

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

Page 1 of 5

DOCKET NO.: 2009-0686-AIR-E **TCEQ ID:** RN100889492, RN100904838, RN101089001,
 RN102764479, and RN102765260 **CASE NO.:** 37603
RESPONDENT NAME: Southern Crushed Concrete, LLC

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: Portable Crushers Account 90 8959 L, 94 0072 H, 90 9733 J, 95 1583 F, and 90 9464 N, 14329 Chrisman Road, Houston, Harris County</p> <p>TYPE OF OPERATION: Portable concrete crushers</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: Mr. Phillip Hampsten, SEP Coordinator, Enforcement Division, MC 219, (512) 239-6732 TCEQ Enforcement Coordinator: Ms. Trina Grieco, Enforcement Division, Enforcement Team 5, MC R3, (210) 403-4006; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387 Respondent: Mr. James R. Miller, Jr., Manager, Southern Crushed Concrete, LLC, 14333 Chrisman Road, Houston, Texas 77039-1508 Respondent's Attorney: Ms. Pam Giblin, Baker Botts L.L.P., 1500 San Jacinto Center, 98 San Jacinto Boulevard, Austin, Texas 78701-4078</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: March 23 through April 2, 2009</p> <p>Date of NOV/NOE Relating to this Case: May 4, 2009 (NOE)</p> <p>Background Facts: This was a record review.</p> <p>AIR</p> <p>1) Failure to maintain production rates below the maximum allowable limit of 200 tons per hour ("tph") and 44 weeks per year. Specifically, operation records demonstrate that the portable concrete crusher was operating at rates between 200.12 to 302.40 tph and for 46 to 51 weeks out of each 52-week period during each of the 12-month rolling periods from January to December 2007 through January to December 2008 [30 TEX. ADMIN. CODE § 116.115(c), New Source Review ("NSR") Portable Permit No. 8959D, Special Condition 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>2) Failure to obtain change of location authorization prior to relocating the portable concrete crusher to the Gasmer site, the Preston site, and back to the Gasmer site [30 TEX. ADMIN. CODE § 116.115(c), NSR Portable Permit No. 8959D, Special Condition 8A, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>3) Failure to maintain adequate records of repairs performed on pollution abatement systems (nozzle replacement records) for a rolling two-year period. Specifically, records submitted in response to a March 30, 2009 request for records did not include any pollution abatement system repair records [30 TEX. ADMIN. CODE § 116.115(c), NSR Portable Permit No.</p>	<p>Total Assessed: \$65,662</p> <p>Total Deferred: \$13,131 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$26,265</p> <p>Total Paid to General Revenue: \$26,266</p> <p>RN102764479, RN100889492, RN100904838, RN101089001</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>RN102765260</p> <p>Site Compliance History Classification <input checked="" type="checkbox"/> High <input 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>1) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A)</p> <p>2) The Order will also require the Respondent to:</p> <p>a. Immediately upon the effective date of this Agreed Order and up until five years after the effective date of this Agreed Order, submit relocation requests for all intended relocations at least 30 days prior to the planned relocation date. The September 10, 2008 memo allowing authorization by default if the TCEQ does not respond, will apply as follows:</p> <p>Approval of the request shall be granted if notice of denial from the TCEQ regional office is not received within 24 working (business) days after receipt of the request;</p> <p>b. Within 30 days after the effective date of this Agreed Order and up until five years after the effective date of this Agreed Order:</p> <p>i. Maintain two years worth of records of repairs performed on pollution abatement systems;</p> <p>ii. Maintain a reasonable inventory of additional nozzles for the air pollution abatement systems on each portable concrete crusher of at least 20% of the total number of nozzles on the portable concrete crusher;</p> <p>iii. Limit production to 200 tons per hour of all crushed concrete products (including, but not limited to: crushed concrete and 3 x 5), with the weight of material shown on the weight belts recorded with no adjustments for moisture content;</p> <p>iv. In order to accurately track production, install and maintain runtime meters, accurate to a fraction of an hour, on each portable concrete crusher. The meter shall be connected with the power source of the</p>

<p>8959D, Special Condition 7C, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>4) Failure to maintain production rates below the maximum allowable limit of 200 tph and 44 weeks per year. Specifically, operation records demonstrate that the portable concrete crusher was operating at rates between 200.40 to 216.36 tph and for 47 to 50 weeks out of each 52-week period during each of the 12-month rolling periods from January to December 2007 through January to December 2008 [30 TEX. ADMIN. CODE § 116.115(c), NSR Portable Permit No. 40072, Special Condition 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>5) Failure to obtain change of location authorization prior to relocating the portable concrete crusher to the Lockwood site, the Liberty site, and back to the Lockwood site [30 TEX. ADMIN. CODE § 116.115(c), NSR Portable Permit No. 40072, Special Condition 8A, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>6) Failure to maintain adequate records of repairs performed on pollution abatement systems (nozzle replacement records) for a rolling two-year period. Specifically, records submitted in response to a March 30, 2009 request for records did not include any pollution abatement system repair records [30 TEX. ADMIN. CODE § 116.115(c), NSR Portable Permit No. 40072, Special Condition 7C, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>7) Failure to maintain production rates below the maximum allowable limit of 200 tph, 400,000 tons per 12-month rolling period, 50 hours per week, and 44 weeks per year. Specifically, operation records demonstrate that the portable concrete crusher was operating at rates between 200.02 to 225.72 tph, crushed 403,962.12 tons of concrete during the September 2007 through August 2008 rolling 12-month period, and was operating 60 hours during the week of March 12 through 18, 2008 and for 48 to 49 weeks out of each 52-week period during each of the 12-month rolling periods from January to December 2007 through January to December 2008 [30 TEX. ADMIN. CODE § 116.115(c), NSR Portable Permit No. 9733C, Special Condition 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>8) Failure to obtain change of location authorization prior to relocating the</p>		<p>portable concrete crusher so that if the meter malfunctions, the portable concrete crusher will also cease operating;</p> <p>v. Ensure that the regulated entity (RN) number or the permit number (excluding the suffix) is prominently marked and clearly visible on each portable concrete crusher and the associated screens. These identification markings shall be removed from the equipment when it is no longer authorized by the TCEQ;</p> <p>vi. Maintain accurate daily production records at the site where production occurred for that day. Copies of these records shall be maintained at the central office location on Chrisman Road; and</p> <p>vii. Maintain a weekly summary report at the site where production occurred for that week. Copies of these records shall be maintained at the central office location on Chrisman Road.</p> <p>viii. For purposes of this Agreed Order, a "week during which production occurred" is defined as a calendar week in which a portable concrete crushing facility operates for at least twenty (20) hours; and</p> <p>c. 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 Nos. 2.a. and 2.b.</p>
---	--	--

portable concrete crusher to the Genoa Red Bluff, the Griggs, the Chrisman, and the Harborside sites [30 TEX. ADMIN. CODE § 116.115(c), NSR Portable Permit No. 9733C, Special Condition 8A, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

9) Failure to maintain adequate records of repairs performed on pollution abatement systems (nozzle replacement records) for a rolling two-year period. Specifically, records submitted in response to a March 30, 2009 request for records did not include any pollution abatement system repair records [30 TEX. ADMIN. CODE § 116.115(c), NSR Portable Permit No. 9733C, Special Condition 7C, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

10) Failure to maintain production rates below the maximum allowable limit of 200 tph, 400,000 tons per 12-month rolling period, 50 hours per week, five days per week, and 44 weeks per year. Specifically, operation records demonstrate that the portable concrete crusher was operating at rates between 200.48 to 228.24 tph, crushed between 408,549 and 416,755 tons of concrete in four rolling 12-month periods, operated 53 hours over six days during the week of November 26, 2007 through December 2, 2008 and for 48 to 49 weeks out of each 52-week period during each of the 12-month rolling periods from January to December 2007 through January to December 2008 [30 TEX. ADMIN. CODE § 116.115(c), NSR Portable Permit No. 51583L001, Special Condition 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

11) Failure to obtain change of location authorization prior to relocating a portable concrete crusher to the Chrisman, Harborside, and Wilcrest sites [30 TEX. ADMIN. CODE § 116.115(c), NSR Portable Permit No. 51583L001, Special Condition 8A, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

12) Failure to maintain adequate records of repairs performed on pollution abatement systems (nozzle replacement records) for a rolling two-year period. Specifically, records submitted in response to a March 30, 2009 request for records did not include any pollution abatement system repair records [30 TEX. ADMIN. CODE § 116.115(c), NSR Portable Permit No. 51583L001, Special Condition 7C, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

<p>13) Failure to maintain production rates below the maximum allowable limit of 200 tph, 2,200 hours per year, and 44 weeks per year. Specifically, operation records demonstrate that the portable concrete crusher was operating at rates between 200.02 to 251.10 tph, for more than 2,226 hours per year, and 48 to 51 weeks out of each 52-week period during each of the 12-month rolling periods from January to December 2007 through January to December 2008 [30 TEX. ADMIN. CODE § 116.115(c), NSR Portable Permit No. 9464F, Special Condition 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>14) Failure to obtain change of location authorization prior to relocating the portable concrete crusher to the Harborside, Tanner, and Channelview sites [30 TEX. ADMIN. CODE § 116.115(c), NSR Portable Permit No. 9464F, Special Condition 8A, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>15) Failure to maintain adequate records of repairs performed on pollution abatement systems (nozzle replacement records) for a rolling two-year period. Specifically, records submitted in response to a March 30, 2009 request for records did not include any pollution abatement system repair records [30 TEX. ADMIN. CODE § 116.115(c), NSR Portable Permit No. 9464F, Special Condition 7C, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>		
--	--	--

Additional ID No(s): 90 8959 L, 94 0072 H, 90 9733 J, 95 1583 F, and 90 9464 N

Attachment A
Docket Number: 2009-0686-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: Southern Crushed Concrete, LLC

Payable Penalty Amount: Fifty-Two Thousand Five Hundred Thirty-One Dollars (\$52,531)

SEP Amount: Twenty-Six Thousand Two Hundred Sixty-Five Dollars (\$26,265)

Type of SEP: Pre-approved

Third-Party Recipient: Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program

Location of SEP: Texas Air Quality Control Region 216 – Houston-Galveston

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent will contribute to Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program. The contribution will be used in accordance with the *Supplemental Environmental Project Agreement between the Houston-Galveston AERCO and the Texas Commission on Environmental Quality*. SEP monies will be used to aid local school districts and area transit agencies in reaching local match requirements mandated by the Federal Highway Administration's ("FHWA") Congestion Mitigation/Air Quality funding program. SEP monies will be disbursed to school districts and transit agencies in need of funding assistance in the Houston-Galveston non-attainment area. Those SEP monies will be used exclusively by the school districts and transit agencies as supplements to meet the local match requirements of the EPA. SEP monies will be used to pay for the cost of replacing older diesel buses with alternative fueled or clean diesel buses. The old buses will be permanently retired and only sold for scrap. The schools and transit agencies will also use the SEP monies to retrofit more buses to reduce emissions. Houston-Galveston AERCO will send the TCEQ verification in the form of paid invoices and other documentation to show that the retrofits were completed. Retrofit technologies include particulate matter traps, diesel particulate matter filters, NOx reduction catalyst technology in combination with diesel particulate filters, and other emission control technologies that are developed and approved by EPA or the California Air Resources Board.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing particulate emissions of buses by more than 90% below today's level and reducing hydrocarbons below measurement capability.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Houston-Galveston Area Council
Houston-Galveston AERCO
P.O. Box 22777
Houston, Texas 77227-2777

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

Southern Crushed Concrete, LLC
Agreed Order - Attachment A

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

DATES	Assigned	11-May-2009			
	PCW	19-May-2009	Screening	12-May-2009	EPA Due N/A

RESPONDENT/FACILITY INFORMATION					
Respondent	Southern Crushed Concrete, LLC				
Reg. Ent. Ref. No.	RN100889492				
Facility/Site Region	12-Houston	Major/Minor Source	Minor		

CASE INFORMATION					
Enf./Case ID No.	37603	No. of Violations	3		
Docket No.	2009-0686-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	\$12,000
ADJUSTMENTS (+/-) TO SUBTOTAL 1		
<small>Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.</small>		
Compliance History	0.0% Enhancement	Subtotals 2, 3, & 7 \$0
Notes	No penalty enhancements or reductions due to lack of compliance history.	
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 <small>*Capped at the Total EB \$ Amount</small>	Subtotal 6 \$0
Total EB Amounts	\$1,260	
Approx. Cost of Compliance	\$4,300	
SUM OF SUBTOTALS 1-7	Final Subtotal	\$12,000
OTHER FACTORS AS JUSTICE MAY REQUIRE	7.6%	Adjustment \$910
<small>Reduces or enhances the Final Subtotal by the indicated percentage.</small>		
Notes	Enhancement recommended for recovery of avoided costs of compliance for violation numbers 2 and 3.	
	Final Penalty Amount	\$12,910
STATUTORY LIMIT ADJUSTMENT		Final Assessed Penalty \$12,910
DEFERRAL	20.0% Reduction	Adjustment -\$2,582
<small>Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)</small>		
Notes	Deferral offered for expedited settlement.	
PAYABLE PENALTY		\$10,328

Screening Date 12-May-2009

Docket No. 2009-0686-AIR-E

PCW

Respondent Southern Crushed Concrete, LLC

Policy Revision 2 (September 2002)

Case ID No. 37603

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100889492

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)	0	0%
	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 judgments 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) 0%

>> 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

No penalty enhancements or reductions due to lack of compliance history.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 0%

Screening Date 12-May-2009	Docket No. 2009-0686-AIR-E	PCW		
Respondent Southern Crushed Concrete, LLC	<small>Policy Revision 2 (September 2002)</small>			
Case ID No. 37603	<small>PCW Revision October 30, 2008</small>			
Reg. Ent. Reference No. RN100889492				
Media [Statute] Air				
Enf. Coordinator Trina Grieco				
Violation Number <input type="text" value="1"/>				
Rule Cite(s)	30 Tex. Admin. Code § 116.115(c), New Source Review ("NSR") Portable Permit No. 8959D, Special Condition 1 and Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failed to maintain production rates below the maximum allowable limit of 200 tons per hour ("tph") and 44 weeks per year. Specifically, operation records demonstrate that the portable concrete crusher was operating at rates between 200.12 to 302.40 tph and for 46 to 51 weeks out of each 52-week period during each of the 12-month rolling periods from January to December 2007 through January to December 2008.			
Base Penalty		<input type="text" value="\$10,000"/>		
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="text"/>	<input type="text"/>	x
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>
		Percent	<input type="text" value="10%"/>	
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
		Percent	<input type="text" value="0%"/>	
Matrix Notes	Human health or the environment in the Houston-Galveston-Brazoria nonattainment area was exposed to insignificant amounts of contaminants that did not exceed protective levels as a result of the violation.			
Adjustment		<input type="text" value="\$9,000"/>		
		<input type="text" value="\$1,000"/>		
Violation Events				
	Number of Violation Events	<input type="text" value="8"/>	Number of violation days	<input type="text" value="730"/>
<small>mark only one with an x</small>	daily	<input type="text"/>		
	weekly	<input type="text"/>		
	monthly	<input type="text"/>		
	quarterly	x		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	<input type="text"/>		
		Violation Base Penalty	<input type="text" value="\$8,000"/>	
Eight quarterly events are recommended from January 1, 2007 through December 31, 2008, during which production rates were exceeded.				
Good Faith Efforts to Comply		<input type="text" value="0.0%"/>	Reduction	<input type="text" value="\$0"/>
		Before NOV	NOV to EDRP/Settlement Offer	
Extraordinary	<input type="text"/>	<input type="text"/>	<input type="text"/>	
Ordinary	<input type="text"/>	<input type="text"/>	<input type="text"/>	
N/A	x	(mark with x)		
Notes	The Respondent does not meet the good faith criteria for this violation.			
Violation Subtotal		<input type="text" value="\$8,000"/>		
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount	<input type="text" value="\$295"/>	Violation Final Penalty Total	<input type="text" value="\$8,607"/>	
This violation Final Assessed Penalty (adjusted for limits)		<input type="text" value="\$8,607"/>		

Economic Benefit Worksheet

Respondent Southern Crushed Concrete, LLC
Case ID No. 37603
Reg. Ent. Reference No. RN100889492
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				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)	\$2,000	2-Jan-2007	15-Dec-2009	2.95	\$295	n/a	\$295

Notes for DELAYED costs

Estimated cost to implement measures designed to ensure that the portable concrete crusher is operating within permitted production rates. The date required is the first date the hourly rate was exceeded. The final date is the date corrective actions are projected to be completed.

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

\$2,000

TOTAL

\$295

Screening Date 12-May-2009 **Docket No.** 2009-0686-AIR-E **PCW**

Respondent Southern Crushed Concrete, LLC *Policy Revision 2 (September 2002)*

Case ID No. 37803 *PCW Revision October 30, 2008*

Reg. Ent. Reference No. RN100889492

Media [Statute] Air

Enf. Coordinator Trina Grieco

Violation Number

Rule Cite(s) 30.Tex. Admin. Code § 116.115(c), NSR Portable Permit No. 8969D, Special Condition 8A and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to obtain change of location authorization prior to relocating the portable concrete crusher to the Gasmer site, the Preston site, and back to the Gasmer site.

Base Penalty

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

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0%"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text" value="10%"/>

Matrix Notes 100% of the rule requirements were not met.

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x	daily	<input type="text"/>
	weekly	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
single event	<input checked="" type="checkbox"/>	

Violation Base Penalty

Three single events are recommended for the three approvals that were not obtained.

Good Faith Efforts to Comply Reduction

	Before NOV	NOV to EOPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="checkbox"/>	<input type="checkbox"/> (mark with x)

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Southern Crushed Concrete, LLC
Case ID No. 37603
Reg. Ent. Reference No. RN100889492
Media Air
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
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

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)	\$1,000	23-Mar-2009	15-Dec-2009	0.73	\$37	n/a	\$37

Notes for DELAYED costs

Estimated cost to implement measures designed to ensure that approval is obtained from the TCEQ prior to relocating the portable concrete crusher. The date required is the investigation date. The final date is the date corrective actions are projected to be completed.

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)	\$300	2-Jan-2007	17-Jul-2008	2.46	\$37	\$300	\$337

Notes for AVOIDED costs

Estimated cost to obtain approvals for three location changes (\$100 per relocation). The date required is the date the first approval should have been obtained. The final date is the date the last approval should have been obtained.

Approx. Cost of Compliance

\$1,300

TOTAL

\$373

Screening Date 12-May-2009	Docket No. 2009-0888-AIR-E	PCW		
Respondent Southern Crushed Concrete, LLC	<small>Policy Revision 2 (September 2002)</small>			
Case ID No. 37603	<small>PCW Revision October 30, 2008</small>			
Reg. Ent. Reference No. RN100889492				
Media [Statute] Air				
Enf. Coordinator Trina Grieco				
Violation Number <input type="text" value="3"/>				
Rule Cite(s)	30 Tex. Admin. Code § 116.115(c), NSR-Portable Permit No. 8959D, Special Condition 7C and Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failed to maintain adequate records of repairs performed on pollution abatement systems (nozzle replacement records) for a rolling two-year period. Specifically, records submitted in response to a March 30, 2009 request for records did not include any pollution abatement system repair records.			
Base Penalty		<input type="text" value="\$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 <input type="text" value="0%"/>
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="text"/>
				Percent <input type="text" value="10%"/>
Matrix Notes	100% of the rule requirements were 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="1"/>	<input type="text" value="730"/>	Number of violation days
<small>mark only one with an x</small>	daily	<input type="text"/>		
	weekly	<input type="text"/>		
	monthly	<input type="text"/>		
	quarterly	<input type="text"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	<input checked="" type="checkbox"/>		
			Violation Base Penalty	<input type="text" value="\$1,000"/>
One single event is recommended for the record that was not maintained.				
Good Faith Efforts to Comply		<input type="text" value="0.0%"/>	Reduction	<input type="text" value="\$0"/>
		Before NOV	NOV to EDPRP/Settlement Offer	
Extraordinary	<input type="text"/>	<input type="text"/>	<input type="text"/>	
Ordinary	<input type="text"/>	<input type="text"/>	<input type="text"/>	
N/A	<input checked="" type="checkbox"/>	<small>(mark with x)</small>		
Notes	The Respondent does not meet the good faith criteria for this violation.			
			Violation Subtotal	<input type="text" value="\$1,000"/>
Economic Benefit (EB) for this violation			Statutory Limit Test	
Estimated EB Amount		<input type="text" value="\$591"/>	Violation Final Penalty Total	<input type="text" value="\$1,076"/>
			This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$1,076"/>	

Economic Benefit Worksheet

Respondent Southern Crushed Concrete, LLC
Case ID No. 37603
Reg. Ent. Reference No. RN100889492
Media Air
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description: <small>No commas or \$</small>	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	\$500	23-Mar-2009	15-Dec-2009	0.73	\$18	n/a	\$18
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 Estimated cost to implement measures designed to ensure that two years worth of records of repairs performed on pollution abatement systems are maintained. The date required is the investigation date. The final date is the date corrective actions are projected to be completed.

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)	\$500	30-Mar-2007	30-Mar-2009	2.92	\$73	\$500	\$573

Notes for AVOIDED costs Estimated cost to maintain repair records on the pollution abatement systems. The date required is two years prior to the date records were requested. The final date is the date up to which records were requested.

Approx. Cost of Compliance	\$1,000	TOTAL	\$591
-----------------------------------	---------	--------------	-------

Compliance History Report

Customer/Respondent/Owner-Operator: CN603079401 Southern Crushed Concrete, LLC Classification: AVERAGE Rating: 2.63
Regulated Entity: RN100889492 PORTABLE CRUSHER ACCOUNT 90 8959 L Classification: AVERAGE Site Rating: 3.01
BY DEFAULT

ID Number(s): AIR NEW SOURCE PERMIT'S PERMIT 8959D
AIR NEW SOURCE PERMITS ACCOUNT NUMBER 908959L

Location: 14329 CHRISMAN RD, HOUSTON, TX, 77039

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: May 12, 2009

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: May 12, 2004 to May 12, 2009

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/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 judgments, 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 05/04/2009 (741492)
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
N/A
- 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

Penalty Calculation Worksheet (PCW)
 Policy Revision 2 (September 2002) PCW Revision October 30, 2008

TCEQ DATES	Assigned	11-May-2009	Screening	12-May-2009	EPA Due	N/A
	PCW	19-May-2009				

RESPONDENT/FACILITY INFORMATION			
Respondent	Southern Crushed Concrete, LLC		
Reg. Ent. Ref. No.	RN100904838		
Facility/Site Region	12-Houston	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	37603	No. of Violations	3
Docket No.	2009-06886-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	\$12,000
ADJUSTMENTS (+/-) TO SUBTOTAL 1			
<small>Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.</small>			
Compliance History	0.0% Enhancement	Subtotals 2, 3, & 7	\$0
Notes	No penalty enhancements or reductions due to lack of compliance history.		
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	\$1,258	<small>*Capped at the Total EB \$ Amount</small>	
Approx. Cost of Compliance	\$4,300		
SUM OF SUBTOTALS 1-7		Final Subtotal	\$12,000
OTHER FACTORS AS JUSTICE MAY REQUIRE	7.6%	Adjustment	\$910
<small>Reduces or enhances the Final Subtotal by the indicated percentage.</small>			
Notes	Enhancement recommended for recovery of avoided costs of compliance for violation numbers 2 and 3.		
		Final Penalty Amount	\$12,910
STATUTORY LIMIT ADJUSTMENT		Final Assessed Penalty	\$12,910
DEFERRAL	20.0% Reduction	Adjustment	-\$2,582
<small>Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)</small>			
Notes	Deferral offered for expedited settlement.		
PAYABLE PENALTY			\$10,328

Screening Date 12-May-2009

Docket No. 2009-0686-AIR-E

PCW

Respondent Southern Crushed Concrete, LLC

Policy Revision 2 (September 2002)

Case ID No. 37603

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100904838

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)	0	0%
	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 judgments 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) 0%

>> **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

No penalty enhancements or reductions due to lack of compliance history.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 0%

Screening Date 12-May-2009	Docket No. 2009-0686-AIR-E	PCW		
Respondent Southern Crushed Concrete, LLC	<i>Policy Revision 2 (September 2002)</i>			
Case ID No. 37603	<i>PCW Revision October 30, 2008</i>			
Reg. Ent. Reference No. RN100904838				
Media [Statute] Air				
Enf. Coordinator Trina Grieco				
Violation Number 1				
Rule Cite(s)	30 Tex. Admin. Code § 116.115(c), New Source Review ("NSR") Portable Permit No. 40072, Special Condition 1 and Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failed to maintain production rates below the maximum allowable limit of 200 tons per hour ("tph") and 44 weeks per year. Specifically, operation records demonstrate that the portable concrete crusher was operating at rates between 200.40 to 216.36 tph and for 47 to 50 weeks out of each 52-week period during each of the 12-month rolling periods from January to December 2007 through January to December 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 checked="" type="checkbox"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>
Percent		10%		
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Percent		0%		
Matrix Notes	Human health or the environment in the Houston-Galveston-Brazoria nonattainment area was exposed to insignificant amounts of contaminants that did not exceed protective levels as a result of the violation.			
Adjustment		\$9,000		
		\$1,000		
Violation Events				
Number of Violation Events		8	Number of violation days 730	
<i>mark only one with an x</i>	daily	<input type="text"/>	Violation Base Penalty \$8,000	
	weekly	<input type="text"/>		
	monthly	<input type="text"/>		
	quarterly	<input checked="" type="checkbox"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	<input type="text"/>		
Eight quarterly events are recommended from January 1, 2007 through December 31, 2008, during which production rates were exceeded.				
Good Faith Efforts to Comply		0.0% Reduction	\$0	
		Before NOV NOV to EOPRP/Settlement Offer		
Extraordinary	<input type="text"/>	<input type="text"/>		
Ordinary	<input type="text"/>	<input type="text"/>		
N/A	<input checked="" type="checkbox"/>	(mark with x)		
Notes	The Respondent does not meet the good faith criteria for this violation.			
Violation Subtotal		\$8,000		
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount	\$294	Violation Final Penalty Total	\$8,607	
This violation Final Assessed Penalty (adjusted for limits)		\$8,607		

Economic Benefit Worksheet

Respondent Southern Crushed Concrete, LLC
Case ID No. 37603
Reg. Ent. Reference No. RN100904838
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

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				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)	\$2,000	8-Jan-2007	15-Dec-2009	2.94	\$294	n/a	\$294

Notes for DELAYED costs

Estimated cost to implement measures designed to ensure that the portable concrete crusher is operating within permitted production rates. The date required is the first date the hourly rate was exceeded. The final date is the date corrective actions are projected to be 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

\$2,000

TOTAL

\$294

Screening Date 12-May-2009 **Docket No.** 2009-0686-AIR-E **PCW**

Respondent Southern Crushed Concrete, LLC *Policy Revision 2 (September 2002)*

Case ID No. 37603 *PCW Revision October 30, 2008*

Reg. Ent. Reference No. RN100904838

Media [Statute] Air

Enf. Coordinator Trina Grieco

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 116.115(c), NSR Portable Permit No. 40072, Special Condition 8A and Tex. Health & Safety Code §.382.085(b)

Violation Description Failed to obtain change of location authorization prior to relocating the portable concrete crusher to the Lockwood site, the Liberty site, and back to the Lockwood site.

Base Penalty \$10,000

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

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
	x			10%

Matrix Notes 100% of the rule requirements were not met.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 3 **Number of violation days** 858

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$3,000

Three single events are recommended for the three approvals that were not obtained.

Good Faith Efforts to Comply 0.0% Reduction \$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$3,000

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount \$373 **Violation Final Penalty Total** \$3,228

This violation Final Assessed Penalty (adjusted for limits) \$3,228

Economic Benefit Worksheet

Respondent Southern Crushed Concrete, LLC
Case ID No. 37603
Reg. Ent. Reference No. RN100904838
Media Air
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
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

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)	\$1,000	23-Mar-2009	15-Dec-2009	0.73	\$37	n/a	\$37

Notes for DELAYED costs

Estimated cost to implement measures designed to ensure that approval is obtained from the TCEQ prior to relocating the portable concrete crusher. The date required is the investigation date. The final date is the date corrective actions are projected to be completed.

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)	\$300	5-Jan-2007	16-Jul-2008	2.45	\$37	\$300	\$337

Notes for AVOIDED costs

Estimated cost to obtain approvals for three location changes (\$100 per relocation). The date required is the date the first approval should have been obtained. The final date is the date the last approval should have been obtained.

Approx. Cost of Compliance

\$1,300

TOTAL

\$373

Screening Date: 12-May-2009 **Docket No.** 2009-0686-AIR-E **PCW**

Respondent: Southern Crushed Concrete, LLC *Policy Revision 2 (September 2002)*

Case ID No. 37803 *PCW Revision October 30, 2008*

Reg. Ent. Reference No. RN100904838

Media [Statute] Air

Enf. Coordinator: Trina Grieco

Violation Number: 3

Rule Cite(s): 30 Tex. Admin. Code § 116.115(c), NSR-Portable Permit No. 40072, Special Condition 7C and Tex. Health & Safety Code § 382.085(b)

Violation Description: Failed to maintain adequate records of repairs performed on pollution abatement systems (nozzle replacement records) for a rolling two-year period. Specifically, records submitted in response to a March 30, 2009 request for records did not include any pollution abatement system repair records.

Base Penalty: \$10,000

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

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> **Programmatic Matrix**

Falsification	Harm			Percent
	Major	Moderate	Minor	
	X			10%

Matrix Notes: 100% of the rule requirements were not met.

Adjustment: \$9,000

Violation Events

Number of Violation Events: 1 730 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

mark only one with an x

Violation Base Penalty: \$1,000

One single event is recommended for the record that was not maintained.

Good Faith Efforts to Comply 0.0% Reduction \$0

	Before NOV	NOV to EOPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(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 **Statutory Limit Test**

Estimated EB Amount: \$591 Violation Final Penalty Total: \$1,078

This violation Final Assessed Penalty (adjusted for limits): \$1,078

Economic Benefit Worksheet

Respondent Southern Crushed Concrete, LLC
Case ID No. 37603
Reg. Ent. Reference No. RN100904838
Media Air
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Item Description: 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	\$500	23-Mar-2009	15-Dec-2009	0.73	\$18	n/a	\$18
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

Estimated cost to implement measures designed to ensure that two years worth of records of repairs performed on pollution abatement systems are maintained. The date required is the investigation date. The final date is the date corrective actions are projected to be completed.

Avoided Costs

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

Disposal				0.00	\$0	\$0
Personnel				0.00	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0
Supplies/equipment				0.00	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0
Other (as needed)	\$500	30-Mar-2007	30-Mar-2009	2.92	\$73	\$573

Notes for AVOIDED costs

Estimated cost to maintain repair records on the pollution abatement systems. The date required is two years prior to the date records were requested. The final date is the date up to which records were requested.

Approx. Cost of Compliance

\$1,000

TOTAL

\$591

Compliance History Report

Customer/Respondent/Owner-Operator: CN603079401 Southern Crushed Concrete, LLC Classification: AVERAGE Rating: 2.63
Regulated Entity: RN100904838 PORTABLE CRUSHER ACCOUNT 94 Classification: AVERAGE Site Rating: 3.01
0072 H BY DEFAULT

ID Number(s): AIR NEW SOURCE PERMITS PERMIT 40072
AIR NEW SOURCE PERMITS ACCOUNT NUMBER 940072H
AIR NEW SOURCE PERMITS PERMIT 70136L001

Location: 14329 CHRISMAN RD, HOUSTON, TX, 77039

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: May 12, 2009

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: May 12, 2004 to May 12, 2009

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/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 05/04/2009 (741450)
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
N/A
- 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



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

DATES	Assigned	11-May-2009	Screening	12-May-2009	EPA Due	N/A
	PCW	19-May-2009				

RESPONDENT/FACILITY INFORMATION	
Respondent	Southern Crushed Concrete, LLC
Reg. Ent. Ref. No.	RN101089001
Facility/Site Region	12-Houston
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	37603	No. of Violations	3
Docket No.	2009-0686-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 **\$13,000**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 0.0% Enhancement Subtotals 2, 3, & 7 **\$0**

Notes: No penalty enhancements or reductions due to lack of compliance history.

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 \$1,380
 Approx. Cost of Compliance \$4,400
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 Final Subtotal **\$13,000**

OTHER FACTORS AS JUSTICE MAY REQUIRE 7.9% Adjustment **\$1,030**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Enhancement recommended for recovery of avoided costs of compliance for violation numbers 2 and 3.

Final Penalty Amount **\$14,030**

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty **\$14,030**

DEFERRAL 20.0% Reduction Adjustment **-\$2,806**

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

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY **\$11,224**

Screening Date 12-May-2009

Docket No. 2009-0686-AIR-E

PCW

Respondent Southern Crushed Concrete, LLC

Policy Revision 2 (September 2002)

Case ID No. 37603

PCW Revision October 30, 2009

Reg. Ent. Reference No. RN101089001

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)	0	0%
	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 judgments 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) 0%

>> 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

No penalty enhancements or reductions due to lack of compliance history.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 0%

Screening Date 12-May-2009	Docket No. 2009-0686-AIR-E	PCW		
Respondent Southern Crushed Concrete, LLC	<i>Policy Revision 2 (September 2002)</i>			
Case ID No. 37803	<i>PCW Revision October 30, 2008</i>			
Reg. Ent. Reference No. RN101089001				
Media [Statute] Air				
Enf. Coordinator Trina Grieco				
Violation Number <input type="text" value="1"/>				
Rule Cite(s)	30 Tex. Admin. Code § 116.115(c), New Source Review ("NSR") Portable Permit No. 9733C, Special Condition 1 and Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failed to maintain production rates below the maximum allowable limit of 200 tons per hour ("tph"), 400,000 tons per 12-month rolling period, 50 hours per week, and 44 weeks per year. Specifically, operation records demonstrate that the portable concrete crusher was operating at rates between 200.02 to 225.72 tph, crushed 403,962.12 tons of concrete during the September 2007 through August 2008 rolling 12-month period, and was operating 60 hours during the week of March 12 through 18, 2008 and for 48 to 49 weeks out of each 52-week period during each of the 12-month rolling periods from January to December 2007 through January to December 2008.			
Base Penalty		<input type="text" value="\$10,000"/>		
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>
		Percent	<input type="text" value="10%"/>	
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
		Percent	<input type="text" value="0%"/>	
Matrix Notes	Human health or the environment in the Houston-Galveston-Brazoria nonattainment was exposed to insignificant amounts of contaminants that did not exceed protective levels as a result of the violation.			
Adjustment		<input type="text" value="\$9,000"/>		
		<input type="text" value="\$1,000"/>		
Violation Events				
Number of Violation Events		<input type="text" value="8"/>	Number of violation days	
		<input type="text" value="730"/>		
<i>mark only one with an x</i>	daily	<input type="text"/>	Violation Base Penalty	
	weekly	<input type="text"/>		
	monthly	<input type="text"/>		
	quarterly	<input checked="" type="checkbox"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	<input type="text"/>		
Violation Base Penalty			<input type="text" value="\$8,000"/>	
Eight quarterly events are recommended from January 1, 2007 through December 31, 2008, during which production rates were exceeded.				
Good Faith Efforts to Comply		<input type="text" value="0.0%"/>	Reduction	
		<input type="text" value="\$0"/>		
Extraordinary	<input type="text"/>	<input type="text"/>		
Ordinary	<input type="text"/>	<input type="text"/>		
N/A	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<i>(mark with x)</i>	
Notes	The Respondent does not meet the good faith criteria for this violation.			
Violation Subtotal		<input type="text" value="\$8,000"/>		
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount	<input type="text" value="\$295"/>	Violation Final Penalty Total	<input type="text" value="\$8,634"/>	
This violation Final Assessed Penalty (adjusted for limits)		<input type="text" value="\$8,634"/>		

Economic Benefit Worksheet

Respondent Southern Crushed Concrete, LLC
Case ID No. 37603
Reg. Ent. Reference No. RN101089001
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description: No commas or \$	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				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)	\$2,000	2-Jan-2007	15-Dec-2009	2.95	\$295	n/a	\$295

Notes for DELAYED costs

Estimated cost to implement measures designed to ensure that the portable concrete crusher is operating within permitted production rates. The date required is the first date the hourly rate was exceeded. The final date is the date corrective actions are projected to be completed.

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

\$2,000

TOTAL

\$295

Screening Date 12-May-2009 **Docket No.** 2009-0686-AIR-E **PCW**
Respondent Southern Crushed Concrete, LLC *Policy Revision 2 (September 2002)*
Case ID No. 37803 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN101089001
Media [Statute] Air
Enf. Coordinator Trina Grieco
Violation Number 2
Rule Cite(s) 30 Tex. Admin. Code § 116.115(c), NSR Portable Permit No. 9733C, Special Condition 8A, and Tex. Health & Safety Code § 382.085(b)
Violation Description Failed to obtain change of location authorization prior to relocating the portable concrete crusher to the Genoa Red Bluff, the Griggs, the Chrisman, and the Harborside sites.
Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix
 OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Falsification	Harm			Percent
	Major	Moderate	Minor	
	X			10%

Matrix Notes: 100% of the rule requirements were not met.

Adjustment \$9,000

Violation Events \$1,000

Number of Violation Events: 4 807 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
single event	X	

Violation Base Penalty \$4,000

Four single events are recommended for the four approvals that were not obtained.

Good Faith Efforts to Comply \$0
 0.0% Reduction

	Before NOV	NOV to EDCRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes: The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$4,000

Economic Benefit (EB) for this violation **Statutory Limit Test**
 Estimated EB Amount \$493 Violation Final Penalty Total \$4,317
 This violation Final Assessed Penalty (adjusted for limits) \$4,317

Economic Benefit Worksheet

Respondent Southern Crushed Concrete, LLC
Case ID No. 37603
Reg. Ent. Reference No. RN101089001
Media: Air
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
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

No commas or \$

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				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)	\$1,000	23-Mar-2009	15-Dec-2009	0.73	\$37	n/a	\$37

Notes for DELAYED costs

Estimated cost to implement measures designed to ensure that approval is obtained from the TCEQ prior to relocating the portable concrete crusher. The date required is investigation date. The final date is the date corrective actions are projected to be 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)	\$400	2-Jan-2007	1-Dec-2008	2.83	\$57	\$400	\$457

Notes for AVOIDED costs

Estimated cost to obtain approvals for four location changes (\$100 per relocation). The date required is the date the first approval should have been obtained. The final date is the date the last approval should have been obtained.

Approx. Cost of Compliance

\$1,400	TOTAL	\$493
---------	--------------	-------

Screening Date 12-May-2009	Docket No. 2009-0688-AIR-E	PCW
Respondent Southern Crushed Concrete, LLC	<small>Policy Revision 2 (September 2002)</small>	
Case ID No. 37603	<small>PCW Revision October 30, 2008</small>	
Reg. Ent. Reference No. RN101089001		
Media [Statute] Air		
Enf. Coordinator Trina Grieco		
Violation Number <input type="text" value="3"/>		
Rule Cite(s)	30 Tex. Admin. Code § 116.115(c), NSR Portable Permit No. 9733C, Special Condition 7C and Tex. Health & Safety Code § 382.085(b)	
Violation Description	Failed to maintain adequate records of repairs performed on pollution abatement systems (nozzle replacement records) for a rolling two-year period. Specifically, records submitted in response to a March 30, 2009 request for records did not include any pollution abatement system repair records.	
Base Penalty	<input type="text" value="\$10,000"/>	
>> Environmental, Property and Human Health Matrix		
OR	Harm	
	Release Major Moderate Minor	
Actual	<input type="text"/>	<input type="text"/>
Potential	<input type="text"/>	<input type="text"/>
	Percent	<input type="text" value="0%"/>
>> Programmatic Matrix		
	Falsification	Harm
	Major Moderate Minor	
	<input type="text"/>	<input type="text"/>
	<input checked="" type="checkbox"/>	<input type="text"/>
	Percent	<input type="text" value="10%"/>
Matrix Notes	100% of the rule requirements were 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="1"/>	<input type="text" value="730"/> Number of violation days
<small>mark only one with an x</small>	daily	<input type="text"/>
	weekly	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input checked="" type="checkbox"/>
Violation Base Penalty	<input type="text" value="\$1,000"/>	
	One single event is recommended for the record that was not maintained.	
Good Faith Efforts to Comply		
	0.0% Reduction	<input type="text" value="\$0"/>
	Before NOV NOV to EOPRP/Settlement Offer	
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="checkbox"/>	(mark with x)
Notes	The Respondent does not meet the good faith criteria for this violation.	
Violation Subtotal	<input type="text" value="\$1,000"/>	
Economic Benefit (EB) for this violation		
Estimated EB Amount	<input type="text" value="\$591"/>	Violation Final Penalty Total <input type="text" value="\$1,079"/>
This violation Final Assessed Penalty (adjusted for limits)		<input type="text" value="\$1,079"/>

Economic Benefit Worksheet

Respondent: Southern Crushed Concrete, LLC
Case ID No.: 37603
Reg. Ent. Reference No.: RN101089001
Media: Air
Violation No.: 3

Percent Interest	Years of Depreciation
5.0	15

Item Cost **Date Required** **Final Date** **Yrs** **Interest Saved** **Onetime Costs** **EB Amount**
Item Description: No commas or \$.

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	\$500	23-Mar-2009	15-Dec-2009	0.73	\$18	n/a	\$18
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: Estimated cost to implement measures designed to ensure that two years worth of records of repairs performed on pollution abatement systems are maintained. The date required is the investigation date. The final date is the date corrective actions are projected to be 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)	\$500	30-Mar-2007	30-Mar-2009	2.92	\$73	\$500	\$573

Notes for AVOIDED costs: Estimated cost to maintain repair records on the pollution abatement systems. The date required is two years prior to the date records were requested. The final date is the date up to which records were requested.

Approx. Cost of Compliance **\$1,000** **TOTAL** **\$591**

Compliance History Report

Customer/Respondent/Owner-Operator: CN603079401 Southern Crushed Concrete, LLC Classification: AVERAGE Rating: 2.63
Regulated Entity: RN101089001 PORTABLE CRUSHER ACCOUNT 90 Classification: AVERAGE Site Rating: 3.01
9733 J BY DEFAULT

ID Number(s): AIR NEW SOURCE PERMITS ACCOUNT NUMBER 909733J
AIR NEW SOURCE PERMITS PERMIT 9733C

Location: 14329 CHRISMAN RD, HOUSTON, TX, 77039

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: May 12, 2009

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: May 12, 2004 to May 12, 2009

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/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.

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 05/04/2009 (741477)
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
N/A
- 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



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ	
DATES	Assigned 11-May-2009
PCW	19-May-2009
Screening	12-May-2009
EPA Due	N/A

RESPONDENT/FACILITY INFORMATION	
Respondent	Southern Crushed Concrete, LLC
Reg. Ent. Ref. No.	RN102764479
Facility/Site Region	12-Houston
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	37603	No. of Violations	3
Docket No.	2009-0686-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** **\$12,000**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 0.0% Enhancement **Subtotals 2, 3, & 7** **\$0**

Notes No penalty enhancements or reductions due to lack of compliance history.

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 \$1,298
 Approx. Cost of Compliance \$4,300
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$12,000**

OTHER FACTORS AS JUSTICE MAY REQUIRE 7.5% **Adjustment** **\$899**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes Enhancement recommended for recovery of avoided costs of compliance for violation numbers 2 and 3.

Final Penalty Amount **\$12,899**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$12,899**

DEFERRAL 20.0% Reduction **Adjustment** **-\$2,579**

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

Notes Deferral offered for expedited settlement.

PAYABLE PENALTY **\$10,320**

Screening Date 12-May-2009

Docket No. 2009-0686-AIR-E

PCW

Respondent Southern Crushed Concrete, LLC

Policy Revision 2 (September 2002)

Case ID No. 37603

PCW Revision October 30, 2009

Reg. Ent. Reference No. RN102764479

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)	0	0%
	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) 0%

>> 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

No penalty enhancements or reductions due to lack of compliance history.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 0%

Screening Date 12-May-2009		Docket No. 2009-0686-AIR-E		PGW
Respondent Southern Crushed Concrete, LLC		<small>Policy Revision 2 (September 2002)</small>		
Case ID No. 37603		<small>PCW Revision October 30, 2008</small>		
Reg. Ent. Reference No. RN102764479				
Media [Statute] Air				
Enf. Coordinator Trina Grieco				
Violation Number		1		
Rule Cite(s)		30 Tex. Admin. Code § 116.115(c), New Source Review ("NSR") Portable Permit No. 51583L001, Special Condition 1 and Tex. Health & Safety Code § 382.085(b)		
Violation Description		<p>Failed to maintain production rates below the maximum allowable limit of 200 tons per hour ("tph"), 400,000 tons per 12-month rolling period, 50 hours per week, five days per week, and 44 weeks per year. Specifically, operation records demonstrate that the portable concrete crusher was operating at rates between 200.48 to 228.24 tph, crushed between 408,549 and 416,755 tons of concrete in four rolling 12-month periods, operated 53 hours over six days during the week of November 26, 2007 through December 2, 2008 and for 48 to 49 weeks out of each 52-week period during each of the 12-month rolling periods from January to December 2007 through January to December 2008.</p>		
Base Penalty				\$10,000
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="text"/>	<input type="text"/>	x
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>
				Percent <input type="text" value="10%"/>
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
				Percent <input type="text" value="0%"/>
Matrix Notes		Human health or the environment in the Houston-Galveston-Brazoria nonattainment was exposed to insignificant amounts of contaminants that did not exceed protective levels as a result of the violation.		
Adjustment				\$9,000
				\$1,000
Violation Events				
Number of Violation Events		<input type="text" value="8"/>	Number of violation days	
		<input type="text" value="730"/>		
<small>mark only one with an x</small>	daily	<input type="text"/>		
	weekly	<input type="text"/>		
	monthly	<input type="text"/>		
	quarterly	x		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	<input type="text"/>		
				Violation Base Penalty
				\$8,000
Eight quarterly events are recommended from January 1, 2007 through December 31, 2008, during which production rates were exceeded.				
Good Faith Efforts to Comply		0.0%	Reduction	
		Before NOV	NOV to EDRP/Settlement Offer	
Extraordinary	<input type="text"/>	<input type="text"/>		
Ordinary	<input type="text"/>	<input type="text"/>		
N/A	x	(mark with x)		
Notes		The Respondent does not meet the good faith criteria for this violation.		
Violation Subtotal				\$8,000
Economic Benefit (EB) for this violation				
Statutory Limit Test				
Estimated EB Amount		<input type="text" value="\$295"/>	Violation Final Penalty Total	
			\$8,599	
This violation Final Assessed Penalty (adjusted for limits)				\$8,599

Economic Benefit Worksheet

Respondent: Southern Crushed Concrete, LLC
Case ID No.: 37603
Reg. Ent. Reference No.: RN102764479
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				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)	\$2,000	2-Jan-2007	15-Dec-2009	2.95	\$295	n/a	\$295

Notes for DELAYED costs

Estimated cost to implement measures designed to ensure that the portable cement crusher is operating within permitted production rates. The date required is the first date the hourly rate was exceeded. The final date is the date corrective actions are projected to be completed.

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

\$2,000

TOTAL

\$295

Screening Date 12-May-2009	Docket No. 2009-0886-AIR-E	PCW			
Respondent Southern Crushed Concrete, LLC	<small>Policy Revision 2 (September 2002)</small>				
Case ID No. 37603	<small>PCW Revision October 30, 2008</small>				
Reg. Ent. Reference No. RN102764479					
Media [Statute] Air					
Enf. Coordinator Trina Grieco					
Violation Number 2					
Rule Cite(s)	30 Tex. Admin. Code § 116.115(c), NSR Portable Permit No. 51583L001, Special Condition 8A and Tex. Health & Safety Code § 382.085(b)				
Violation Description	Failed to obtain change of location authorization prior to relocating a portable concrete crusher to the Chrisman, Harborside, and Wilcrest sites.				
Base Penalty		\$10,000			
>> Environmental, Property and Human Health Matrix					
OR	Harm				
	Release	Major	Moderate	Minor	
	Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Percent 0%	
>> Programmatic Matrix					
Falsification			Major	Moderate	Minor
<input type="checkbox"/>			<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Percent			10%		
Matrix Notes	100% of the rule requirements were not met.				
Adjustment			\$9,000		
			\$1,000		
Violation Events					
Number of Violation Events		3		Number of violation days 839	
<small>mark only one with an x</small>	daily	<input type="checkbox"/>			
	weekly	<input type="checkbox"/>			
	monthly	<input type="checkbox"/>			
	quarterly	<input type="checkbox"/>			
	semiannual	<input type="checkbox"/>			
	annual	<input type="checkbox"/>			
single event	<input checked="" type="checkbox"/>				
Violation Base Penalty					\$3,000
Three single events are recommended for the three approvals that were not obtained.					
Good Faith Efforts to Comply			0.0% Reduction		\$0
			Before NOV	NOV to EDRP/Settlement Offer	
Extraordinary	<input type="checkbox"/>				
Ordinary	<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					\$3,000
Economic Benefit (EB) for this violation			Statutory Limit Test		
Estimated EB Amount \$362			Violation Final Penalty Total \$3,225		
			This violation Final Assessed Penalty (adjusted for limits) \$3,225		

Economic Benefit Worksheet

Respondent Southern Crushed Concrete, LLC
Case ID No. 37803
Reg. Ent. Reference No. RN102764479
Media Air
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
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

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)	\$1,000	23-Mar-2009	15-Dec-2009	0.73	\$37	n/a	\$37

Notes for DELAYED costs

Estimated cost to implement measures designed to ensure that approval is obtained from the TCEQ prior to relocating the portable cement crusher. The date required is the investigation date. The final date is the date corrective actions are projected to be completed.

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)	\$300	2-Jan-2007	15-Oct-2007	1.70	\$26	\$300	\$326

Notes for AVOIDED costs

Estimated cost to obtain approvals for three location changes (\$100 per relocation). The date required is the date the first approval should have been obtained. The final date is the date the last approval should have been obtained.

Approx. Cost of Compliance

\$1,300	TOTAL	\$382
---------	--------------	-------

Screening Date 12-May-2009	Docket No. 2009-0686-AIR-E	PCW		
Respondent Southern Crushed Concrete, LLC	<small>Policy Revision 2 (September 2002)</small>			
Case ID No. 37603	<small>PCW Revision October 30, 2008</small>			
Reg. Ent. Reference No. RN102764479				
Media [Statute] Air				
Enf. Coordinator Trina Grieco				
Violation Number <input type="text" value="3"/>				
Rule Cite(s)	30 Tex. Admin. Code § 116.115(c), NSR Portable Permit No. 51583L001, Special Condition 7C and Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failed to maintain adequate records of repairs performed on pollution abatement systems (nozzle replacement records) for a rolling two-year period. Specifically, records submitted in response to a March 30, 2009 request for records did not include any pollution abatement system repair records.			
Base Penalty	<input type="text" value="\$10,000"/>			
>> Environmental, Property and Human Health Matrix				
OR	Release	Harm		
		Major Moderate Minor		
	Actual	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0%"/>
	Potential	<input type="text"/>	<input type="text"/>	
>> Programmatic Matrix				
	Falsification	Major Moderate Minor		
	<input type="text"/>	<input type="text" value="X"/> <input type="text"/> <input type="text"/>	Percent <input type="text" value="10%"/>	
Matrix Notes	<input type="text" value="100% of the rule requirements were 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="1"/>	<input type="text" value="730"/> Number of violation days		
<small>mark only one with an x</small>	daily	<input type="text"/>	Violation Base Penalty <input type="text" value="\$1,000"/>	
	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"/>		
<input type="text" value="One single event is recommended for the record that was not maintained."/>				
Good Faith Efforts to Comply			<input type="text" value="\$0"/>	
0.0% Reduction				
	<small>Before NOV</small>	<small>NOV to EDRP/Settlement Offer</small>		
Extraordinary	<input type="text"/>	<input type="text"/>		
Ordinary	<input type="text"/>	<input type="text"/>		
N/A	<input type="text" value="X"/>	<small>(mark with x)</small>		
Notes	<input type="text" value="The Respondent does not meet the good faith criteria for this violation."/>			
Violation Subtotal			<input type="text" value="\$1,000"/>	
Economic Benefit (EB) for this Violation			Statutory Limit Test	
	Estimated EB Amount <input type="text" value="\$641"/>	Violation Final Penalty Total <input type="text" value="\$1,075"/>		
This violation Final Assessed Penalty (adjusted for limits)			<input type="text" value="\$1,075"/>	

Economic Benefit Worksheet

Respondent Southern Crushed Concrete, LLC
Case ID No. 37603
Reg. Ent. Reference No. RN102764479
Media Air
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

No commas or \$

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	\$500	30-Mar-2007	15-Dec-2009	2.72	\$68	n/a	\$68
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
 Estimated cost to implement measures designed to ensure that two years worth of records of repairs performed on pollution abatement systems are maintained. The date required is the date records were requested. The final date is the date corrective actions are projected to be 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)	\$500	30-Mar-2007	30-Mar-2009	2.92	\$73	\$500	\$573

Notes for AVOIDED costs
 Estimated cost to maintain repair records on the pollution abatement systems. The date required is two years prior to the date records were requested. The final date is the date up to which records were requested.

Approx. Cost of Compliance	\$1,000	TOTAL	\$641
-----------------------------------	---------	--------------	-------

Compliance History Report

Customer/Respondent/Owner-Operator: CN603079401 Southern Crushed Concrete, LLC Classification: AVERAGE Rating: 2.63
Regulated Entity: RN102764479 PORTABLE CRUSHER ACCOUNT 95 Classification: AVERAGE Site Rating: 3.01
1583 F BY DEFAULT

ID Number(s): AIR NEW SOURCE PERMITS ACCOUNT NUMBER 951583F
AIR NEW SOURCE PERMITS REGISTRATION 51583L001

Location: 14329 CHRISMAN RD, HOUSTON, TX, 77039

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: May 12, 2009

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: May 12, 2004 to May 12, 2009

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/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 05/04/2009 (741482)
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
N/A
- 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



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES:	Assigned	11-May-2009	Screening	12-May-2009	EPA Due	N/A
	PCW	12-May-2009				

RESPONDENT/FACILITY INFORMATION			
Respondent	Southern Crushed Concrete, LLC		
Reg. Ent. Ref. No.	RN102765260		
Facility/Site Region	12-Houston	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	37603	No. of Violations	3
Docket No.	2009-0686-AIR-E	Order Type	1680
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	\$12,000
ADJUSTMENTS (+/-) TO SUBTOTAL 1			
<small>Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.</small>			
Compliance History	0.0% Enhancement	Subtotals 2, 3, & 7	\$0
Notes	No penalty enhancements or reductions due to Average Performer Classification.		
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	\$1,246	*Capped at the Total EB \$ Amount	
Approx. Cost of Compliance	\$4,300		
SUM OF SUBTOTALS 1-7		Final Subtotal	\$12,000
OTHER FACTORS AS JUSTICE MAY REQUIRE	7.6%	Adjustment	\$913
Notes	Enhancement recommended for recovery of avoided costs of compliance for violation numbers 2 and 3.		
		Final Penalty Amount	\$12,913
STATUTORY LIMIT ADJUSTMENT		Final Assessed Penalty	\$12,913
DEFERRAL	20.0% Reduction	Adjustment	-\$2,582
Notes	Deferral offered for expedited settlement.		
PAYABLE PENALTY			\$10,331

Screening Date 12-May-2009

Docket No. 2009-0686-AIR-E

PCW

Respondent Southern Crushed Concrete, LLC

Policy Revision 2 (September 2002)

Case ID No. 37603

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102765260

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)	0	0%
	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 judgments 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) 0%

>> 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

No penalty enhancements or reductions due to Average Performer Classification.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 0%

Screening Date 12-May-2009	Docket No. 2009-0686-AIR-E																			
Respondent Southern Crushed Concrete, LLC	PCW <small>Policy Revision 2 (September 2002) PCW Revision October 30, 2008</small>																			
Case ID No. 37603																				
Reg. Ent. Reference No. RN102765280																				
Media [Statute] Air																				
Enf. Coordinator Trina Grieco																				
Violation Number 1																				
Rule Cite(s)	30 Tex. Admin. Code § 116.115(c), New Source Review ("NSR") Portable Permit No. 9464F, Special Condition 1 and Tex. Health & Safety Code § 382.085(b)																			
Violation Description	Failed to maintain production rates below the maximum allowable limit of 200 tons per hour ("tph"), 2,200 hours per year, and 44 weeks per year. Specifically, operation records demonstrate that the portable concrete crusher was operating at rates between 200.02 to 251.10 tph, for more than 2,228 hours per year, and 48 to 51 weeks out of each 52-week period during each of the 12-month rolling periods from January to December 2007 through January to December 2008.																			
Base Penalty	\$10,000																			
>> Environmental, Property and Human Health Matrix																				
OR	<table border="1" style="margin-left: auto; margin-right: auto;"> <tr> <td></td> <th colspan="3">Harm</th> <td></td> </tr> <tr> <td>Release</td> <th>Major</th> <th>Moderate</th> <th>Minor</th> <td></td> </tr> <tr> <td>Actual</td> <td></td> <td></td> <td style="text-align: center;">X</td> <td rowspan="2" style="vertical-align: middle;">Percent 10%</td> </tr> <tr> <td>Potential</td> <td></td> <td></td> <td></td> </tr> </table>		Harm				Release	Major	Moderate	Minor		Actual			X	Percent 10%	Potential			
		Harm																		
Release	Major	Moderate	Minor																	
Actual			X	Percent 10%																
Potential																				
>> Programmatic Matrix																				
	<table border="1" style="margin-left: auto; margin-right: auto;"> <tr> <td></td> <th>Falsification</th> <th>Major</th> <th>Moderate</th> <th>Minor</th> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td>Percent 0%</td> </tr> </table>		Falsification	Major	Moderate	Minor							Percent 0%							
	Falsification	Major	Moderate	Minor																
					Percent 0%															
Matrix Notes	Human health or the environment in the Houston-Galveston-Brazoria nonattainment area was exposed to insignificant amounts of contaminants that did not exceed protective levels as a result of the violation.																			
Adjustment	\$9,000																			
\$1,000																				
Violation Events																				
Number of Violation Events	8																			
	730 Number of violation days																			
<table border="1" style="margin-left: auto; margin-right: auto;"> <tr><td>daily</td><td></td></tr> <tr><td>weekly</td><td></td></tr> <tr><td>monthly</td><td></td></tr> <tr><td>quarterly</td><td style="text-align: center;">X</td></tr> <tr><td>semiannual</td><td></td></tr> <tr><td>annual</td><td></td></tr> <tr><td>single event</td><td></td></tr> </table> <p><small>mark only one with an x</small></p>	daily		weekly		monthly		quarterly	X	semiannual		annual		single event		Violation Base Penalty \$8,000					
daily																				
weekly																				
monthly																				
quarterly	X																			
semiannual																				
annual																				
single event																				
<div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 0 auto;"> Eight quarterly events are recommended from January 1, 2007 through December 31, 2008, during which production rates were exceeded. </div>																				
Good Faith Efforts to Comply	0.0% Reduction																			
	\$0																			
<table border="1" style="margin-left: auto; margin-right: auto;"> <tr> <td></td> <th>Before NOV</th> <th>NOV to EDRP/ Settlement Offer</th> </tr> <tr> <td>Extraordinary</td> <td></td> <td></td> </tr> <tr> <td>Ordinary</td> <td></td> <td></td> </tr> <tr> <td>N/A</td> <td style="text-align: center;">X</td> <td style="text-align: center;">(mark with x)</td> </tr> </table>		Before NOV	NOV to EDRP/ Settlement Offer	Extraordinary			Ordinary			N/A	X	(mark with x)								
	Before NOV	NOV to EDRP/ Settlement Offer																		
Extraordinary																				
Ordinary																				
N/A	X	(mark with x)																		
Notes	The Respondent does not meet the good faith criteria for this violation.																			
Violation Subtotal	\$8,000																			
Economic Benefit (EB) for this violation																				
Estimated EB Amount	\$279																			
Statutory Limit Test																				
Violation Final Penalty Total	\$8,609																			
This violation Final Assessed Penalty (adjusted for limits) \$8,609																				

Economic Benefit Worksheet

Respondent: Southern Crushed Concrete, LLC
Case ID No.: 37603
Reg. Ent. Reference No.: RN102765260
Media: Air
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
------------------	-----------	---------------	------------	-----	----------------	----------------	-----------

Item Description: No commas or \$

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Overtime 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				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)	\$2,000	3-Mar-2007	15-Dec-2009	2.79	\$279	n/a	\$279

Notes for DELAYED costs: Estimated cost to implement measures designed to ensure that the portable concrete crusher is operating within permitted production rates. The date required is the first date the hourly rate was exceeded. The final date is the date corrective actions are projected to be 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	Overtime 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	\$2,000	TOTAL	\$279
-----------------------------------	---------	--------------	-------

Screening Date 12-May-2009	Docket No. 2009-0686-AIR-E	PCW		
Respondent Southern Crushed Concrete, LLC	<small>Policy Revision 2 (September 2002)</small>			
Case ID No. 37603	<small>PCW Revision October 30, 2008</small>			
Reg. Ent. Reference No. RN102765260				
Media [Statute] Air				
Enf. Coordinator Trina Grieco				
Violation Number <input type="text" value="2"/>				
Rule Cite(s)	30 Tex. Admin. Code § 116.115(c), NSR Portable Permit No. 9464F, Special Condition 8A and Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failed to obtain change of location authorization prior to relocating the portable concrete crusher to the Harborside, Tanner, and Channelview sites.			
Base Penalty		<input type="text" value="\$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 <input type="text" value="0%"/>
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	<input type="text"/>	x	<input type="text"/>	<input type="text"/>
				Percent <input type="text" value="10%"/>
Matrix Notes	100% of the rule requirements were 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="3"/>	Number of violation days	<input type="text" value="807"/>
<small>mark only one with an x</small>	daily	<input type="text"/>		
	weekly	<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 <input type="text" value="\$3,000"/>
Three single events are recommended for the three approvals that were not obtained.				
Good Faith Efforts to Comply		0.0%	Reduction	<input type="text" value="\$0"/>
		Before NOV	NOV to EDRP/ Settlement Offer	
Extraordinary	<input type="text"/>	<input type="text"/>	<input type="text"/>	
Ordinary	<input type="text"/>	<input type="text"/>	<input type="text"/>	
N/A	x	(mark with x)		
Notes	The Respondent does not meet the good faith criteria for this violation.			
Violation Subtotal				<input type="text" value="\$3,000"/>
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount		<input type="text" value="\$378"/>	Violation Final Penalty Total	<input type="text" value="\$3,228"/>
This violation Final Assessed Penalty (adjusted for limits)				<input type="text" value="\$3,228"/>

Economic Benefit Worksheet

Respondent: Southern Crushed Concrete, LLC
Case ID No. 37603
Reg. Ent. Reference No. RN102765260
Media: Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Cost **Date Required** **Final Date** **Yrs** **Interest Saved** **Onetime Costs** **EB Amount**
Item Description: No comments 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)	\$1,000	23-Mar-2009	15-Dec-2009	0.73	\$37	n/a	\$37

Notes for DELAYED costs

Estimated cost to implement measures designed to ensure that approval is obtained from the TCEQ prior to relocating the portable concrete crusher. The date required is the investigation date. The final date is the date corrective actions are projected to be completed.

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)	\$300	2-Jan-2007	29-Sep-2008	2.66	\$40	\$300	\$340

Notes for AVOIDED costs

Estimated cost to obtain approvals for three location changes (\$100 per relocation). The date required is the date the first approval should have been obtained. The final date is the date the last approval should have been obtained.

Approx. Cost of Compliance

\$1,300

TOTAL

\$376

Screening Date 12-May-2009	Docket No. 2009-0686-AIR-E	PCW
Respondent Southern Crushed Concrete, LLC	<small>Policy Revision 2 (September 2002)</small>	
Case ID No. 37803	<small>PCW Revision October 30, 2009</small>	
Reg. Ent. Reference No. RN102765260		
Media [Statute] Air		
Enf. Coordinator Trina Grieco		
Violation Number <input type="text" value="3"/>		
Rule Cite(s)	30 Tex. Admin. Code § 116.115(c), NSR Portable Permit No. 9464F, Special Condition 7C and Tex. Health & Safety Code § 382.085(b)	
Violation Description	Failed to maintain adequate records of repairs performed on pollution abatement systems (nozzle replacement records) for a rolling two-year period. Specifically, records submitted in response to a March 30, 2009 request for records did not include any pollution abatement system repair records.	
Base Penalty	<input type="text" value="\$10,000"/>	
>> Environmental, Property and Human Health Matrix		
OR	Harm	
	Release Major Moderate Minor	
Actual	<input type="text"/>	<input type="text"/>
Potential	<input type="text"/>	<input type="text"/>
	Percent	<input type="text" value="0%"/>
>> Programmatic Matrix		
	Falsification Major Moderate Minor	
	<input type="text"/>	<input type="text" value="x"/>
	Percent	<input type="text" value="10%"/>
Matrix Notes	100% of the rule requirements were 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="1"/>	<input type="text" value="730"/> Number of violation days
<small>mark only one with an x</small>	daily	<input type="text"/>
	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"/>
Violation Base Penalty	<input type="text" value="\$1,000"/>	
	One single event is recommended for the record that was not maintained.	
Good Faith Efforts to Comply		
	0.0% Reduction	<input type="text" value="\$0"/>
	Before NOV NOV to EDRP/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"/> (mark with x)
Notes	The Respondent does not meet the good faith criteria for this violation.	
Violation Subtotal	<input type="text" value="\$1,000"/>	
Economic Benefit (EB) for this violation		
Estimated EB Amount	<input type="text" value="\$591"/>	Violation Final Penalty Total <input type="text" value="\$1,076"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$1,076"/>		

Economic Benefit Worksheet

Respondent Southern Crushed Concrete, LLC
Case ID No. 37603
Reg. Ent. Reference No. RN102765260
Media Air
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Cost **Date Required** **Final Date** **Yrs** **Interest Saved** **Onetime Costs** **EB Amount**
Item Description 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	\$500	30-Mar-2009	15-Dec-2009	0.71	\$18	n/a	\$18
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
 Estimated cost to implement measures designed to ensure that two years worth of records of repairs performed on pollution abatement systems are maintained. The date required is the date records were requested. The final date is the date corrective actions are projected to be completed.

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)	\$500	30-Mar-2007	30-Mar-2009	2.92	\$73	\$500	\$573

Notes for AVOIDED costs
 Estimated cost to maintain repair records on the pollution abatement systems. The date required is two years prior to the date records were requested. The final date is the date up to which records were requested.

Approx. Cost of Compliance \$1,000 **TOTAL** \$591

Compliance History Report

Customer/Respondent/Owner-Operator: CN603079401 Southern Crushed Concrete, LLC Classification: AVERAGE Rating: 2.63
Regulated Entity: RN102765260 PORTABLE CRUSHER ACCOUNT 90 Classification: HIGH Site Rating: 0.00
9464 N

ID Number(s): AIR NEW SOURCE PERMITS PERMIT 24281
AIR NEW SOURCE PERMITS PERMIT 9464F
AIR NEW SOURCE PERMITS PERMIT 24281A
AIR NEW SOURCE PERMITS PERMIT 9464G
AIR NEW SOURCE PERMITS ACCOUNT NUMBER 909464N

Location: 14329 CHRISMAN RD, HOUSTON, TX, 77039

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: May 12, 2009

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: May 12, 2004 to May 12, 2009

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/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 03/04/2008 (618611)
2 05/04/2009 (741519)
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
N/A
- 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
SOUTHERN CRUSHED CONCRETE,
LLC
RN100889492; RN100904838;
RN101089001; RN102764479; AND
RN102765260

§
§
§
§
§
§
§
§

BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2009-0686-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 Southern Crushed Concrete, LLC ("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, represented by Pam Giblin of the law firm of Baker Botts L.L.P., appear before the Commission and together stipulate that:

1. The Respondent owns and operates portable concrete crushers permitted at 14329 Chrisman Road in Houston, Harris County, Texas (the "Facilities").
2. The Facilities consist 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 notices of the violations alleged in Section II ("Allegations") on or about May 9, 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 Sixty-Five Thousand Six Hundred Sixty-Two Dollars (\$65,662) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Twenty-Six Thousand Two Hundred Sixty-Six Dollars (\$26,266) of the administrative penalty and Thirteen Thousand One Hundred Thirty-One Dollars (\$13,131) 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. Twenty-Six Thousand Two Hundred Sixty-Five Dollars (\$26,265) shall be contingentially offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").
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 Facilities, the Respondent is alleged to have:

1. Failed to maintain production rates below the maximum allowable limit of 200 tons per hour ("tph") and 44 weeks per year, in violation of 30 TEX. ADMIN. CODE § 116.115(c), New Source Review ("NSR") Portable Permit No. 8959D, Special Condition 1 and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted March 23 through April 2, 2009. Specifically, operation records demonstrate that the portable concrete crusher was operating at rates between 200.12 to 302.40 tph and for 46 to 51 weeks out of each 52-week period during each of the 12-month rolling periods from January to December 2007 through January to December 2008.
2. Failed to obtain change of location authorization prior to relocating the portable concrete crusher to the Gasmer site, the Preston site, and back to the Gasmer site, in violation of 30 TEX. ADMIN. CODE § 116.115(c), NSR Portable Permit No. 8959D, Special Condition 8A and TEX. HEALTH &

SAFETY CODE § 382.085(b), as documented during a record review conducted March 23 through April 2, 2009.

3. Failed to maintain adequate records of repairs performed on pollution abatement systems (nozzle replacement records) for a rolling two-year period, in violation of 30 TEX. ADMIN. CODE § 116.115(c), NSR Portable Permit No. 8959D, Special Condition 7C and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted March 23 through April 2, 2009. Specifically, records submitted in response to a March 30, 2009 request for records did not include any pollution abatement system repair records.
4. Failed to maintain production rates below the maximum allowable limit of 200 tph and 44 weeks per year, in violation of 30 TEX. ADMIN. CODE § 116.115(c), NSR Portable Permit No. 40072, Special Condition 1 and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted March 23 through April 2, 2009. Specifically, operation records demonstrate that the portable concrete crusher was operating at rates between 200.40 to 216.36 tph and for 47 to 50 weeks out of each 52-week period during each of the 12-month rolling periods from January to December 2007 through January to December 2008.
5. Failed to obtain change of location authorization prior to relocating the portable concrete crusher to the Lockwood site, the Liberty site, and back to the Lockwood site, in violation of 30 TEX. ADMIN. CODE § 116.115(c), NSR Portable Permit No. 40072, Special Condition 8A and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted March 23 through April 2, 2009.
6. Failed to maintain adequate records of repairs performed on pollution abatement systems (nozzle replacement records) for a rolling two-year period, in violation of 30 TEX. ADMIN. CODE § 116.115(c), NSR Portable Permit No. 40072, Special Condition 7C and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted March 23 through April 2, 2009. Specifically, records submitted in response to a March 30, 2009 request for records did not include any pollution abatement system repair records.
7. Failed to maintain production rates below the maximum allowable limit of 200 tph, 400,000 tons per 12-month rolling period, 50 hours per week, and 44 weeks per year, in violation of 30 TEX. ADMIN. CODE § 116.115(c), NSR Portable Permit No. 9733C, Special Condition 1 and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted March 23 through April 2, 2009. Specifically, operation records demonstrate that the portable concrete crusher was operating at rates between 200.02 to 225.72 tph, crushed 403,962.12 tons of concrete during the September 2007 through August 2008 rolling 12-month period, and was operating 60 hours during the week of March 12 through 18, 2008 and for 48 to 49 weeks out of each 52-week period during each of the 12-month rolling periods from January to December 2007 through January to December 2008.
8. Failed to obtain change of location authorization prior to relocating the portable concrete crusher to the Genoa Red Bluff, the Griggs, the Chrisman, and the Harborside sites, in violation of 30 TEX. ADMIN. CODE § 116.115(c), NSR Portable Permit No. 9733C, Special Condition 8A and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted March 23 through April 2, 2009.

9. Failed to maintain adequate records of repairs performed on pollution abatement systems (nozzle replacement records) for a rolling two-year period, in violation of 30 TEX. ADMIN. CODE § 116.115(c), NSR Portable Permit No. 9733C, Special Condition 7C and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted March 23 through April 2, 2009. Specifically, records submitted in response to a March 30, 2009 request for records did not include any pollution abatement system repair records.
10. Failed to maintain production rates below the maximum allowable limit of 200 tph, 400,000 tons per 12-month rolling period, 50 hours per week, five days per week, and 44 weeks per year, in violation of 30 TEX. ADMIN. CODE § 116.115(c), NSR Portable Permit No. 51583L001, Special Condition 1 and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted March 23 through April 2, 2009. Specifically, operation records demonstrate that the portable concrete crusher was operating at rates between 200.48 to 228.24 tph, crushed between 408,549 and 416,755 tons of concrete in four rolling 12-month periods, operated 53 hours over six days during the week of November 26, 2007 through December 2, 2008 and for 48 to 49 weeks out of each 52-week period during each of the 12-month rolling periods from January to December 2007 through January to December 2008.
11. Failed to obtain change of location authorization prior to relocating a portable concrete crusher to the Chrisman, Harborside, and Wilcrest sites, in violation of 30 TEX. ADMIN. CODE § 116.115(c), NSR Portable Permit No. 51583L001, Special Condition 8A and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted March 23 through April 2, 2009.
12. Failed to maintain adequate records of repairs performed on pollution abatement systems (nozzle replacement records) for a rolling two-year period, in violation of 30 TEX. ADMIN. CODE § 116.115(c), NSR Portable Permit No. 51583L001, Special Condition 7C and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted March 23 through April 2, 2009. Specifically, records submitted in response to a March 30, 2009 request for records did not include any pollution abatement system repair records.
13. Failed to maintain production rates below the maximum allowable limit of 200 tph, 2,200 hours per year, and 44 weeks per year, in violation of 30 TEX. ADMIN. CODE § 116.115(c), NSR Portable Permit No. 9464F, Special Condition 1 and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted March 23 through April 2, 2009. Specifically, operation records demonstrate that the portable concrete crusher was operating at rates between 200.02 to 251.10 tph, for more than 2,226 hours per year, and 48 to 51 weeks out of each 52-week period during each of the 12-month rolling periods from January to December 2007 through January to December 2008.
14. Failed to obtain change of location authorization prior to relocating the portable concrete crusher to the Harborside, Tanner, and Channelview sites, in violation of 30 TEX. ADMIN. CODE § 116.115(c), NSR Portable Permit No. 9464F, Special Condition 8A and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted March 23 through April 2, 2009.

15. Failed to maintain adequate records of repairs performed on pollution abatement systems (nozzle replacement records) for a rolling two-year period, in violation of 30 TEX. ADMIN. CODE § 116.115(c), NSR Portable Permit No. 9464F, Special Condition 7C and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted March 23 through April 2, 2009. Specifically, records submitted in response to a March 30, 2009 request for records did not include any pollution abatement system repair records.

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: Southern Crushed Concrete, LLC, Docket No. 2009-0686-AIR-E" to:

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

2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Twenty-Six Thousand Two Hundred Sixty-Five Dollars (\$26,265) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Immediately upon the effective date of this Agreed Order and up until five years after the effective date of this Agreed Order, submit relocation requests for all intended relocations at least 30 days prior to the planned relocation date. The September 10, 2008 memo allowing authorization by default if the TCEQ does not respond, will apply as follows:

Approval of the request shall be granted if notice of denial from the TCEQ regional office is not received within 24 working (business) days after receipt of the request;

- b. Within 30 days after the effective date of this Agreed Order and up until five years after the effective date of this Agreed Order:
- i. Maintain two years worth of records of repairs performed on pollution abatement systems;
 - ii. Maintain a reasonable inventory of additional nozzles for the air pollution abatement systems on each portable concrete crusher of at least 20% of the total number of nozzles on the portable concrete crusher;
 - iii. Limit production to 200 tons per hour of all crushed concrete products (including, but not limited to: crushed concrete and 3 x 5), with the weight of material shown on the weight belts recorded with no adjustments for moisture content;
 - iv. In order to accurately track production, install and maintain runtime meters, accurate to a fraction of an hour, on each portable concrete crusher. The meter shall be connected with the power source of the portable concrete crusher so that if the meter malfunctions, the portable concrete crusher will also cease operating;
 - v. Ensure that the regulated entity (RN) number or the permit number (excluding the suffix) is prominently marked and clearly visible on each portable concrete crusher and the associated screens. These identification markings shall be removed from the equipment when it is no longer authorized by the TCEQ;
 - vi. Maintain accurate daily production records at the site where production occurred for that day, which shall include (but shall not be limited to) the following:
 - Name of the site
 - Serial number of the portable concrete crusher
 - Date
 - Date that operation began at the site
 - Signature and printed name of preparer
 - Production of each grade of material
 - Total production
 - Runtime meter reading at start of operation
 - Runtime meter reading at end of operation
 - Total hours of operation
 - Records of any maintenance performed on pollution abatement equipmentCopies of these records shall be maintained at the central office location on Chrisman Road;
 - vii. Maintain a weekly summary report at the site where production occurred for that week, which shall include (but shall not be limited to) the following:
 - Name of the site

- Serial number of the portable concrete crusher
- Dates of operation
- Running totals for the previous twelve-month period of:
 - Total hours of operation
 - Total production of all grades of material
 - Total weeks during which production occurred
- The limit imposed by the permit for total hours of operation, total production of all grades of material, and total weeks during which operation may occur
- The remaining hours of operation allowed, total production allowed, and total weeks that the portable concrete crusher may still operate in the current 12-month period
- Date the document was prepared
- Printed name and signature of the person preparing the document

Copies of these records shall be maintained at the central office location on Chrisman Road;

- viii. For purposes of this Agreed Order, a "week during which production occurred" is defined as a calendar week in which a portable concrete crushing facility operates for at least twenty (20) hours; and
- c. 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 Nos. 3.a. and 3.b. 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 fines 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
Houston Regional Office
Texas Commission on Environmental Quality

5425 Polk Avenue, Suite H
Houston, Texas 77023-1486

4. 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 Facilities operations referenced in this Agreed Order.
5. 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.
6. 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.
7. 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.
8. 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.
9. 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



For the Executive Director

1/8/2010
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.

✓ 
Signature

10/15/2009
Date

✗ JAMES R. MILLER JR.
Name (Printed or typed)
Authorized Representative of
Southern Crushed Concrete, LLC

MANAGER
Title

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

Attachment A

Docket Number: 2009-0686-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: Southern Crushed Concrete, LLC

Payable Penalty Amount: Fifty-Two Thousand Five Hundred Thirty-One Dollars
(\$52,531)

SEP Amount: Twenty-Six Thousand Two Hundred Sixty-Five Dollars
(\$26,265)

Type of SEP: Pre-approved

Third-Party Recipient: Houston-Galveston AERCO's Clean Cities/Clean Vehicles
Program

Location of SEP: Texas Air Quality Control Region 216 – Houston-Galveston

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent will contribute to Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program. The contribution will be used in accordance with the *Supplemental Environmental Project Agreement between the Houston-Galveston AERCO and the Texas Commission on Environmental Quality*. SEP monies will be used to aid local school districts and area transit agencies in reaching local match requirements mandated by the Federal Highway Administration's ("FHWA") Congestion Mitigation/Air Quality funding program. SEP monies will be disbursed to school districts and transit agencies in need of funding assistance in the Houston-Galveston non-attainment area. Those SEP monies will be used exclusively by the school districts and transit agencies as supplements to meet the local match requirements of the EPA. SEP monies will be used to pay for the cost of replacing older diesel buses with alternative fueled or clean diesel buses. The old buses will be permanently retired and only sold for scrap. The schools and transit agencies will also use the SEP monies to retrofit more buses to reduce emissions. Houston-Galveston AERCO will send the TCEQ verification in the form of paid invoices and other documentation to show that the retrofits were completed. Retrofit technologies include particulate matter traps, diesel particulate matter filters, NOx reduction catalyst technology in combination with diesel particulate filters, and other emission control technologies that are developed and approved by EPA or the California Air Resources Board.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing particulate emissions of buses by more than 90% below today's level and reducing hydrocarbons below measurement capability.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Houston-Galveston Area Council
Houston-Galveston AERCO
P.O. Box 22777
Houston, Texas 77227-2777

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

Southern Crushed Concrete, LLC
Agreed Order - Attachment A

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

