

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.:** 2006-1714-AIR-E    **TCEQ ID:** RN100214337    **CASE NO.:** 31251  
**RESPONDENT NAME:** Austin White Lime Company

**ORDER TYPE:**

<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> EMERGENCY ORDER	

**CASE TYPE:**

<input type="checkbox"/> AGRICULTURE	<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE	<input type="checkbox"/> MUNICIPAL SOLID WASTE
<input type="checkbox"/> OCCUPATIONAL CERTIFICATION	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> RADIOACTIVE WASTE
<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL	<input type="checkbox"/> USED OIL
<input type="checkbox"/> USED OIL FILTER	<input type="checkbox"/> WATER QUALITY		

**SITE WHERE VIOLATION(S) OCCURRED:** Austin White Lime Company McNeil Plant and Quarry, 14001 McNeil Road, Austin, Travis County

**TYPE OF OPERATION:** Lime production plant

**SMALL BUSINESS:**     Yes     No

**OTHER SIGNIFICANT MATTERS:** There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.

**INTERESTED PARTIES:** No one other than the ED and the Respondent has expressed an interest in this matter.

**COMMENTS RECEIVED:** The *Texas Register* comment period expired on January 22, 2007. No comments were received.

**CONTACTS AND MAILING LIST:**

**TCEQ Attorney/SEP Coordinator:** None  
**TCEQ Enforcement Coordinator:** Mr. Bryan Elliott, Enforcement Division, Enforcement Section III, MC 149, (512) 239-6162; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896  
**Respondent:** Mr. Oscar Robinson, Managing Partner, Austin White Lime Company, P.O. Box 9556, Austin, Texas 78766  
**Respondent's Attorney:** Not represented by counsel on this enforcement matter

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b> <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p><b>Date of Complaint Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> August 9, 2006</p> <p><b>Date of NOE Relating to this Case:</b> August 28, 2006 (NOE)</p> <p><b>Background Facts:</b> This was a routine investigation. One violation was documented.</p> <p><b>AIR</b></p> <p>Failed to obtain a federal operating permit to operate a major source of emissions as defined in 30 TEX. ADMIN. CODE § 122.10. Specifically, it was documented that Austin White Lime's Federal Operating Permit No. O-1013 expired on January 18, 2006 [30 TEX. ADMIN. CODE § 122.121 and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p>	<p><b>Total Assessed:</b> \$2,450</p> <p><b>Total Deferred:</b> \$490  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$1,960</p> <p><b>Site Compliance History Classification:</b> <input type="checkbox"/> High <input checked="" type="checkbox"/> Avg. <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification:</b> <input type="checkbox"/> High <input checked="" type="checkbox"/> Avg. <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that on August 30, 2006 Austin White Lime received Federal Operating Permit No. O-2866.</p>



Policy Revision 2 (September 2002)

## Penalty Calculation Worksheet (PCW)

PCW Revision April 25, 2006

<b>DATES</b>	Assigned	05-Sep-2006	Screening	20-Sep-2006	EPA Due	25-May-2007
	PCW	21-Sep-2006				

<b>RESPONDENT/FACILITY INFORMATION</b>	
Respondent	Austin White Lime Company
Reg. Ent. Ref. No.	RN100214337
Facility/Site Region	11-Austin
Major/Minor Source	Major Source

<b>CASE INFORMATION</b>			
Enf./Case ID No.	31251	No. of Violations	1
Docket No.	2006-1714-AIR-E	Order Type	1660
Media Program(s)	Air Quality	Enf. Coordinator	Bryan Elliott
Multi-Media		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$2,500
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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>	8% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$200
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Notes	The Penalty was enhanced due to four NOVs for dissimilar violations.
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<b>Culpability</b>	No	0% Enhancement	<b>Subtotal 4</b>	\$0
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Notes	The Respondent does not meet the culpability criteria.
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<b>Good Faith Effort to Comply</b>	10% Reduction	<b>Subtotal 5</b>	-\$250
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	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		X
N/A		(mark with a small x)

Notes	The Respondent came into compliance on August 30, 2006.
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<b>Economic Benefit</b>	0% Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts	\$31	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$1,000	

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$2,450
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes	
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<b>Final Penalty Amount</b>	\$2,450
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$2,450
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<b>DEFERRAL</b>	20% Reduction	<b>Adjustment</b>	-\$490
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes	Deferral offered for expedited settlement.
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<b>PAYABLE PENALTY</b>	\$1,960
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<b>Screening Date</b>	20-Sep-2006	<b>Docket No.</b>	2006-1714-AIR-E	<b>PCW</b>
<b>Respondent</b>	Austin White Lime Company			<i>Policy Revision 2 (September 2002)</i>
<b>Case ID No.</b>	31251			<i>PCW Revision April 25, 2006</i>
<b>Reg. Ent. Reference No.</b>	RN100214337			
<b>Media [Statute]</b>	Air Quality			
<b>Enf. Coordinator</b>	Bryan Elliott			

**Compliance History Worksheet**

>> **Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOV's with same or similar violations as those in the current enforcement action <i>(number of NOV's meeting criteria)</i>	0	0%
	Other written NOV's	4	8%
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 judgements 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)</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)**

>> **Repeat Violator (Subtotal 3)**

**Adjustment Percentage (Subtotal 3)**

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

**Adjustment Percentage (Subtotal 7)**

>> **Compliance History Summary**

**Compliance History Notes**

**Total Adjustment Percentage (Subtotals 2, 3, & 7)**

<b>Screening Date</b>	20-Sep-2006	<b>Docket No.</b>	2006-1714-AIR-E	<b>PCW</b>
<b>Respondent</b>	Austin White Lime Company		<i>Policy Revision 2 (September 2002)</i>	
<b>Case ID No.</b>	31251	<i>PCW Revision April 25, 2006</i>		
<b>Reg. Ent. Reference No.</b>	RN100214337			
<b>Media [Statute]</b>	Air Quality			
<b>Enf. Coordinator</b>	Bryan Elliott			
<b>Violation Number</b>	1			
<b>Primary Rule Cite(s)</b>	30 Tex. Admin. Code § 122.121			
<b>Secondary Rule Cite(s)</b>	Tex. Health and Safety Code § 382.085(b)			
<b>Violation Description</b>	Failure to obtain a federal operating permit to operate a major source of emissions as defined in 30 Tex. Admin. Code § 122.10. Specifically, during the August 9, 2006 investigation, it was documented that the respondent's Federal Operating Permit No. O-1013 expired on January 18, 2006.			
			<b>Base Penalty</b>	\$10,000

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

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

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
		x			25%
<b>Matrix Notes</b>	100% of the rule requirement was not met.				

**Adjustment** -\$7,500

**Base Penalty Subtotal** \$2,500

**Violation Events**

Number of Violation Events   Number of violation days

mark only one use a small x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

**Violation Base Penalty** \$2,500

One single event is recommended.

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
Estimated EB Amount <input type="text" value="\$31"/>	Violation Final Penalty Total <input type="text" value="\$2,450"/>
<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$2,450"/>	

### Economic Benefit Worksheet

Respondent: Austin White Lime Company  
 Case ID No: 31251  
 Reg. Ent. Reference No: RN100214337  
 Media (Statute): Air Quality  
 Violation No: 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs	\$1,000	19-Jan-2006	30-Aug-2006	0.6	\$31	n/a	\$31
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost to renew a Title V permit. Date Required is when authorization was needed. Final Date is date of compliance.

Avoided Costs							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$1,000

**TOTAL** \$31

# Compliance History

Customer/Respondent/Owner-Operator: CN600127419 Austin White Lime Company Classification: Average Rating: 2.21  
 Regulated Entity: RN100214337 AUSTIN WHITE LIME COMPANY Classification: Average Site Rating: 0.44  
 MCNEIL PLANT & QUARRY

ID Number(s):	AIR OPERATING PERMITS AIR OPERATING PERMITS  AIR OPERATING PERMITS PUBLIC WATER SYSTEM/SUPPLY INDUSTRIAL AND HAZARDOUS WASTE GENERATION INDUSTRIAL AND HAZARDOUS WASTE GENERATION AIR NEW SOURCE PERMITS AIR NEW SOURCE PERMITS STORMWATER WATER LICENSING	ACCOUNT NUMBER PERMIT  PERMIT REGISTRATION EPA ID  SOLID WASTE REGISTRATION # (SWR) PERMIT PERMIT ACCOUNT NUMBER AFS NUM PERMIT EPA ID EPA ID PERMIT LICENSE	TH00101 1013  2866 2270196 TXD008110850  37659  6629 40050 TH00101 0001 PSDTX114M3 PSDTX114M3 PSDTX114M4 TXR050007 2270196
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Location: 14001 MCNEIL RD, AUSTIN, TX, 78728 Rating Date: September 01 06 Repeat Violator: NO  
 TCEQ Region: REGION 11 - AUSTIN

Date Compliance History Prepared: September 20, 2006  
 Agency Decision Requiring Compliance History: Enforcement  
 Compliance Period: September 20, 2001 to September 20, 2006

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History  
 Name: Bryan Elliott Phone: 239-6162

### Site Compliance History Components

- |  |     |
|--|-----|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership of the site during the compliance period?    | No  |
| 3. If Yes, who is the current owner?   | N/A |
| 4. If Yes, who was/were the prior owner(s)?  | N/A |
| 5. When did the change(s) in ownership occur?  | N/A |

### Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.  
 N/A
- B. Any criminal convictions of the state of Texas and the federal government.  
 N/A
- C. Chronic excessive emissions events.  
 N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
- |    |            |          |
|----|------------|----------|
| 1  | 08/15/2005 | (405008) |
| 2  | 06/04/2004 | (274276) |
| 3  | 07/29/2002 | (6414)   |
| 4  | 04/16/2003 | (31909)  |
| 5  | 08/28/2006 | (497474) |
| 6  | 08/24/2004 | (290002) |
| 7  | 05/30/2006 | (480416) |
| 8  | 09/07/2004 | (292258) |
| 9  | 03/24/2004 | (264657) |
| 10 | 02/18/2005 | (349771) |
| 11 | 01/08/2004 | (216)    |

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

Date: 02/05/2002 (216)  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)[G]  
Description: The 0.067 MG standpipe needs to be repainted.  
Date: 03/24/2004 (264657)  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)[G]  
Description: The 0.067 MG standpipe needs to be repainted.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(n)(2)  
Description: Failure to have a map of the water system's distribution.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(4)  
Description: Failure to have a water level indicator for the ground storage tank.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)[G]  
Description: Failure to refinish the ground storage tank.  
Date: 04/18/2003 (31909)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.146(2)  
Description: Failure to submit the annual operating permit compliance certification in a timely manner.  
Date: 05/25/2006 (480416)  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 281, SubChapter A 281.25(a)(4)  
Rqmt Prov: PERMIT IA  
Description: Failure to document quarterly visual monitoring observations for all required parameters.

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  
AUSTIN WHITE LIME COMPANY  
RN100214337

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BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY

## AGREED ORDER DOCKET NO. 2006-1714-AIR-E

### I. JURISDICTION AND STIPULATIONS

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Austin White Lime Company ("Austin White Lime") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and Austin White Lime appear before the Commission and together stipulate that:

1. Austin White Lime owns and operates a lime production plant at 14001 McNeil Road in Austin, Travis County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and Austin White Lime agree that the Commission has jurisdiction to enter this Agreed Order, and that Austin White Lime is subject to the Commission's jurisdiction.
4. Austin White Lime received notice of the violations alleged in Section II ("Allegations") on or about September 2, 2006.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Austin White Lime of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Two Thousand Four Hundred Fifty Dollars (\$2,450) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Austin White Lime has paid One Thousand Nine Hundred Sixty Dollars (\$1,960) of the administrative penalty and Four Hundred Ninety Dollars (\$490) is deferred contingent upon Austin White Lime's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If Austin



- White Lime fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Austin White Lime to pay all or part of the deferred penalty.
7. 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.
  8. The Executive Director of the TCEQ and Austin White Lime have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
  9. The Executive Director recognizes that on August 30, 2006 Austin White Lime received Federal Operating Permit No. O-2866.
  10. 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 Austin White Lime has not complied with one or more of the terms or conditions in this Agreed Order.
  11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
  12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

As owner and operator of the Plant, Austin White Lime is alleged to have failed to obtain a federal operating permit to operate a major source of emissions as defined in 30 TEX. ADMIN. CODE § 122.10, in violation of 30 TEX. ADMIN. CODE § 122.121 and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on August 9, 2006. Specifically, it was documented that Austin White Lime's Federal Operating Permit No. O-1013 expired on January 18, 2006.

## III. DENIALS

Austin White Lime generally denies each allegation in Section II ("Allegations").

## IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Austin White Lime pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Austin White Lime's compliance with all the terms and conditions set forth in this Agreed 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. Administrative penalty

...the ... of ...

payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Austin White Lime Company, Docket No. 2006-1714-AIR-E" to:

Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. The provisions of this Agreed Order shall apply to and be binding upon Austin White Lime. Austin White Lime is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
3. This Agreed Order, issued by the Commission, shall not be admissible against Austin White Lime in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed 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.
4. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Austin White Lime, or three days after the date on which the Commission mails notice of the Order to Austin White Lime, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

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## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

  
\_\_\_\_\_  
For the Executive Director

2/6/07  
\_\_\_\_\_  
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, 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 my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by me;
- 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 against me;
- Automatic referral to the Attorney General's Office of any future enforcement actions against me; and
- TCEQ seeking other relief as authorized by law.

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

  
\_\_\_\_\_  
Signature

OCTOBER 23, 2006  
\_\_\_\_\_  
Date

OSCAR ROBINSON  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
Austin White Lime Company

PARTNER  
\_\_\_\_\_  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

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