

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2008-1122-AIR-E **TCEQ ID:** RN100552454 **CASE NO.:** 36182
RESPONDENT NAME: Chemical Lime, Ltd.

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: New Braunfels Lime Plant, 350 APG Lane, New Braunfels, Comal County</p> <p>TYPE OF OPERATION: Lime manufacturing plant</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on June 22, 2009. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Trina Grieco, Enforcement Division, Enforcement Team 5, MC R-13, (210) 403-4006; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387 Respondent: Mr. Scott Reitz, Plant Manager, Chemical Lime, Ltd., 350 APG Lane, New Braunfels, Texas 78132 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

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(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: June 13, 2008</p> <p>Date of NOV/NOE Relating to this Case: July 3, 2008 (NOE)</p> <p>Background Facts: This was a record review.</p> <p>AIR</p> <p>Failure to submit the Title V deviation report within 30 days after the end of the April 28, 2007 to October 28, 2007 reporting period. Specifically, the report was due November 27, 2007, but was not submitted until June 23, 2008 [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(C), Federal Operating Permit No. O-01122, General Terms and Conditions, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>	<p>Total Assessed: \$2,875</p> <p>Total Deferred: \$575 <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: \$2,300</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <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>The Executive Director recognizes that the Respondent submitted the Title V deviation report for the April 28, 2007 to October 28, 2007 reporting period on June 23, 2008</p> <p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order, implement measures designed to ensure Title V deviation reports are submitted within the required timeframes; and</p> <p>b. Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision a.</p>

Additional ID No(s): CS00200



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 12, 2008

DATES	Assigned	7-Jul-2008			
	PCW	11-Jul-2008	Screening	10-Jul-2008	EPA Due 30-Mar-2009

RESPONDENT/FACILITY INFORMATION			
Respondent	Chemical Lime, Ltd.		
Reg. Ent. Ref. No.	RN100552454		
Facility/Site Region	13-San Antonio	Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	36182	No. of Violations	1
Docket No.	2008-1122-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Trina Grieco
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$2,500
---	-------------------	----------------

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	15.0% Enhancement	Subtotals 2, 3, & 7	\$375
---------------------------	-------------------	--------------------------------	--------------

Notes: Penalty enhancement due to one NOV issued for same or similar violations and five NOVs issued for dissimilar violations at this Plant in the past five years.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
--------------------	----	------------------	-------------------	------------

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
--	-------------------	------------

Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
-------------------------	-------------------	-------------------	------------

Total EB Amounts: \$8
 Approx. Cost of Compliance: \$150
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$2,875
-----------------------------	-----------------------	----------------

OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
---	------	-------------------	------------

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$2,875
-----------------------------	----------------

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$2,875
-----------------------------------	-------------------------------	----------------

DEFERRAL	20.0% Reduction	Adjustment	-\$575
-----------------	-----------------	-------------------	---------------

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	\$2,300
------------------------	----------------

Screening Date 10-Jul-2008

Docket No. 2008-1122-AIR-E

PCW

Respondent Chemical Lime, Ltd.

Policy Revision 2 (September 2002)

Case ID No. 36182

PCW Revision June 12, 2008

Reg. Ent. Reference No. RN100552454

Media [Statute] Air

Enf. Coordinator Trina Grieco

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 (number of NOVs meeting criteria)	1	5%
	Other written NOVs	5	10%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	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 (number of judgements or consent decrees meeting criteria)	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 (number of counts)	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 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
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) 15%

>> 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

Penalty enhancement due to one NOV issued for same or similar violations and five NOVs issued for dissimilar violations at this Plant in the past five years.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 15%

Screening Date 10-Jul-2008	Docket No. 2008-1122-AIR-E	PCW			
Respondent Chemical Lime, Ltd.	<i>Policy Revision 2 (September 2002)</i>				
Case ID No. 36182	<i>PCW Revision June 12, 2008</i>				
Reg. Ent. Reference No. RN100552454					
Media [Statute] Air					
Enf. Coordinator Trina Grieco					
Violation Number	1				
Rule Cite(s)	30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(C), Federal Operating Permit No. O-01122, General Terms and Conditions and Tex. Health & Safety Code § 382.085(b)				
Violation Description	Failed to submit the Title V deviation report within 30 days after the end of the April 28, 2007 to October 28, 2007 reporting period. Specifically, the report was due November 27, 2007, but was not submitted until June 23, 2008.				
Base Penalty		\$10,000			
>> Environmental, Property and Human Health Matrix					
OR	Harm				
	Release	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	
Percent				0%	
>> Programmatic Matrix					
		Falsification	Major	Moderate	Minor
		<input type="text"/>	x	<input type="text"/>	<input type="text"/>
Percent					25%
Matrix Notes	100% of the rule requirement was not met.				
Adjustment					\$7,500
Violation Events					\$2,500
		Number of Violation Events	1	209	Number of violation days
<i>mark only one with an x</i>	daily	<input type="text"/>			
	monthly	<input type="text"/>			
	quarterly	<input type="text"/>			
	semiannual	<input type="text"/>			
	annual	<input type="text"/>			
	single event	x			
Violation Base Penalty					\$2,500
One single event is recommended.					
Good Faith Efforts to Comply		0.0% Reduction			\$0
		Before NOV	NOV to EDPRP/Settlement Offer		
Extraordinary	<input type="text"/>				
Ordinary	<input type="text"/>				
N/A	x	(mark with x)			
Notes	The Respondent does not meet the good faith criteria for this violation.				
Violation Subtotal					\$2,500
Economic Benefit (EB) for this violation			Statutory Limit Test		
Estimated EB Amount		\$8	Violation Final Penalty Total		\$2,875
This violation Final Assessed Penalty (adjusted for limits)					\$2,875

Economic Benefit Worksheet

Respondent: Chemical Lime, Ltd.
Case ID No.: 36182
Reg. Ent. Reference No.: RN100552454
Media: Air
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
No commas or \$							

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	\$100	27-Nov-2007	1-Mar-2009	1.26	\$6	n/a	\$6
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$50	27-Nov-2007	23-Jun-2008	0.57	\$1	n/a	\$1

Notes for DELAYED costs
 Estimated cost to prepare and submit a deviation report (\$50) and estimated cost to implement measures designed to ensure Title V deviation reports are submitted within the required timeframes (\$100). Date required is the date the report was due. Final dates are the date corrective actions were completed (June 23, 2008) and the date corrective actions are projected to be completed (March 1, 2009).

Avoided Costs

ANNUALIZE [1] 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 [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance	\$150	TOTAL	\$8
-----------------------------------	-------	--------------	-----

Compliance History

Customer/Respondent/Owner-Operator: CN600130470 Chemical Lime, Ltd. Classification: AVERAGE Rating: 2.71
 Regulated Entity: RN100552454 NEW BRAUNFELS LIME PLANT Classification: AVERAGE Site Rating: 5.41

ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	CS00200
	AIR OPERATING PERMITS	PERMIT	1122
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXP490139224
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	20367
	WASTEWATER	PERMIT	WQ0001554000
	WASTEWATER	PERMIT	TX0068721
	AIR NEW SOURCE PERMITS	PERMIT	5640A
	AIR NEW SOURCE PERMITS	PERMIT	7808
	AIR NEW SOURCE PERMITS	PERMIT	30070
	AIR NEW SOURCE PERMITS	PERMIT	34954
	AIR NEW SOURCE PERMITS	PERMIT	47100
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	CS00200
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX256M2
	AIR NEW SOURCE PERMITS	REGISTRATION	55685
	AIR NEW SOURCE PERMITS	AFS NUM	4809100002
	AIR NEW SOURCE PERMITS	REGISTRATION	70768
	AIR NEW SOURCE PERMITS	REGISTRATION	71162
	AIR NEW SOURCE PERMITS	PERMIT	54180
	AIR NEW SOURCE PERMITS	REGISTRATION	71761
	AIR NEW SOURCE PERMITS	PERMIT	53995
	AIR NEW SOURCE PERMITS	PERMIT	71403
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX256M3
	AIR NEW SOURCE PERMITS	REGISTRATION	82590
	AIR NEW SOURCE PERMITS	REGISTRATION	84191
	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	0460130
	PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	51054
	EDWARDS AQUIFER	REGISTRATION	13-06051801
	EDWARDS AQUIFER	REGISTRATION	13-06051801A
	IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	20367

Location: 350 APG LN, NEW BRAUNFELS, TX, 78132 Rating Date: September 01 07 Repeat Violator: NO

TCEQ Region: REGION 13 - SAN ANTONIO

Date Compliance History Prepared: July 08, 2003

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: July 08, 2003 to July 08, 2008

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

Name: Trina Grieco Phone: (210) 403-4006

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	07/18/2003	(143696)
2	07/30/2003	(147513)
3	07/31/2003	(147751)
4	08/01/2003	(147455)
5	08/20/2003	(119929)
6	09/03/2003	(152826)
7	09/17/2003	(249039)
8	10/24/2003	(252787)
9	12/11/2003	(255761)
10	08/12/2004	(271689)
11	08/25/2004	(269568)
12	10/14/2004	(335694)
13	10/14/2004	(335697)
14	11/23/2004	(342233)
15	12/30/2004	(344176)
16	12/30/2004	(344195)
17	12/30/2004	(344189)
18	01/07/2005	(345907)
19	01/27/2005	(348067)
20	02/21/2005	(371267)
21	07/15/2005	(377703)
22	07/26/2005	(401427)
23	08/30/2005	(405874)
24	09/07/2005	(405579)
25	02/28/2006	(455442)
26	03/02/2006	(456733)
27	03/15/2006	(457994)
28	03/20/2006	(457970)
29	03/20/2006	(459393)
30	04/07/2006	(462033)
31	07/12/2006	(482976)
32	11/15/2006	(519096)
33	12/06/2006	(517281)
34	12/13/2006	(533929)
35	01/09/2007	(534180)
36	01/09/2007	(535213)
37	03/30/2007	(554184)
38	05/18/2007	(560521)
39	09/05/2007	(567574)
40	09/12/2007	(573088)
41	02/01/2008	(616781)
42	02/26/2008	(618379)
43	04/29/2008	(654518)
44	07/03/2008	(684170)

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

Date:	08/16/2004	(271689)		
Self Report?	NO		Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)			
Description:	Failure to prevent lime dust from escaping from a leak in one of the ducts at this facility, in violation of 30 TAC 116.115(c).			
Self Report?	NO		Classification:	Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)			
Description:	Failure to conduct and record trace metal analysis in violation of 30 TAC 116.115(c).			
Self Report?	NO		Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)			
Description:	Failure to maintain annual reports from the natural gas supplier to demonstrate the sulfur content of the natural gas had been met during the previous two years, in violation of 30 TAC 116.115(c).			
Self Report?	NO		Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)			
Description:	Failure to record the fuel feed rates on an hourly basis, in violation of 30 TAC 116.115(c).			
Self Report?	NO		Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.110(a)(1)			
Description:	Failure to obtain authorization for emissions, in violation of 30 TAC 116.110(a).			
Date:	08/20/2004	(269568)		

Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4)		
Description:	Failure to conduct annual opacity readings as required by Operating Permit O-01122, in violation of 30 TAC 122.143(4).		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 122, SubChapter B 122.145(2)(A)		
Description:	Failure to report all deviations to Operating Permit O-01122, in violation of 30 TAC 122.145(2)(A).		
Date:	04/04/2005	(374898)	
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)		
Description:	Failed to comply with SP # 7 of Permit # 7808 by failing to pave a section of haul road.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)		
Description:	Failure to clean haul roads as required in Permit No. 7808.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)		
Description:	Failed to comply with SP # 9 of Permit # 7808.		
Date:	03/03/2006	(455442)	
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)		
Description:	Failing to comply with a Special Condition of a Permit.		
Date:	03/08/2006	(462033)	
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)		
Description:	Failing to comply with a Special Condition of a Permit.		
Date:	07/03/2008	(684170)	
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(1)		
Description:	Company exceeded the opacity limit of Kiln No. 3 of 15 %.		

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
CHEMICAL LIME, LTD.
RN100552454

§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2008-1122-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 Chemical Lime, Ltd. ("the Respondent") 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 the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a lime manufacturing plant at 350 APG Lane in New Braunfels, Comal 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 the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about July 8, 2008.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Two Thousand Eight Hundred Seventy-Five Dollars (\$2,875) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Two Thousand Three Hundred Dollars (\$2,300) of the administrative penalty and Five Hundred Seventy-Five Dollars (\$575) is deferred contingent upon

the Respondent'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 the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent 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 the Respondent 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 the Respondent submitted the Title V deviation report for the April 28, 2007 to October 28, 2007 reporting period on June 23, 2008.
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 the Respondent 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, the Respondent is alleged to have failed to submit the Title V deviation report within 30 days after the end of the April 28, 2007 to October 28, 2007 reporting period, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(C), Federal Operating Permit No. O-01122, General Terms and Conditions and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on June 13, 2008. Specifically, the report was due November 27, 2007, but was not submitted until June 23, 2008.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent'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: Chemical Lime, Ltd., Docket No. 2008-1122-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. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, implement measures designed to ensure Title V deviation reports are submitted within the required timeframes; and
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. 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."

The certification shall be submitted 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
San Antonio Regional Office
Texas Commission on Environmental Quality
14250 Judson Road
San Antonio, Texas 78233-4480

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent 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 the Respondent 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, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent 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 the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this 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 the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

Chemical Lime, Ltd.
DOCKET NO. 2008-1122-AIR-E
Page 5

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

Date 5/20/2009

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 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 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 Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

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



Signature

September 10, 2008

Date

Scott Reitz

Plant Mgr.

Name (Printed or typed)
Authorized Representative of
Chemical Lime, Ltd.

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.

