, PARKER COUNTY

TCEQ Region: REGION 04 - DFW METROPLEX

ID Number(s):
WATER QUALITY NON PERMITTED ID NUMBER
R04111637369

Compliance History Period: September 01, 2019 to August 31, 2024 **Rating Year:** 2024 **Rating Date:** 09/01/2024

Date Compliance History Report Prepared: February 05, 2025

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: February 05, 2020 to February 05, 2025

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.
Name: Mistie Gonzales **Phone:** (254) 761-3056

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.):
N/A

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):
A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.
N/A

F. Environmental audits:
N/A

G. Type of environmental management systems (EMSs):
N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

Component Appendices

Appendix A

All NOV's Issued During Component Period 2/5/2020 and 2/5/2025

- 1 Date: 02/16/2023 (1861720)
- Self Report? NO Classification: Moderate
- Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(2)
- Description: Failure to prevent an unauthorized discharge of waste into or adjacent to waters of the state. Specifically, an Elite Asphalt truck discharged an unknown quantity of hydrated lime slurry onto the ground which then entered a storm drain and a pond adjacent to the road. There shall be no unauthorized discharges of waste.
- Self Report? NO Classification: Moderate
- Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 327 327.5(a)(5)
- Description: Failed to prevent an unauthorized discharge of waste into or adjacent to waters of the state and adequately contain and abate the discharge, in violation of TEX. WATER CODE § 26.121(a)(1) and 30 TEX. ADMIN. CODE § 327.5(a)(5). Specifically, a truck discharged hydrated lime slurry on the ground which then entered a storm drain and a pond adjacent to the road on November 7, 2022, and the spilled substance was not removed.
- 2 Date: 04/28/2023 (1889001)
- Self Report? NO Classification: Moderate
- Citation: TWC Chapter 26 26.121(a)(2)
- Description: Failure to prevent an unauthorized discharge of waste into or adjacent to waters of the state.

* NOV's applicable for the Compliance History rating period 9/1/2019 to 8/31/2024

Appendix B

All Investigations Conducted During Component Period February 05, 2020 and February 05, 2025

- | | | |
|--------|----------------------|-----------|
| Item 1 | April 27, 2023** | (1889001) |
| Item 2 | August 14, 2023** | (1922629) |
| Item 3 | September 22, 2023** | (1929832) |
| Item 4 | October 24, 2023** | (1937212) |
| Item 5 | November 27, 2023** | (1938381) |

* 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

ELITE ASPHALT, L.L.C. AND LHOIST
NORTH AMERICA OF TEXAS, LLC
RN111637369

§
§
§
§
§

BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2024-0485-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 ELITE ASPHALT, L.L.C. and Lhoist North America of Texas, LLC (the "Respondents") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondents, together stipulate that:

1. The Respondents own and operate asphalt paving and lime slurry material supply businesses that performed construction activities for a project located at the 700 Block of Boling Ranch Road in Azle, Parker 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 Respondents 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 Respondents are 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 Respondents of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$25,000 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondents paid \$20,000 of the penalty and \$5,000 is deferred contingent upon the Respondents' 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 Respondents fail 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 Respondents 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 Respondents have 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:
 - a. By January 22, 2024, the Texas Commission on Environmental Quality ("TCEQ") is in receipt of documentation that the Respondent and the property owner have reached a civil settlement; and
 - b. By January 29, 2024, the property owner has represented to TCEQ that the Property owner assumes responsibility for the remediation of the pond located on private property.

II. ALLEGATIONS

During a record review for the Site conducted on November 15, 2023, an investigator documented that the Respondents failed to prevent an unauthorized discharge of waste into or adjacent to waters of the state and adequately contain and abate the discharge, in violation of TEX. WATER CODE § 26.121(a)(1) and 30 TEX. ADMIN. CODE § 327.5(a)(5). Specifically, a truck discharged hydrated lime slurry on the ground which then entered a storm drain and a pond adjacent to the road on November 7, 2022, and the spilled substance was not removed.

III. DENIALS

The Respondents generally deny each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

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

1. The Respondents are assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the Respondents' 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: ELITE ASPHALT, L.L.C. and Lhoist North America of Texas, LLC, Docket No. 2024-0485-WQ-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 Respondents are jointly and severally liable for the violations documented in this Order and are jointly and severally liable for timely and satisfactory compliance with all terms and conditions of this Order.
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 Respondents. The Respondents are ordered to give notice of this Order to personnel who maintain day-to-day control over the business 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 the Respondents shall be made in writing to the Executive Director. Extensions are not effective until the Respondents receive written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Order, issued by the Commission, shall not be admissible against the Respondents 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.
7. 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.
8. 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

Krista Mello-Jurack

11/02/2025

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 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.

M. McDonald

7122-2025

Signature

Date

MARY McDonald

Director of Operations

Name (Printed or typed)

Title

Authorized Representative of
ELITE ASPHALT, L.L.C.

☐ 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.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

Krista Mello-Jurack

For the Executive Director

11/02/2025

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:

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- 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.

[Signature]

Signature

July 21, 2025

Date

Justin Andrews

Name (Printed or typed)
Authorized Representative of
Lhoist North America of Texas, LLC

Director, Environment

Title

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