

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

Page 1 of 2

DOCKET NO.: 2009-1414-IWD-E **TCEQ ID:** RN100250372 **CASE NO.:** 38281**RESPONDENT NAME:** Ingram ReadyMix, Inc.

ORDER TYPE:		
<input checked="" type="checkbox"/> 1669 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 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>SITE WHERE VIOLATION(S) OCCURRED: Ingram Readymix Plant 17, 101 Omaha Drive, Corpus Christi, Nueces County</p> <p>TYPE OF OPERATION: Concrete batch 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 December 21, 2009. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Jordan Jones, Enforcement Division, Enforcement Team 3, MC 149, (512) 239-2569; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387 Respondent: Mr. Bruce Ingram, President, Ingram ReadyMix, Inc., 3580 Farm-to-Market Road 482, 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: July 14, 2009</p> <p>Date of NOV/NOE Relating to this Case: August 21, 2009 (NOE)</p> <p>Background Facts: This was a record review.</p> <p>WATER</p> <p>1) Failure to comply with the permitted effluent limit for total suspended solids ("TSS"). Specifically, the TSS daily maximum at Outfall 001 for the monitoring periods ending December 31, 2008 and January 31, 2009 was 159 milligrams per liter ("mg/L") and 180 mg/L, which exceeds the permit limit of 65 mg/L [TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE §305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") General Permit No. TXG110027, Part III, Section A, Permit Requirements].</p> <p>2) Failure to submit monitoring results at the intervals specified in the permit. Specifically, for Outfall 002 the Respondent did not submit the annual report for metals for the monitoring period ending December 31, 2008 and the monthly discharge monitoring reports ("DMRs") for the period ending January 31, 2009 [30 TEX. ADMIN. CODE § 305.125(17) and TPDES General Permit No. TXG110027, Part IV, Standard Permit Conditions No. 7(f)].</p>	<p>Total Assessed: \$3,420</p> <p>Total Deferred: \$684 <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: \$2,736</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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</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:</p> <p>i. Submit all delinquent DMR data for the Facility for the monitoring annual period ending December 31, 2008 and the monthly DMR for the monitoring period ending January 31, 2009; and</p> <p>ii. Update the Facility's operational guidance and conduct employee training to ensure that all future reports are submitted timely.</p> <p>b. Within 90 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision a. and the permitted effluent limitations of TPDES General Permit No. TXG110027, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported DMRs, demonstrating at least three consecutive months of compliance with all permitted effluent limitations.</p>

Additional ID No(s): TXG110027



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

DATES	Assigned	24-Aug-2009	Screening	1-Sep-2009	EPA Due	
	PCW	1-Sep-2009				

RESPONDENT/FACILITY INFORMATION	
Respondent	Ingram ReadyMix, Inc.
Reg. Ent. Ref. No.	RN100250372
Facility/Site Region	14-Corpus Christi
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	38281	No. of Violations	2
Docket No.	2009-1414-IWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Jordan Jones
		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History Enhancement **Subtotals 2, 3, & 7**

Notes

Culpability Enhancement **Subtotal 4**

Notes

Good Faith Effort to Comply Total Adjustments **Subtotal 5**

Economic Benefit Enhancement* **Subtotal 6**

Total EB Amounts
Approx. Cost of Compliance

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal**

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL Reduction **Adjustment**

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

Notes

PAYABLE PENALTY

Screening Date 1-Sep-2009

Docket No. 2009-1414-IWD-E

PCW

Respondent Ingram ReadyMix, Inc.

Policy Revision 2 (September 2002)

Case ID No. 38281

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100250372

Media [Statute] Water Quality

Enf. Coordinator Jordan Jones

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)	2	10%
	Other written NOVs	2	4%
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) 14%

>> 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 received two NOV's with dissimilar violations and self-reported two months of effluent violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 14%

Screening Date 1-Sep-2009	Docket No. 2009-1414-IWD-E														
Respondent Ingram ReadyMix, Inc.	PCW <small>Policy Revision 2 (September 2002) PCW Revision October 30, 2008</small>														
Case ID No. 38281															
Reg. Ent. Reference No. RN100250372															
Media [Statute] Water Quality															
Enf. Coordinator Jordan Jones															
Violation Number 1															
Rule Cite(s)	Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") General Permit No. TXG110027, Part III, Section A, Permit Requirements.														
Violation Description	Failed to comply with the permitted effluent limit for total suspended solids ("TSS"), as documented in a record review conducted on July 14, 2009. Specifically, the TSS daily maximum at Outfall 001 for the monitoring periods ending December 31, 2008 and January 31, 2009 was 159 milligrams-per-liter ("mg/L") and 180 mg/L, which exceeds the permit limit of 65 mg/L.														
Base Penalty	\$10,000														
>> Environmental, Property and Human Health Matrix															
OR	Harm														
	Release Major Moderate Minor														
	Actual <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>														
	Potential <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>														
	Percent 10%														
>> Programmatic Matrix															
	Falsification Major Moderate Minor														
	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>														
	Percent 0%														
Matrix Notes	Human health or the environment was exposed to insignificant amounts of pollutants which did not exceed levels that are protective of human health or environmental receptors as a result of the violation.														
Adjustment	\$9,000														
	\$1,000														
Violation Events															
Number of Violation Events	1														
	62 Number of violation days														
<small>mark only one with an x</small>	<table border="1" style="border-collapse: collapse;"> <tr><td>daily</td><td><input type="checkbox"/></td></tr> <tr><td>weekly</td><td><input type="checkbox"/></td></tr> <tr><td>monthly</td><td><input type="checkbox"/></td></tr> <tr><td>quarterly</td><td><input checked="" type="checkbox"/></td></tr> <tr><td>semiannual</td><td><input type="checkbox"/></td></tr> <tr><td>annual</td><td><input type="checkbox"/></td></tr> <tr><td>single event</td><td><input type="checkbox"/></td></tr> </table>	daily	<input type="checkbox"/>	weekly	<input type="checkbox"/>	monthly	<input type="checkbox"/>	quarterly	<input checked="" type="checkbox"/>	semiannual	<input type="checkbox"/>	annual	<input type="checkbox"/>	single event	<input type="checkbox"/>
daily	<input type="checkbox"/>														
weekly	<input type="checkbox"/>														
monthly	<input type="checkbox"/>														
quarterly	<input checked="" type="checkbox"/>														
semiannual	<input type="checkbox"/>														
annual	<input type="checkbox"/>														
single event	<input type="checkbox"/>														
	Violation Base Penalty \$1,000														
One quarterly event is recommended.															
Good Faith Efforts to Comply															
	0.0% Reduction														
	\$0														
	Before NOV NOV to EDPRP/Settlement Offer														
Extraordinary	<input type="checkbox"/> <input type="checkbox"/>														
Ordinary	<input type="checkbox"/> <input type="checkbox"/>														
N/A	<input checked="" type="checkbox"/> (mark with x)														
Notes	The Respondent does not meet the good faith criteria for this violation.														
Violation Subtotal	\$1,000														
Economic Benefit (EB) for this violation															
Estimated EB Amount	\$748														
Statutory Limit Test															
Violation Final Penalty Total	\$1,140														
This violation Final Assessed Penalty (adjusted for limits)	\$1,140														

Economic Benefit Worksheet

Respondent Ingram ReadyMix, Inc.
Case ID No. 38281
Reg. Ent. Reference No. RN100250372
Media Water Quality
Violation No. 1

Percent interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Overtime Costs	EB Amount
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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)	\$10,000	31-Dec-2008	30-Jun-2010	1.50	\$748	n/a	\$748

Notes for DELAYED costs

Estimated cost to construct a dam, which will prevent surrounding street storm water runoff from flowing into the Facility's traps. Date Required is the initial month of noncompliance. Final Date is the anticipated date of compliance.

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

\$10,000

TOTAL

\$748

Screening Date 1-Sep-2009	Docket No. 2009-1414-IWD-E	PCW			
Respondent Ingram ReadyMlx, Inc.		<small>Policy Revision 2 (September 2002)</small>			
Case ID No. 38281		<small>PCW Revision October 30, 2008</small>			
Reg. Ent. Reference No. RN100250372					
Media [Statute] Water Quality					
Enf. Coordinator Jordan Jones					
Violation Number <input type="text" value="2"/>					
Rule Cite(s)	30 Tex. Admin. Code § 305.125(17) and TPDES General Permit No. TXG110027, Part IV, Standard Permit Conditions No. 7(f).				
Violation Description	Failed to submit monitoring results at the intervals specified in the permit, as documented during a record review conducted on July 14, 2009. Specifically, for Outfall 002 the Respondent did not submit the annual report for metals for the monitoring period ending December 31, 2008 and the monthly discharge monitoring reports ("DMR") for the period ending January 31, 2009.				
	Base Penalty	<input type="text" value="\$10,000"/>			
>> Environmental, Property and Human Health Matrix					
	Harm				
	Major	Moderate	Minor		
OR	Actual	<input type="text"/>	<input type="text"/>	Percent	<input type="text" value="0%"/>
	Potential	<input type="text"/>	<input type="text"/>		
>>> Programmatic Matrix					
	Major	Moderate	Minor		
	Falsification	<input type="text" value="x"/>	<input type="text"/>	Percent	<input type="text" value="10%"/>
Matrix Notes	100% of the rule requirement was not met.				
	Adjustment	<input type="text" value="\$9,000"/>			
		<input type="text" value="\$1,000"/>			
Violation Events					
	Number of Violation Events	<input type="text" value="2"/>	Number of violation days	<input type="text" value="62"/>	
	<i>mark only one with an x</i>	daily	<input type="text"/>	Violation Base Penalty <input type="text" value="\$2,000"/>	
		weekly	<input type="text"/>		
		monthly	<input type="text"/>		
		quarterly	<input type="text"/>		
		semiannual	<input type="text"/>		
		annual	<input type="text"/>		
	single event	<input type="text" value="x"/>			
	Two single events are recommended.				
Good Faith Efforts to Comply					
		<input type="text" value="0.0%"/>	Reduction	<input type="text" value="\$0"/>	
		Before NOV	NOV to EDP/PP/Settlement Offer		
	Extraordinary	<input type="text"/>	<input type="text"/>		
	Ordinary	<input type="text"/>	<input type="text"/>		
	N/A	<input type="text" value="x"/>	<input type="text" value="(mark with x)"/>		
	Notes	The Respondent does not meet the good faith criteria for this violation.			
	Violation Subtotal	<input type="text" value="\$2,000"/>			
Economic Benefit (EB) for this violation			Statutory Limit Test		
	Estimated EB Amount	<input type="text" value="\$15"/>	Violation Final Penalty Total	<input type="text" value="\$2,280"/>	
			This violation Final Assessed Penalty (adjusted for limits)	<input type="text" value="\$2,280"/>	

Economic Benefit Worksheet

Respondent Ingram ReadyMix, Inc.
Case ID No. 38281
Reg. Ent. Reference No. RN100250372
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	\$100	31-Dec-2008	30-Jun-2010	1.50	\$7	n/a	\$7
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$100	31-Dec-2008	30-Jun-2010	1.50	\$7	n/a	\$7

Notes for DELAYED costs
 Estimated cost for updating the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished. Date required is the initial month of noncompliance. Final Date is the anticipated date of compliance.

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

\$200

\$15

Compliance History Report

Customer/Respondent/Owner-Operator:	CN600240188	Ingram ReadyMix, Inc.	Classification: AVERAGE	Rating: 1.73
Regulated Entity:	RN100250372	INGRAM READYMIX PLANT 17	Classification: AVERAGE	Site Rating: 0.15
ID Number(s):	WASTE WATER GENERAL PERMIT	PERMIT		TXG110027
	PETROLEUM STORAGE TANK	REGISTRATION		16111
	REGISTRATION			
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER		NE0076I
	AIR NEW SOURCE PERMITS	AFS NUM		4835501658
	IHW CORRECTIVE ACTION	ID NUMBER		39473
	IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION #		39473
		(SWR)		
Location:	101 OMAHA DR, CORPUS CHRISTI, TX, 78408			
TCEQ Region:	REGION 14 - CORPUS CHRISTI			
Date Compliance History Prepared:	August 25, 2009			

Agency Decision Requiring Compliance History: Enforcement
 Compliance Period: August 25, 2004 to August 25, 2009

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

Name: Jordan Jones Phone: 512 - 239 - 2569

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/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s) ? N/A
5. When did the change(s) in owner or operator 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	09/01/2004	(368490)
2	10/01/2004	(368491)
3	10/29/2004	(368492)
4	12/02/2004	(390975)
5	01/04/2005	(390976)
6	01/28/2005	(428451)
7	03/02/2005	(390974)
8	03/04/2005	(428447)
9	05/03/2005	(428448)
10	06/02/2005	(428449)
11	07/05/2005	(428450)
12	08/02/2005	(448360)
13	09/02/2005	(448361)

14 10/04/2005 (494233)
 15 10/27/2005 (494234)
 16 12/02/2005 (494235)
 17 01/03/2006 (494236)
 18 01/06/2006 (438535)
 19 02/08/2006 (494237)
 20 03/03/2006 (494232)
 21 04/04/2006 (507217)
 22 04/24/2006 (507218)
 23 06/06/2006 (507219)
 24 06/30/2006 (507220)
 25 08/01/2006 (529383)
 26 08/24/2006 (529384)
 27 09/29/2006 (529385)
 28 10/30/2006 (552315)
 29 11/21/2006 (552316)
 30 12/27/2006 (552317)
 31 01/30/2007 (590029)
 32 04/30/2007 (590024)
 33 05/30/2007 (590025)
 34 06/30/2007 (590026)
 35 07/16/2007 (590023)
 36 07/26/2007 (590027)
 37 08/13/2007 (590028)
 38 09/25/2007 (606170)
 39 10/31/2007 (634434)
 40 11/28/2007 (634435)
 41 12/12/2007 (634436)
 42 02/25/2008 (678169)
 43 03/18/2008 (678170)
 44 03/18/2008 (678171)
 45 04/30/2008 (697038)
 46 05/22/2008 (697039)
 47 06/30/2008 (697040)
 48 07/21/2008 (697041)
 49 08/28/2008 (718797)
 50 09/22/2008 (718798)
 51 10/20/2008 (718799)
 52 11/21/2008 (708687)
 53 11/24/2008 (734022)
 54 12/31/2008 (734023)
 55 01/07/2009 (722425)
 56 01/23/2009 (734024)
 57 02/26/2009 (757149)
 58 03/30/2009 (757150)
 59 03/31/2009 (740589)
 60 08/21/2009 (762135)

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

Date: 11/30/2005 (438535) CN600240188
 Self NO Classification: Moderate
 Citation: 30 TAC Chapter 334, SubChapter C 334.60(d)(1)(B)(II)
 Description: Failure to reconcile inventory control records.

Date: 11/21/2008 (708687) CN600240188
 Self NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Part III Section A. PERMIT
 Description: Failure to monitor eligible discharges of facility wastewater and facility

wastewater commingled with storm water associated with industrial activities for Flow, Oil and Grease, Total Suspended Solids, and pH once per month and for total metals (arsenic, barium, cadmium, chromium, copper, lead, manganese, nickel, selenium, silver and zinc) once per year when discharging when discharging.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Part III. Section B.2. PERMIT
 Description: Failure to sample discharges of storm water associated with industrial activities where not commingled with facility wastewater on a quarterly basis.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Part III Section D. PERMIT
 Description: Failure to conduct Whole Effluent Toxicity Testing on discharges of facility wastewater and facility wastewater commingled with storm water associated with industrial activities once per year using a composite sample.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Part III. Permit Requirements. Section F PERMIT
 Description: Failure to conduct a site compliance inspection/evaluation by qualified individuals at an interval specified in the SWP3, but on an annual basis at a minimum.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Part III. Permit Requirements. Section F PERMIT
 Description: Failure to ensure that the site map indicates the location of: items i) through (vi) listed on pages 18-19 of General Permit No. TXG110000.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Part IV. Standard Permit Conditions 7(c) PERMIT
 Description: Failure to ensure sample containers, holding times, and preservation methods and analytical methods, follow the requirements in 40 CFR Part 136 (as amended), or the latest edition of "Standard Methods for the Examination of Water and Wastewater."

Date: 12/31/2008 (734024) CN600240188
 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: 01/31/2009 CN600240188
 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
INGRAM READYMIX, INC.
RN100250372**

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§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2009-1414-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 Ingram ReadyMix, Inc. ("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 concrete batch plant at 101 Omaha Drive in Corpus Christi, Nueces 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 August 26, 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 Three Thousand Four Hundred Twenty Dollars (\$3,420) is assessed by the Commission in settlement of the violations alleged in Section II

("Allegations"). The Respondent has paid Two Thousand Seven Hundred Thirty-Six Dollars (\$2,736) of the administrative penalty and Six Hundred Eighty-Four Dollars (\$684) 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 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.
10. 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.
11. 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 the permitted effluent limit for total suspended solids ("TSS"), in violation of TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE §305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") General Permit No. TXG110027, Part III, Section A, Permit Requirements, as documented in a record review conducted on July 14, 2009. Specifically, the TSS daily maximum at Outfall 001 for the monitoring periods ending December 31, 2008 and January 31, 2009 was 159 milligrams per liter ("mg/L") and 180 mg/L, which exceeds the permit limit of 65 mg/L.
2. Failed to submit monitoring results at the intervals specified in the permit, in violation of 30 TEX. ADMIN. CODE § 305.125(17) and TPDES General Permit No. TXG110027, Part IV, Standard Permit Conditions No. 7(f), as documented during a record review conducted on July 14, 2009. Specifically, for Outfall 002 the Respondent did not submit the annual report for metals for the monitoring period ending December 31, 2008 and the monthly discharge monitoring reports ("DMR") for the period ending January 31, 2009.

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: Ingram ReadyMix, Inc., Docket No. 2009-1414-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. 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:
 - i. Submit all delinquent DMR data for the Facility for the monitoring annual period ending December 31, 2008 and monthly DMR for the monitoring period ending January 31, 2009. These reports shall be submitted to:

Compliance Monitoring Team (MC 224)
Enforcement Division
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087
 - ii. Update the Facility's operational guidance and conduct employee training to ensure that all future reports are submitted timely; and
 - b. Within 90 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision No. 2.a. and the permitted effluent limitations of TPDES General Permit No. TXG110027, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. 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 this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, 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:

Water Section, Manager
Corpus Christi Regional Office
Texas Commission on Environmental Quality
6300 Ocean Drive, Suite 1200
Corpus Christi, Texas 78412-5503

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 Facility 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 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.
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.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John Szallier
For the Executive Director

12/8/2009
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.

Bruce Ingram Pres
Signature

10-12-09
Date

BRUCE INGRAM
Name (Printed or typed)
Authorized Representative of
Ingram ReadyMix, Inc.

PRES
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.