

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

**DOCKET NO.:** 2009-0343-IWD-E **TCEQ ID:** RN102186384 **CASE NO.:** 37273

**RESPONDENT NAME:** Hanson Aggregates, Inc.

<b>ORDER TYPE:</b>		
<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	
<b>CASE TYPE:</b>		
<input 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 checked="" 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><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Bridgeport Quarry, located on Farm-to-Market Road 2952, one-half mile east of Lake Bridgeport and three miles west of Bridgeport, Wise County</p> <p><b>TYPE OF OPERATION:</b> Limestone crushing and washing plant</p> <p><b>SMALL BUSINESS:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on September 14, 2009. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> None  <b>TCEQ Enforcement Coordinator:</b> Ms. Cheryl Thompson, Enforcement Division, Enforcement Team 3, MC R-04, (817) 588-5886; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387  <b>Respondent:</b> Mr. Lalit Bhatnagar, Region ESH Director, Hanson Aggregates, Inc., 300 East John Carpenter Parkway, Irving, Texas 75062  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input checked="" type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> December 17, 2008</p> <p><b>Date of NOV/NOE Relating to this Case:</b> February 19, 2009 (NOE)</p> <p><b>Background Facts:</b> This was a record review.</p> <p><b>WATER</b></p> <p>1) Failure to comply with permitted effluent limits for total suspended solids [Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0001406000, Effluent Limitations and Monitoring Requirements No. 1, 30 TEX. ADMIN. CODE § 305.125(1), and TEX. WATER CODE § 26.121(a)].</p> <p>2) Failure to collect and analyze samples for required parameters at the minimum frequency specified in the permit. Specifically, the Respondent did not report pH, total suspended solids and total dissolved solids for the month of June 2008 [TPDES Permit No. WQ0001406000, Monitoring and Reporting Requirements 3.a., TEX. ADMIN. CODE § 305.125(1), and 30 TEX. ADMIN. CODE § 319.5(b)].</p>	<p><b>Total Assessed:</b> \$8,108</p> <p><b>Total Deferred:</b> \$1,621  <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> \$6,487</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" 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 the Respondent has implemented the following corrective measures at the Facility:</p> <p>a. By July 31, 2008, began collecting, analyzing and reporting sample results for all parameters;</p> <p>b. By March 19, 2009, returned to compliance with all permitted effluent limitations; and</p> <p>c. By March 19, 2009, hired a new operator and conducted additional personnel training on the operations of the Facility.</p>

Additional ID No(s): WQ0001406000



Policy Revision 2 (September 2002)

## Penalty Calculation Worksheet (PCW)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	23-Feb-2009	Screening	5-Mar-2009	EPA Due	
	PCW	9-Mar-2009				

## RESPONDENT/FACILITY INFORMATION

Respondent	Hanson Aggregates, Inc.		
Reg. Ent. Ref. No.	RN102186384		
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Minor

## CASE INFORMATION

Enf./Case ID No.	37273	No. of Violations	2
Docket No.	2009-0343-IWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Cheryl Thompson
		EC's Team	Enforcement Team 3
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>	\$6,000
---	-------------------	---------

## ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	45.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$2,700
--------------------	-------------------	--------------------------------	---------

Notes	The Respondent self-reported nine months of effluent violations.
-------	--

Culpability	No	0.0% Enhancement	<b>Subtotal 4</b>	\$0
-------------	----	------------------	-------------------	-----

Notes	The Respondent does not meet the culpability criteria.
-------	--

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$750
--	-------------------	-------

Economic Benefit	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
------------------	-------------------	-------------------	-----

Total EB Amounts	\$177	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$750	

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$7,950
-----------------------------	-----------------------	---------

<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	2.0%	<b>Adjustment</b>	\$158
---	------	-------------------	-------

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	Cost to collect avoided cost associated with violation # 2.
-------	---

<b>Final Penalty Amount</b>	\$8,108
-----------------------------	---------

<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$8,108
-----------------------------------	-------------------------------	---------

<b>DEFERRAL</b>	20.0% Reduction	<b>Adjustment</b>	-\$1,621
-----------------	-----------------	-------------------	----------

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes	Deferral offered for expedited settlement.
-------	--

<b>PAYABLE PENALTY</b>	\$6,487
------------------------	---------

Screening Date 5-Mar-2009

Docket No. 2009-0343-IWD-E

PCW

Respondent Hanson Aggregates, Inc.

Policy Revision 2 (September 2002)

Case ID No. 37273

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102186384

Media [Statute] Water Quality

Enf. Coordinator Cheryl Thompson

**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)	9	45%
	Other written NOVs	0	0%
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) 45%

>> 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

The Respondent self-reported nine months of effluent violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 45%

<b>Screening Date</b> 5-Mar-2009	<b>Docket No.</b> 2009-0343-IWD-E	<b>PCW</b>			
<b>Respondent</b> Hanson Aggregates, Inc.		<i>Policy Revision 2 (September 2002)</i>			
<b>Case ID No.</b> 37273		<i>PCW Revision October 30, 2008</i>			
<b>Reg. Ent. Reference No.</b> RN102186384					
<b>Media [Statute]</b> Water Quality					
<b>Enf. Coordinator</b> Cheryl Thompson					
<b>Violation Number</b> <input type="text" value="1"/>					
<b>Rule Cite(s)</b>	Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0001406000, Effluent Limitations and Monitoring Requirements No. 1, 30 Tex. Admin. Code § 305.125(1) and Tex. Water Code § 26.121(a)				
<b>Violation Description</b>	Failed to comply with permitted limits, as documented during a record review conducted on December 17, 2008. See attached table.				
	<b>Base Penalty</b>	<input type="text" value="\$10,000"/>			
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>					
<b>OR</b>	<b>Release</b>	<b>Harm</b>			
		Major    Moderate    Minor			
	Actual	<input type="text" value="x"/>	<input type="text"/>		
	Potential	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="25%"/>	
<b>&gt;&gt; Programmatic Matrix</b>					
	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="0%"/>
<b>Matrix Notes</b>	Human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or the environment as the result of the excursions.				
	<b>Adjustment</b>	<input type="text" value="\$7,500"/>			
				<input type="text" value="\$2,500"/>	
<b>Violation Events</b>					
	<b>Number of Violation Events</b>	<input type="text" value="2"/>	<b>Number of violation days</b>	<input type="text" value="61"/>	
	<i>mark only one with an x</i>	daily	<input type="text"/>		
		weekly	<input type="text"/>		
		monthly	<input checked="" type="checkbox"/>		
		quarterly	<input type="text"/>		
		semiannual	<input type="text"/>		
		annual	<input type="text"/>		
		single event	<input type="text"/>		
			<b>Violation Base Penalty</b>	<input type="text" value="\$5,000"/>	
<input type="text" value="Two monthly events are recommended for the months of July and August 2008."/>					
<b>Good Faith Efforts to Comply</b>					
	<b>10.0% Reduction</b>			<input type="text" value="\$500"/>	
		Before NOV	NOV to EDPRP/Settlement Offer		
	Extraordinary	<input type="text"/>	<input type="text"/>		
	Ordinary	<input type="text"/>	<input checked="" type="checkbox"/>		
	N/A	<input type="text"/>	(mark with x)		
	<b>Notes</b>	<input type="text" value="The Respondent returned to compliance by March 19, 2009."/>			
		<b>Violation Subtotal</b>	<input type="text" value="\$4,500"/>		
<b>Economic Benefit (EB) for this violation</b>					
	<b>Estimated EB Amount</b>	<input type="text" value="\$19"/>		<b>Violation Final Penalty Total</b>	
			<input type="text" value="\$6,884"/>		
		<b>This violation Final Assessed Penalty (adjusted for limits)</b>	<input type="text" value="\$6,884"/>		

### Economic Benefit Worksheet

**Respondent** Hanson Aggregates, Inc.  
**Case ID No.** 37273  
**Reg. Ent. Reference No.** RN102186384  
**Media** Water Quality  
**Violation No.** 1

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

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

**Delayed Costs**

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$100	31-Jul-2008	19-Mar-2009	0.63	\$3	n/a	\$3
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$500	31-Jul-2008	19-Mar-2009	0.63	\$16	n/a	\$16

Notes for DELAYED costs

Estimated cost to provide additional oversight and sampling which may have alleviated or prevented the noncompliance and to hire and train a new operator on operations of the Facility. Date required is the month the first non-compliant excursion was documented. Final date is the date the Respondent returned to compliance with effluent limits and training completed.

**Avoided Costs**

**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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 \$600

TOTAL \$19

<b>Screening Date</b> 5-Mar-2009	<b>Docket No.</b> 2009-0343-IWD-E	<b>PCW</b>		
<b>Respondent</b> Hanson Aggregates, Inc.		<small>Policy Revision 2 (September 2002)</small>		
<b>Case ID No.</b> 37273		<small>PCW Revision October 30, 2008</small>		
<b>Reg. Ent. Reference No.</b> RN102186384				
<b>Media [Statute]</b> Water Quality				
<b>Enf. Coordinator</b> Cheryl Thompson				
<b>Violation Number</b> <input type="text" value="2"/>				
<b>Rule Cite(s)</b>	Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0001406000 Monitoring and Reporting Requirements 3.a., 30 Tex. Admin. Code § 305.125(1) and 30 Tex. Admin. Code § 319.5(b)			
<b>Violation Description</b>	Failed to collect and analyze samples for required parameters at the minimum frequency specified in the permit. Specifically, the Respondent did not analyze samples for pH, total suspended solids (TSS) and total dissolved solids for the month of June 2008.			
	<b>Base Penalty</b>	<input type="text" value="\$10,000"/>		
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>				
<b>OR</b>	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
Potential	<input type="text"/>	x	<input type="text"/>	
	<b>Percent</b>	<input type="text" value="10%"/>		
<b>&gt;&gt; Programmatic Matrix</b>				
	Falsification	Major	Moderate	Minor
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
	<b>Percent</b>	<input type="text" value="0%"/>		
<b>Matrix Notes</b>	Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or the environment as the result of the excursions.			
	<b>Adjustment</b>	<input type="text" value="\$9,000"/>		
		<input type="text" value="\$1,000"/>		
<b>Violation Events</b>				
	<b>Number of Violation Events</b>	<input type="text" value="1"/>	<input type="text" value="30"/> <b>Number of violation days</b>	
<small>mark only one with an x</small>	daily	<input type="text"/>	<b>Violation Base Penalty</b> <input type="text" value="\$1,000"/>	
	weekly	<input type="text"/>		
	monthly	<input type="text"/>		
	quarterly	x		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	<input type="text"/>		
	One quarterly event is recommended.			
<b>Good Faith Efforts to Comply</b>				
	<input type="text" value="25.0%"/> <b>Reduction</b>	<input type="text" value="\$250"/>		
	Before NOV	NOV to EDRP/Settlement Offer		
Extraordinary	<input type="text"/>	<input type="text"/>		
Ordinary	x	<input type="text"/>		
N/A	<input type="text"/>	<small>(mark with x)</small>		
<b>Notes</b>	The Respondent returned to compliance on July 31, 2008.			
	<b>Violation Subtotal</b>	<input type="text" value="\$750"/>		
<b>Economic Benefit (EB) for this violation</b>				
<b>Statutory Limit Test</b>				
	<b>Estimated EB Amount</b>	<input type="text" value="\$158"/>	<b>Violation Final Penalty Total</b> <input type="text" value="\$1,224"/>	
	<b>This violation Final Assessed Penalty (adjusted for limits)</b>		<input type="text" value="\$1,224"/>	

## Economic Benefit Worksheet

**Respondent** Hanson Aggregates, Inc.  
**Case ID No.** 37273  
**Reg. Ent. Reference No.** RN102186384  
**Media** Water Quality  
**Violation No.** 2

<b>Percent Interest</b>	<b>Years of Depreciation</b>
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				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

**Avoided Costs**

ANNUALIZE [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)	\$150	30-Jun-2008	31-Jul-2008	1.00	\$8	\$150	\$158

Notes for AVOIDED costs

Estimated cost to collect samples and analyze the results for pH, TSS, and dissolved solids. Date required is the month that pH, TSS and total dissolved solids samples were not collected and analyzed. Final date is the date the Respondent began collecting, analyzing and reporting the results for all parameters.

Approx. Cost of Compliance

\$150

**TOTAL**

\$158





# Compliance History Report

Customer/Respondent/Owner-Operator:	CN600686000 Hanson Aggregates, Inc.	Classification: AVERAGE	Rating: 3.23
Regulated Entity:	RN102186384 BRIDGEPORT QUARRY	Classification: AVERAGE	Site Rating: 0.52
ID Number(s):	WASTEWATER PERMIT WASTEWATER PERMIT WASTEWATER PERMIT		WQ0001406000 TPDES0000345 TX0000345
Location:	FM ROAD 2952, ONE-HALF MILE EAST OF LAKE BRIDGEPORT AND THREE MILES WEST OF THE CITY OF BRIDGEPORT, WISE COUNTY, TEXAS		
TCEQ Region:	REGION 04 - DFW METROPLEX		
Date Compliance History Prepared:	April 01, 2009		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	March 09, 2004 to March 09, 2009		
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History			
Name:	<u>Cheryl Thompson</u>	Phone:	<u>(817) 588-5886</u>

### 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 |
| 6. Rating Date: 9/1/2008 Repeat Violator: NO   |     |

### 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	03/30/2004	(293530)
2	04/29/2004	(351266)
3	05/24/2004	(351267)
4	06/24/2004	(351268)
5	07/26/2004	(351269)
6	08/25/2004	(351270)
7	09/29/2004	(351271)
8	10/26/2004	(351272)
9	11/29/2004	(381455)
10	12/27/2004	(351273)
11	01/31/2005	(381456)
12	02/24/2005	(419230)
13	03/28/2005	(381454)
14	04/25/2005	(419231)
15	05/25/2005	(419232)
16	06/24/2005	(419233)
17	07/29/2005	(440451)
18	07/29/2005	(440452)
19	08/22/2005	(440453)
20	09/30/2005	(440454)
21	10/27/2005	(467735)
22	06/30/2006	(497764)
23	06/30/2006	(497765)
24	06/30/2006	(497766)
25	06/30/2006	(497767)
26	06/30/2006	(497768)
27	06/30/2006	(497769)
28	06/30/2006	(497770)

29	08/28/2006	(519817)
30	08/28/2006	(519818)
31	09/13/2006	(519819)
32	11/13/2006	(544045)
33	11/13/2006	(544046)
34	03/01/2007	(574546)
35	03/01/2007	(574549)
36	03/01/2007	(574550)
37	03/13/2007	(574547)
38	04/12/2007	(574548)
39	08/14/2008	(710378)
40	09/04/2008	(710368)
41	09/04/2008	(710369)
42	09/04/2008	(710370)
43	09/04/2008	(710371)
44	09/04/2008	(710372)
45	09/04/2008	(710373)
46	09/04/2008	(710374)
47	09/04/2008	(710375)
48	09/04/2008	(710376)
49	09/04/2008	(710377)
50	09/04/2008	(710379)
51	09/04/2008	(710381)
52	09/04/2008	(710383)
53	09/04/2008	(710384)
54	09/04/2008	(710385)
55	09/18/2008	(710380)
56	10/17/2008	(710382)
57	11/18/2008	(727242)
58	12/10/2008	(727243)
59	01/13/2009	(727244)
60	02/19/2009	(721687)

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

Date:	08/31/2004 (351271)	CN600686000	
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	10/31/2004 (381455)	CN600686000	
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	11/30/2004 (351273)	CN600686000	
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	2/28/2005 (381454)	CN600686000	
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	03/31/2005 (419231)	CN600686000	
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	04/30/2007 (710371)	CN600686000	
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	07/31/2008 (710378)	CN600686000	
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		

Date: 08/31/2008 (710380) CN600686000  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter  
Date: 09/30/2008 (710382) CN600686000  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

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  
HANSON AGGREGATES, INC.  
RN102186384

§  
§  
§  
§  
§

BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

**AGREED ORDER**  
**DOCKET NO. 2009-0343-IWD-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 Hanson Aggregates, Inc. ("the Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a limestone crushing and washing plant and is authorized to treat and dispose of waste located on Farm-to-Market Road 2952, one half mile east of Lake Bridgeport and three miles west of Bridgeport, Wise County, Texas (the "Facility").
2. The Respondent has caused, suffered, allowed or permitted the discharge of any waste or the performance of any activity in violation of TEX. WATER CODE ch. 26 or any rule, permit, or order of the Commission.
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 February 24, 2009.
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 Eight Thousand One Hundred Eight Dollars (\$8,108) is assessed by the Commission in settlement of the violations alleged in Section II.

("Allegations"). The Respondent has paid Six Thousand Four Hundred Eighty-Seven Dollars (\$6,487) of the administrative penalty and One Thousand Six Hundred Twenty-One Dollars (\$1,621) 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 has implemented the following corrective measures at the Facility:
  - a. By July 31, 2008, began collecting, analyzing and reporting sample results for all parameters;
  - b. By March 19, 2009, returned to compliance with all permitted effluent limitations; and
  - c. By March 19, 2009, hired a new operator and conducted additional personnel training on the operations of the Facility.
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 Facility, the Respondent is alleged to have:

1. Failed to comply with permitted effluent limits, in violation of Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0001406000, Effluent Limitations and Monitoring Requirements No. 1, 30 TEX. ADMIN. CODE § 305.125(1) and TEX. WATER CODE § 26.121(a), as documented during a record review conducted on December 17, 2008 and as depicted in the table below:

	Total Suspended Solids Daily Average Concentration (TSS)	Total Suspended Solids Daily Maximum Concentration(TSS)
<i>Month/Year</i>	25 mg/L	45 mg/L
Jul-08	229.75	898
Aug-08	91	252

milligrams per liter-mg/L

2. Failed to collect and analyze samples for required parameters at the minimum frequency specified in the permit, in violation of TPDES Permit No. WQ0001406000, Monitoring and Reporting Requirements 3.a., TEX. ADMIN. CODE § 305.125(1) and 30 TEX. ADMIN. CODE § 319.5(b), as documented during a record review conducted on December 17, 2008. Specifically, the Respondent did not report pH, total suspended solids and total dissolved solids for the month of June 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: Hanson Aggregates, Inc., Docket No. 2009-0343-IWD-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 the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
3. 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.
4. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted

by facsimile transmission to the other parties, which shall constitute an original signature for all purposes under this Agreed Order.

5. 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.

**SIGNATURE PAGE**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

John Szolter  
For the Executive Director

8/21/2009  
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 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.

Lalit  
Signature

6/19/2009  
Date

Lalit Bhatnagar  
Name (Printed or typed)  
Authorized Representative of  
Hanson Aggregates, Inc.

Region ESH Director  
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.

