

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2006-1549-AIR-E **TCEQ ID:** RN100220847 **CASE NO.:** 31049
RESPONDENT NAME: Lone Star Industries, Inc.

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: Lone Star Industries Maryneal Cement Plant, 202 County Road 306, Maryneal, Nolan County

TYPE OF OPERATION: Cement 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 February 26, 2007. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: None

TCEQ Enforcement Coordinator: Ms. Cari-Michel La Caille, Enforcement Division, Enforcement Section II, MC 219, (512) 239-1387; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896

TCEQ Field Investigator: Mr. Lance Dunlop, Abilene Regional Office, MC R-03, (325) 698-9764

Respondent: Mr. Robert Sagmeister, Plant Manager, Lone Star Industries, Inc., 202 County Road 306, Maryneal, Texas 79535

Respondent's Attorney: Not represented by counsel on this enforcement matter

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date of Complaint Relating to this Case: None</p> <p>Dates of Investigations Relating to this Case: July 27, 2006 and August 7, 2006</p> <p>Date of NOE Relating to this Case: August 22, 2006 (NOE)</p> <p>Background Facts: These were routine record reviews. Three violations were documented.</p> <p>AIR</p> <p>1) Failed to submit initial notification within 24 hours from the discovery date for a reportable emissions event [30 TEX. ADMIN. CODE § 101.201(a)(1)(B) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>2) Failed to maintain visible emissions below the 15 percent opacity limit, for any six minute period [30 TEX. ADMIN. CODE § 111.111(a)(1)(C) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>3) Failed to maintain the fabric filter inlet temperature to 440 degrees Fahrenheit or less on four occasions for the reporting period of April 19, 2005 to April 18, 2006 [30 TEX. ADMIN. CODE § 116.115(c), Permit No. 49046 Special Condition 3 and 40 CODE OF FEDERAL REGULATIONS § 63.1344(a)(3) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>	<p>Total Assessed: \$14,544</p> <p>Total Deferred: \$2,909 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$11,635</p> <p>Site Compliance History Classification: <input type="checkbox"/> High <input checked="" type="checkbox"/> Avg. <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification: <input type="checkbox"/> High <input checked="" type="checkbox"/> Avg. <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>1) The Executive Director recognizes that Lone Star has implemented the following corrective measures at the Plant:</p> <p>a. Submitted the 24 hour initial notification report on August 25, 2006 for an emissions event that occurred on February 5, 2006; and</p> <p>b. Replaced and repaired the affected bags for the No. 3 Kiln Baghouse on February 5, 2006</p> <p>Ordering Provisions:</p> <p>2) The Order will require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order, develop and implement a maintenance plan that will ensure the fabric filter inlet temperatures remain within allowable limits; and</p> <p>b. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision 2.a.</p>



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision April 25, 2006

DATES	Assigned	28-Aug-2006		
	PCW	11-Sept-2006	Screening	05-Sep-2006
			EPA Due	

RESPONDENT/FACILITY INFORMATION	
Respondent	Lone Star Industries, Inc.
Reg. Ent. Ref. No.	RN100220847
Facility/Site Region	3-Abilene
Major/Minor Source	Major Source

CASE INFORMATION			
Enf./Case ID No.	31049	No. of Violations	3
Docket No.	2006-1549-AIR-E	Order Type	1660
Media Program(s)	Air Quality	Enf. Coordinator	Cari-Michel La Caille
Multi-Media		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$10,100
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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	44% Enhancement	Subtotals 2, 3, & 7	\$4,444
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Notes: An enhancement is recommended for having four NOV's with same or similar violations, two NOV's for non-similar violations, and for having one Agreed Order with denial within the last five years.

Culpability	No	0% Enhancement	Subtotal 4	\$0
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Notes: This case does not meet culpability criteria.

Good Faith Effort to Comply	0% Reduction	Subtotal 5	\$0
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	Before NOV	NOV to EDPRP/Settlement Offer.
Extraordinary		
Ordinary		
N/A	X	(mark with a small x)

Notes: The respondent does not meet good faith criteria.

Economic Benefit	0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$20	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$1,600	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$14,544
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OTHER FACTORS AS JUSTICE MAY REQUIRE	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes:

Final Penalty Amount	\$14,544
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$14,544
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DEFERRAL	20% Reduction	Adjustment	-\$2,909
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Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY	\$11,635
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Screening Date	05-Sep-2006	Docket No.	2006-1549-AIR-E	PCW
Respondent	Lone Star Industries, Inc.	<i>Policy Revision 2 (September 2002)</i>		
Case ID No.	31049	<i>PCW Revision April 25, 2006</i>		
Reg. Ent. Reference No.	RN100220847			
Media [Statute]	Air Quality			
Enf. Coordinator	Carl-Michel La Caille			

Compliance History Worksheet

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

Component	Number of..	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	4	20%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	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 (number of events)	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	<i>Please Enter Yes or No</i>		
	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) 44%

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

No **Adjustment Percentage (Subtotal 3) 0%**

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

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

>> **Compliance History Summary**

Compliance History Notes An enhancement is recommended for having four NOVs with same or similar violations, two NOVs for non-similar violations, and for having one Agreed Order with denial within the last five years.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 44%

Screening Date	05-Sep-2006	Docket No.	2006-1549-AIR-E	PCW
Respondent	Lone Star Industries, Inc.	<i>Policy Revision 2 (September 2002)</i>		
Case ID No.	31049	<i>PCW Revision April 25, 2006</i>		
Reg. Ent. Reference No.	RN100220847			
Media [Statute]	Air Quality			
Enf. Coordinator	Cari-Michel La Caille			
Violation Number	1			
Primary Rule Cite(s)	30 Tex. Admin. Code § 101.201(a)(1)(B)			
Secondary Rule Cite(s)	Tex. Health and Safety Code § 382.085(b)			
Violation Description	Failure to submit initial notification within 24 hours from the discovery date for a reportable emissions event. Specifically, the emissions event occurred on February 5, 2006 and the initial notification was submitted to the TCEQ on August 25, 2006.			

Base Penalty

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

		Harm			
	Release	Major	Moderate	Minor	
OR	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	Percent <input type="text" value="1%"/>
Matrix Notes	<input type="text" value="Less than 30% of the rule requirement was not met."/>				

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events Number of violation days

<i>mark only one use a small x</i>	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input checked="" type="checkbox"/>

Violation Base Penalty

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent: Lone Star Industries, Inc.
 Case ID No: 31049
 Reg. Ent. Reference No: RN100220847
 Media [Statute]: Air Quality
 Violation No: 1

Percent Interest	Years of Depreciation
5.0	15

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				0.0	\$0	n/a	\$0
Other (as needed)	\$100	06-Feb-2006	25-Aug-2006	0.6	\$3	n/a	\$3

Notes for DELAYED costs: The estimated cost of notifying TCEQ electronically within 24 hours of an emissions event. The date required is the date the emissions event began and the final date is the date the emissions event was reported.

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 **\$100**

TOTAL \$3

Screening Date	05-Sep-2006	Docket No.	2006-1549-AIR-E	PCW
Respondent	Lone Star Industries, Inc.	<i>Policy Revision 2 (September 2002)</i>		
Case ID No.	31049	<i>PCW Revision April 25, 2006</i>		
Reg. Ent. Reference No.	RN100220847			
Media [Statute]	Air Quality			
Enf. Coordinator	Cari-Michel La Caille			
Violation Number	<input type="text" value="2"/>			
Primary Rule Cite(s)	30 Tex. Admin. Code § 111.111(a)(1)(C)			
Secondary Rule Cite(s)	Tex. Health and Safety Code 382.085(b)			
Violation Description	Failure to maintain visible emissions below the 15% opacity limit for any six minute period for any source having a total flow rate greater than or equal to 100,000 actual cubic feet per minute. Specifically, on February 5, 2006, three bag failures resulted in a 50% opacity lasting 1 hour from the baghouse for Kiln No. 3.			

Base Penalty

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

		Harm			
Release		Major	Moderate	Minor	
OR	Actual	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	Percent <input type="text" value="25%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> **Programmatic Matrix**

		Falsification	Major	Moderate	Minor	
		<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text"/>

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events Number of violation days

mark only one use a small x	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input checked="" type="checkbox"/>

Violation Base Penalty

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent: Lone Star Industries, Inc.
 Case ID No: 31049
 Reg. Ent. Reference No: RN100220847
 Media [Statute]: Air Quality
 Violation No: 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost <small>No commas or \$</small>	Date Required	Final Date	Yrs	Interest Saved	Onetime	EB
						Costs	Amount

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				0.0	\$0	n/a	\$0
Other (as needed)	\$1,000	05-Feb-2006	05-Feb-2006	0.0	\$0	n/a	\$0

Notes for DELAYED costs The estimated cost for maintenance procedures to ensure the bags for the No. 3 Kiln Baghouse are functioning properly. The date required is the date the emissions event began and the final date is the date the respondent came into 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 \$0

Screening Date	05-Sep-2006	Docket No.	2006-1549-AIR-E	PCW
Respondent	Lone Star Industries, Inc.		<i>Policy Revision 2 (September 2002)</i>	
Case ID No.	31049		<i>PCW Revision April 25, 2006</i>	
Reg. Ent. Reference No.	RN100220847			
Media [Statute]	Air Quality			
Enf. Coordinator	Cari-Michel La Caille			
Violation Number	3			
Primary Rule Cite(s)	30 Tex. Admin. Code § 116.115(c) and Permit 49046, Special Condition 3 and 40 Code of Federal Regulations § 63.1344(a)(3)			
Secondary Rule Cite(s)	Tex. Health and Safety Code 382.085(b)			
Violation Description	Failure to limit the fabric filter inlet temperature to 440 degrees Fahrenheit or less on four occasions for the reporting period of April 19, 2005 to April 18, 2006. Specifically, temperatures exceeded allowable limits on June 2, 2005, October 19, 2005, November 6, 2005 and March 14, 2006.			
Base Penalty	\$10,000			

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

		Harm			
Release		Major	Moderate	Minor	
OR	Actual				Percent <input type="text" value="25%"/>
	Potential		X		

>> **Programmatic Matrix**

		Major	Moderate	Minor	
	Falsification				Percent <input type="text"/>

Matrix Notes: Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors.

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events Number of violation days

mark only one use a small x

daily	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty

Three quarterly events are recommended.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$18"/>	Violation Final Penalty Total <input type="text" value="\$10,800"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$10,800"/>	

Economic Benefit Worksheet

Respondent: Lone Star Industries, Inc.
 Case ID No: 31049
 Reg. Ent. Reference No: RN100220847
 Media [Statute]: Air Quality
 Violation No: 3

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				0.0	\$0	n/a	\$0
Other (as needed)	\$500	07-Aug-2006	22-April-2007	0.7	\$18	n/a	\$18

Notes for DELAYED costs

The estimated cost for maintenance procedures to ensure the fabric filter inlet temperatures remain within allowable limits. The date required is the date of the investigation and the final date is the date the respondent is projected to come into 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

TOTAL

Compliance History

Customer/Respondent/Owner-Operator:	CN600363683 Lone Star Industries, Inc.	Classification: AVERAGE	Rating: 2.93																																																																																				
Regulated Entity:	RN100220847 LONE STAR INDUSTRIES MARYNEAL CEMENT PLANT	Classification: AVERAGE	Site Rating: 7.75																																																																																				
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Location:	202 COUNTY ROAD 306, MARYNEAL, TX, 79535 Rating Date: September 01 05 Repeat Violator: NO																																																																																						
TCEQ Region:	REGION 03 - ABILENE																																																																																						
Date Compliance History Prepared:	August 28, 2006																																																																																						
Agency Decision Requiring Compliance History:	Enforcement																																																																																						
Compliance Period:	August 28, 2001 to August 28, 2006																																																																																						

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Cari-Michel La Caille Phone: 512-239-1387

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 Effective Date: 10/03/2002 ADMINORDER 2001-1431-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(A)
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
 30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: G & SC PERMIT

Description: Failure to meet the general and special conditions of TNRCC permit 7681 at the raw mill

baghouse on 11/2/00.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(A)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to limit visible emissions from all stationary vents exceeding 30 percent opacity for a six-minute period.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.6(b)(5)

30 TAC Chapter 101, SubChapter A 101.6(b)(6)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to individually list the compound descriptive types and quantities for those compounds.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.6(b)(3)

30 TAC Chapter 101, SubChapter A 101.6(b)(5)

30 TAC Chapter 101, SubChapter A 101.6(b)(6)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to include the start date, a list of the description and quantities of the compound of an upset event in the final upset report for April 23, 2001.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.6(b)(5)

30 TAC Chapter 101, SubChapter A 101.6(b)(6)

30 TAC Chapter 101, SubChapter A 101.6(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to submit all final reports for reportable upsets to the regional office no later than two weeks after the end of the upset for Kiln 2 for the date of 5/20/01 and 6/26/01.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.6(b)(5)

30 TAC Chapter 101, SubChapter A 101.6(b)(6)

Description: Failure to individually list the compound descriptive types and quantities for those compounds.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.6(b)(5)

30 TAC Chapter 101, SubChapter A 101.6(b)(6)

Description: Failure to individually list the compound descriptive types and quantities for those compounds.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(A)

Description: Failure to limit visible emissions from all stationary vents from exceeding 30 percent opacity for a six-minute period.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.6(b)(5)

30 TAC Chapter 101, SubChapter A 101.6(b)(6)

Description: Failure to individually list the compound descriptive types and quantities for those compounds.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.6(b)(5)

30 TAC Chapter 101, SubChapter A 101.6(b)(6)

Description: Failure to individually list the compound descriptive types and quantities for those compounds.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.6(b)(5)

30 TAC Chapter 101, SubChapter A 101.6(b)(6)

Description: Failure to individually list the compound descriptive types and quantities for those compounds.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(A)

Description: Failure to limit visible emissions from all stationary vents from exceeding 30 percent opacity for a six-minute period.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.6(b)(5)

30 TAC Chapter 101, SubChapter A 101.6(b)(6)

Description: Failure to individually list the compound descriptive types and quantities for those compounds.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.6(b)(3)

30 TAC Chapter 101, SubChapter A 101.6(b)(5)

30 TAC Chapter 101, SubChapter A 101.6(b)(6)

Description: Failure to include the start date of an upset event in the final upset report.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(A)

Description: Failure to limit visible emissions from all stationary vents from exceeding 30 percent opacity for a six-minute period.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.6(b)(5)

30 TAC Chapter 101, SubChapter A 101.6(b)(6)

Description: Failure to individually list the compound descriptive types and quantities for those compounds.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(A)

Description: Failure to limit visible emissions from all stationary vents from exceeding 30 percent opacity for a six-minute period.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.6(b)(5)

30 TAC Chapter 101, SubChapter A 101.6(b)(6)

Description: Failure to individually list the compound descriptive types and quantities for those compounds.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.6(c)

Description: Failure to submit all final reports for reportable upsets to the regional office no later than two weeks after the end of the upset.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(A)

Description: Failure to limit visible emissions from all stationary vents from exceeding 30 percent opacity for a six-minute period.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.6(b)(5)

30 TAC Chapter 101, SubChapter A 101.6(b)(6)

Description: Failure to individually list the compound descriptive types and quantities for those compounds.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.6(c)

Description: Failure to submit all final reports for reportable upsets to the regional office no later than two weeks after the end of the upset.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(A)

Description: Failure to limit visible emissions from all stationary vents from exceeding 30 percent opacity for a six-minute period.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.6(b)(5)

30 TAC Chapter 101, SubChapter A 101.6(b)(6)

Description: Failure to individually list the compound descriptive types and quantities for those compounds.

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.)

N/A	1	02/24/2003	(230552)
	2	02/25/2002	(230551)
	3	02/18/2003	(22341)
	4	04/26/2006	(462436)
	5	02/28/2003	(19437)
	6	07/21/2005	(447246)
	7	08/25/2005	(447247)
	8	02/18/2003	(22342)
	9	09/26/2005	(447248)
	10	05/04/2006	(462437)
	11	09/29/2005	(433190)
	12	08/15/2005	(340056)
	13	09/30/2002	(12723)
	14	01/06/2003	(19904)

15 02/18/2003 (22339)
16 04/26/2006 (462438)
17 02/21/2006 (491683)
18 05/15/2006 (462799)
19 10/24/2005 (491684)
20 11/28/2005 (491685)
21 11/22/2004 (340055)
22 01/24/2006 (491686)
23 01/03/2003 (20578)
24 11/29/2005 (438274)
25 02/12/2004 (325838)
26 03/16/2004 (325839)
27 05/27/2003 (325840)
28 05/23/2006 (505886)
29 06/20/2003 (325841)
30 04/20/2006 (505887)
31 07/28/2003 (325842)
32 05/23/2006 (505888)
33 08/14/2003 (325843)
34 06/13/2006 (505889)
35 09/17/2003 (325844)
36 05/23/2006 (505890)
37 10/16/2003 (325845)
38 08/23/2006 (490421)
39 11/20/2003 (325846)
40 12/29/2003 (325847)
41 01/27/2004 (325848)
42 02/18/2003 (22338)
43 08/15/2005 (399792)
44 09/30/2002 (12719)
45 09/28/2005 (433057)
46 01/21/2003 (230587)
47 01/16/2002 (230586)
48 12/23/2002 (230584)
49 12/27/2001 (230583)
50 09/28/2005 (433058)
51 11/21/2002 (230581)
52 11/26/2001 (230580)
53 10/21/2002 (230578)
54 10/24/2001 (230577)
55 09/28/2005 (433050)
56 09/16/2002 (230575)
57 02/18/2003 (22340)
58 09/24/2001 (230574)
59 08/21/2002 (230572)
60 09/29/2005 (433209)
61 05/12/2005 (380696)
62 07/19/2004 (281427)
63 07/22/2002 (230569)
64 06/17/2002 (230566)
65 03/22/2005 (389579)
66 11/29/2004 (389580)
67 05/13/2002 (230563)
68 01/25/2005 (389581)
69 01/25/2005 (389582)
70 04/26/2004 (366154)
71 04/09/2003 (230560)
72 02/28/2005 (427119)
73 06/10/2004 (366155)
74 04/18/2002 (230559)
75 05/04/2005 (427120)
76 06/10/2004 (366156)
77 05/04/2005 (427121)
78 07/14/2004 (366157)
79 08/23/2006 (489084)
80 01/25/2005 (427122)
81 08/16/2004 (366158)
82 09/13/2004 (366159)

83 03/18/2003 (230555)
84 10/22/2004 (366160)
85 07/07/2006 (466363)
86 03/21/2002 (230554)

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

Date: 08/08/2005 (399792)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT LLL 63.1344(a)(3)
Description: Lone Star failed to limit the fabric filter inlet temperature to 440 degrees or less on three occasions for kiln No. 1 and 14 occasions for Kiln No. 2 from October 19, 2004 to April 18, 2005.

Date: 09/28/2005 (433050/433057)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 113, SubChapter C 113.690
Description: Buzzi Unicem USA, Lone Star Industries Maryneal Cement Plant is in violation of 30 TAC 113 Section 113.690. Specifically, Kiln no. 1 Baghouse (EPN SC-1) failed to meet the dioxin / furan emission limit of 30 TAC Section 113.690 (40 CFR 63, Subpart LLL) during compliance testing on February 16 and 18, 2005.

Date: 08/08/2005 (340056)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Description: Lone Star failed to meet the Demonstration Criteria set forth in of 30 Tex. Admin. Code § 101.222(b) and are not subject to an affirmative defense

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Description: Lone Star failed to maintain and operate the pollution control device consistent with good practice for minimizing emissions and reducing the number of emissions events.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
30 TAC Chapter 116, SubChapter B 116.115(c)
Description: Lone Star failed to report the emissions events to the TCEQ within 24 hours of discovery as required by 30 Texas Admin Code 101.201(a)(1)(B)

Date: 07/19/2004 (281427)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
Rqmt Prov: OP IA
Description: Failure to conduct an Environmental Protection Agency approved method 22 for determination of fugitive emissions from a material source.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
Rqmt Prov: OP IA
Description: Failure to report, in writing, to the executive director all instances of deviations, the probable cause of the deviations, and any corrective actions or preventative measures taken for each emission unit addressed in the permit.

Date: 11/30/2002 (230584)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 07/07/2006 (466363)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: PERMIT IA
Description: Failure to provide annual flow meter calibrations for the meters located at Outfall 001 and Outfall 002.

Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 319, SubChapter A 319.5(b)		
Description:	Failure to sample and analyze for TDS at Outfall 002 at the required sampling frequency.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 319, SubChapter A 319.11(b)		
Description:	Failure to analyze TSS effluent samples within required analytical hold times.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 319, SubChapter A 319.7(a)[G]		
Description:	Failure to maintain and provide monitoring records for all required analyses or measurements.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 319, SubChapter A 319.7(c)		
Description:	Failure to provide pH meter calibration records.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
Rqmt Prov:	PERMIT IA		
Description:	Failure to provide an Irrigation operating log that includes the actual surface area wetted each day of use.		

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
LONE STAR INDUSTRIES, INC.
RN100220847

§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2006-1549-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 Lone Star Industries, Inc. ("Lone Star") 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 Lone Star appear before the Commission and together stipulate that:

1. Lone Star owns and operates a cement plant at 202 County Road 306, near Maryneal, Nolan 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 Lone Star agree that the Commission has jurisdiction to enter this Agreed Order, and that Lone Star is subject to the Commission's jurisdiction.
4. Lone Star received notice of the violations alleged in Section II ("Allegations") on or about August 27, 2006.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Lone Star of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Fourteen Thousand Five Hundred Forty-Four Dollars (\$14,544) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Lone Star has paid Eleven Thousand Six Hundred Thirty-Five Dollars (\$11,635) of the administrative penalty Two Thousand Nine Hundred Nine Dollars (\$2,909) is deferred contingent upon Lone Star'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 Lone Star fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Lone Star 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 Lone Star 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 Lone Star has implemented the following corrective measures at the Plant:
 - a. Submitted the 24 hour initial notification report on August 25, 2006 for an emissions event that occurred on February 5, 2006; and
 - b. Replaced and repaired the affected bags for the No. 3 Kiln Baghouse on February 5, 2006.
 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 Lone Star 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, Lone Star is alleged to have:

1. Failed to submit initial notification within 24 hours from the discovery date for a reportable emissions event, in violation of 30 TEX. ADMIN. CODE § 101.201(a)(1)(B) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on July 27, 2006.
2. Failed to maintain visible emissions below the 15 percent opacity limit, for any six minute period, in violation of 30 TEX. ADMIN. CODE § 111.111(a)(1)(C) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on July 27, 2006.
3. Failed to maintain the fabric filter inlet temperature to 440 degrees Fahrenheit or less on four occasions for the reporting period of April 19, 2005 to April 18, 2006, in violation of 30 TEX. ADMIN. CODE § 116.115(c), Permit No. 49046 Special Condition 3 and 40 CODE OF FEDERAL

1. The first part of the document is a letter from the author to the editor of the journal. The letter discusses the author's interest in the topic and the reasons for writing the paper.

2. The second part of the document is the abstract of the paper. It provides a brief summary of the main findings and conclusions of the study.

3. The third part of the document is the introduction. It sets the context for the study and outlines the research objectives.

4. The fourth part of the document is the literature review. It discusses the existing research on the topic and identifies the gaps that the current study aims to address.

5. The fifth part of the document is the methodology. It describes the research design, data collection methods, and statistical analysis used in the study.

6. The sixth part of the document is the results. It presents the findings of the study and discusses their implications.

7. The seventh part of the document is the conclusion. It summarizes the main findings and provides recommendations for future research.

8. The eighth part of the document is the references. It lists the sources of information used in the study.

9. The ninth part of the document is the appendix. It contains additional information that supports the main text of the paper.

10. The tenth part of the document is the acknowledgments. It expresses gratitude to those who provided support and assistance during the research process.

REGULATIONS § 63.1344(a)(3) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on August 7, 2006.

III. DENIALS

Lone Star generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Lone Star pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Lone Star'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 payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Lone Star Industries, Inc., Docket No. 2006-1549-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. Lone Star shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, develop and implement a maintenance plan that will ensure the fabric filter inlet temperatures remain within allowable limits; and
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision 2.a. as described below:

The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

Submit documentation certifying compliance with Ordering Provision 2.a. to:

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

with a copy to:

Air Section Manager
Abilene Regional Office
Texas Commission on Environmental Quality
1977 Industrial Boulevard
Abilene, Texas 79602-7833

3. The provisions of this Agreed Order shall apply to and be binding upon Lone Star. Lone Star 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.
4. If Lone Star fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Lone Star's failure to comply is not a violation of this Agreed Order. Lone Star shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Lone Star shall notify the Executive Director within seven days after Lone Star becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Lone Star shall be made in writing to the Executive Director. Extensions are not effective until Lone Star receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against Lone Star 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.
7. 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.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Lone Star, or three days after the date on which the Commission mails notice of the Order to Lone Star, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

1. The first part of the document is a letter from the author to the editor, dated 10/10/1954. The letter is addressed to the Editor of the Journal of the American Medical Association, 535 North Dearborn Street, Chicago, Illinois. The author is Dr. J. H. [Name obscured] of the University of Chicago.

2. The second part of the document is a letter from the editor to the author, dated 10/15/1954. The letter is addressed to Dr. J. H. [Name obscured] of the University of Chicago. The editor is Dr. [Name obscured] of the Journal of the American Medical Association.

3. The third part of the document is a letter from the author to the editor, dated 10/20/1954. The letter is addressed to the Editor of the Journal of the American Medical Association, 535 North Dearborn Street, Chicago, Illinois. The author is Dr. J. H. [Name obscured] of the University of Chicago.

4. The fourth part of the document is a letter from the editor to the author, dated 10/25/1954. The letter is addressed to Dr. J. H. [Name obscured] of the University of Chicago. The editor is Dr. [Name obscured] of the Journal of the American Medical Association.

5. The fifth part of the document is a letter from the author to the editor, dated 10/30/1954. The letter is addressed to the Editor of the Journal of the American Medical Association, 535 North Dearborn Street, Chicago, Illinois. The author is Dr. J. H. [Name obscured] of the University of Chicago.

6. The sixth part of the document is a letter from the editor to the author, dated 11/5/1954. The letter is addressed to Dr. J. H. [Name obscured] of the University of Chicago. The editor is Dr. [Name obscured] of the Journal of the American Medical Association.

7. The seventh part of the document is a letter from the author to the editor, dated 11/10/1954. The letter is addressed to the Editor of the Journal of the American Medical Association, 535 North Dearborn Street, Chicago, Illinois. The author is Dr. J. H. [Name obscured] of the University of Chicago.

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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission


For the Executive Director

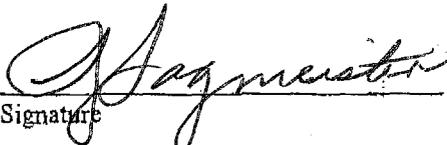
3/15/07
Date

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

11/21/06
Date

Robert Sagmeister
Name (Printed or typed)
Authorized Representative of
Lone Star Industries, Inc.

Plant Manager
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.

