

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2010-1200-IWD-E TCEQ ID: RN100219286 CASE NO.: 40026
RESPONDENT NAME: HOLCIM (TEXAS) LIMITED PARTNERSHIP

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 type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Holcim Texas Limited Partnership, 1800 Dove Lane, Midlothian, Ellis County</p> <p>TYPE OF OPERATION: Limestone quarry and portland cement manufacturing plant</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on January 3, 2011. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Steve Villatoro, Enforcement Division, Enforcement Team 1, MC 169, (512) 239-4930; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495 Respondent: Mr. Michel Moser, Vice President/Plant Manager, HOLCIM (TEXAS) LIMITED PARTNERSHIP, 1800 Dove Lane, Midlothian, Texas 76065 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: May 12, 2010</p> <p>Date of NOV/NOE Relating to this Case: June 25, 2010 (NOE)</p> <p>Background Facts: This was a records review.</p> <p>WATER</p> <p>Failed to comply with permit effluent limits for total suspended solids [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System Permit ("TPDES") No. WQ0002580000, Effluent Limitations and Monitoring Requirements No. 1].</p>	<p>Total Assessed: \$2,600</p> <p>Total Deferred: \$520 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$2,080</p> <p>Compliance History Classifications: Person/CN - Average Site/RN - Average</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:</p> <p>a. By March 30, 2010, made repairs to the discharge gate of the outfall standpipe; and</p> <p>b. By April 30, 2010, returned to compliance with the permitted effluent limits of TPDES Permit No. WQ0002580000.</p>

Additional ID No(s): WQ0002580000



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	28-Jun-2010	Screening	12-Jul-2010	EPA Due	
	PCW	20-Sep-2010				

RESPONDENT/FACILITY INFORMATION	
Respondent	HOLCIM (TEXAS) LIMITED PARTNERSHIP
Reg. Ent. Ref. No.	RN100219286
Facility/Site Region	4-Dallas/Fort Worth
Major/Minor Source	Minor

CASE INFORMATION		No. of Violations	1
Enf./Case ID No.	40026	Order Type	1660
Docket No.	2010-1200-IWD-E	Government/Non-Profit	No
Media Program(s)	Water Quality	Enf. Coordinator	Steve Villatoro
Multi-Media		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$2,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1		Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.
Compliance History	55.0% Enhancement	Subtotals 2, 3, & 7
		\$1,100

Notes: Enhancement for nine months of self-reported effluent violations, two NOV's with same/similar violations, and two NOV's with dissimilar violations; and reduction for two letters of intent to conduct a self-audit and one disclosure of violations.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$500
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts \$17
 Approx. Cost of Compliance \$500
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$2,600
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount \$2,600

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$2,600
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DEFERRAL	20.0% Reduction	Adjustment	-\$520
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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	\$2,080
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Screening Date 12-Jul-2010

Docket No. 2010-1200-IWD-E

PCW

Respondent HOLCIM (TEXAS) LIMITED PARTNERSHIP

Policy Revision 2 (September 2002)

Case ID No. 40026

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100219286

Media [Statute] Water Quality

Enf. Coordinator Steve Villatoro

Compliance History Worksheet

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	11	55%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	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 (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of</i>	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	2	-2%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	1	-2%
<i>Please Enter Yes or No</i>			
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) 55%

>> **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

Enhancement for nine months of self-reported effluent violations, two NOVs with same/similar violations, and two NOVs with dissimilar violations; and reduction for two letters of intent to conduct a self-audit and one disclosure of violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 55%

Screening Date 12-Jul-2010

Docket No. 2010-1200-IWD-E

PCW

Respondent HOLCIM (TEXAS) LIMITED PARTNERSHIP

Policy Revision 2 (September 2002)

Case ID No. 40026

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100219286

Media [Statute] Water Quality

Enf. Coordinator Steve Villatoro

Violation Number 1

Rule Cite(s)

Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System Permit No. WQ0002580000, Effluent Limitations and Monitoring Requirements No. 1

Violation Description

Failed to comply with permit effluent limits, as documented during a record review conducted on May 12, 2010 and shown in the attached table.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 2

92 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$2,000

Two quarterly events are recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$500

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

Notes The Respondent achieved compliance by April 30, 2010.

Violation Subtotal \$1,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$17

Violation Final Penalty Total \$2,600

This violation Final Assessed Penalty (adjusted for limits) \$2,600

Economic Benefit Worksheet

Respondent HOLCIM (TEXAS) LIMITED PARTNERSHIP
Case ID No. 40026
Reg. Ent. Reference No. RN100219286
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	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	\$500	31-Oct-2009	30-Apr-2010	0.50	\$1	\$17	\$17
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs Estimated cost to repair the discharge gate of the outfall standpipe. Date required is the first date of non-compliance. Final date is the date of compliance.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance	\$500	TOTAL	\$17
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EFFLUENT VIOLATION TABLE		
HOLCIM (TEXAS) LIMITED PARTNERSHIP		
TPDES Permit No. WQ0002580000		
Docket No. 2010-1200-IWD-E		
Months	TSS Daily Avg. Conc.	TSS Daily Max. Conc.
	Limit = 25 mg/L	Limit = 45 mg/L
October 2009	c	47
November 2009	34.7	82
March 2010	35	918

TSS = total suspended solids
mg/L = milligrams per liter
c = compliant

conc. = concentration
max. = maximum
avg. = average

Compliance History Report

Customer/Respondent/Owner-Operator:	CN601231459	HOLCIM (TEXAS) LIMITED PARTNERSHIP	Classification: AVERAGE	Rating: 0.33
Regulated Entity:	RN100219286	HOLCIM TEXAS LIMITED PARTNERSHIP	Classification: AVERAGE	Site Rating: 0.33

ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	ED0099J
	AIR OPERATING PERMITS	PERMIT	1046
	INDUSTRIAL AND HAZARDOUS WASTE	EPA ID	TXD130369481
	INDUSTRIAL AND HAZARDOUS WASTE	SOLID WASTE REGISTRATION # (SWR)	32439
	PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	48390
	WASTEWATER	PERMIT	WQ0002580000
	WASTEWATER	EPA ID	TX0090425
	AIR NEW SOURCE PERMITS	PERMIT	8996
	AIR NEW SOURCE PERMITS	REGISTRATION	38923
	AIR NEW SOURCE PERMITS	REGISTRATION	39680
	AIR NEW SOURCE PERMITS	REGISTRATION	44460
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	ED0099J
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX454
	AIR NEW SOURCE PERMITS	REGISTRATION	54830
	AIR NEW SOURCE PERMITS	REGISTRATION	54843
	AIR NEW SOURCE PERMITS	REGISTRATION	54842
	AIR NEW SOURCE PERMITS	REGISTRATION	55820
	AIR NEW SOURCE PERMITS	REGISTRATION	76083
	AIR NEW SOURCE PERMITS	AFS NUM	4813900022
	AIR NEW SOURCE PERMITS	REGISTRATION	70582
	AIR NEW SOURCE PERMITS	REGISTRATION	53409
	AIR NEW SOURCE PERMITS	REGISTRATION	54155
	AIR NEW SOURCE PERMITS	REGISTRATION	56768
	AIR NEW SOURCE PERMITS	REGISTRATION	74694
	AIR NEW SOURCE PERMITS	REGISTRATION	74558
	AIR NEW SOURCE PERMITS	REGISTRATION	76527
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX454M2
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX454M3
	AIR NEW SOURCE PERMITS	REGISTRATION	77035
	AIR NEW SOURCE PERMITS	REGISTRATION	80423
	AIR NEW SOURCE PERMITS	REGISTRATION	8996
	AIR NEW SOURCE PERMITS	REGISTRATION	84171
	WASTEWATER LICENSING	LICENSE	WQ0002580000
	WATER LICENSING	LICENSE	0700072
	TIRES	REGISTRATION	76900
	USED OIL	REGISTRATION	A85867
	AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	ED0099J

Location: 1800 Dove Lane, in Midlothian, Ellis County, Texas

TCEQ Region: REGION 04 - DFW METROPLEX

Date Compliance History Prepared: July 08, 2010

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: July 08, 2005 to July 08, 2010

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

Name: Steve Villatoro Phone: (512) 239-4930

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: 9/1/2009 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	07/11/2005	(445716)
2	08/11/2005	(445717)
3	08/18/2005	(401665)
4	09/12/2005	(445718)
5	10/19/2005	(477529)
6	11/10/2005	(477530)
7	12/12/2005	(477531)
8	02/02/2006	(453313)
9	02/02/2006	(453464)
10	02/10/2006	(477527)
11	03/08/2006	(477528)
12	04/06/2006	(457989)
13	04/06/2006	(460324)
14	04/06/2006	(461466)
15	04/14/2006	(504083)
16	05/08/2006	(504084)
17	06/16/2006	(504085)
18	07/14/2006	(526460)
19	08/10/2006	(526461)
20	08/22/2006	(463673)
21	09/15/2006	(526462)
22	10/05/2006	(550614)
23	10/18/2006	(513746)
24	11/08/2006	(550615)
25	12/07/2006	(517700)
26	12/22/2006	(550616)
27	01/11/2007	(586957)
28	02/12/2007	(586952)
29	03/20/2007	(586953)
30	04/10/2007	(542954)
31	04/25/2007	(586954)
32	05/21/2007	(533059)
33	05/22/2007	(586955)
34	05/30/2007	(558594)
35	06/15/2007	(586956)
36	06/19/2007	(564521)
37	07/03/2007	(558979)
38	07/23/2007	(604865)
39	07/31/2007	(570490)
40	08/07/2007	(566112)
41	08/22/2007	(604866)
42	09/25/2007	(604867)
43	10/10/2007	(596980)
44	10/22/2007	(625483)
45	11/02/2007	(598015)
46	11/19/2007	(625484)
47	12/07/2007	(625485)
48	01/22/2008	(694010)
49	02/22/2008	(694006)
50	02/26/2008	(616953)
51	03/24/2008	(675675)
52	04/17/2008	(638858)
53	04/18/2008	(675676)
54	05/20/2008	(694007)

55	06/16/2008	(694008)
56	07/14/2008	(694009)
57	08/06/2008	(687512)
58	08/11/2008	(715338)
59	09/09/2008	(715339)
60	09/12/2008	(685489)
61	10/06/2008	(715340)
62	11/19/2008	(731141)
63	12/12/2008	(687544)
64	12/15/2008	(731142)
65	01/05/2009	(731143)
66	01/06/2009	(709504)
67	02/09/2009	(754419)
68	03/02/2009	(754420)
69	04/03/2009	(754421)
70	04/07/2009	(736807)
71	04/21/2009	(742618)
72	05/01/2009	(771683)
73	06/08/2009	(771684)
74	07/09/2009	(759497)
75	07/14/2009	(815129)
76	08/04/2009	(815130)
77	08/05/2009	(761421)
78	08/05/2009	(761839)
79	09/08/2009	(815131)
80	09/15/2009	(762022)
81	09/15/2009	(762137)
82	10/19/2009	(815132)
83	11/10/2009	(815133)
84	12/18/2009	(815134)
85	01/18/2010	(815135)
86	02/12/2010	(788919)
87	02/17/2010	(815128)
88	04/01/2010	(792661)
89	04/01/2010	(795860)
90	04/01/2010	(796113)
91	04/01/2010	(796449)
92	05/18/2010	(798077)
93	06/25/2010	(802448)

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

Date:	08/18/2005	(401665)	CN601231459
Self Report?	NO		Classification: Minor
Citation:	30 TAC Chapter 113, SubChapter C 113.100 30 TAC Chapter 113, SubChapter C 113.690 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.10(b)(1) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT LLL 63.1355(a) 5C THC Chapter 382, SubChapter A 382.085(b)		
Description:	Failure to maintain records of temperature at the inlet to the alkali bypass baghouses readily available for expeditious review.		
Self Report?	NO		Classification: Minor
Citation:	30 TAC Chapter 113, SubChapter C 113.690 40 CFR Chapter 63, SubChapter C, PT 63, SubPT LLL 63.1354(b)(9)(i) 5C THC Chapter 382, SubChapter A 382.085(b)		
Description:	Failure to include exceedances of the temperature limits for the inlet to the bypass baghouses in semiannual reports.		
Self Report?	NO		Classification: Minor
Citation:	30 TAC Chapter 113, SubChapter C 113.690 40 CFR Chapter 63, SubChapter C, PT 63, SubPT LLL 63.1349(a) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT LLL 63.1349(b)(3)(ii) 5C THC Chapter 382, SubChapter A 382.085(b)		
Description:	Failure to include temperature data in the test reports dated 11/3/04 - 11/5/04 and 6/24/02 - 6/27/02 for the inlet to the main and bypass baghouses.		
Date:	03/31/2007	(586954)	CN601231459
Self Report?	YES		Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 04/30/2007 (586955) CN601231459
 Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 05/21/2007 (533059) CN601231459
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 113, SubChapter C 113.690
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT LLL 63.1354(b)(9)(iv)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Description: Failure to include the results of the annual combustion system inspection in the MACT
 LLL Semiannual reports for 2005 and 2006.
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 O1046, Special Condition 8 OP
 Description: Failure to perform weekly Method 22 monitoring at Locations 1 - 6 and 8 for the week of
 12/27/06.
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 O1046, Special Condition 8 OP
 Description: Failure to perform a monthly Method 9 opacity reading at the Upper and Lower Bench
 Limestone Crushers.
 Date: 05/30/2007 (558594) CN601231459
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(4)
 30 TAC Chapter 305, SubChapter F 305.125(5)
 TWC Chapter 26 26.121
 TWC Chapter 26 26.121(a)
 TWC Chapter 26 26.121(a)(1)
 TWC Chapter 26 26.121(a)(2)
 TWC Chapter 26 26.121(a)(3)
 TWC Chapter 26 26.121(b)
 TWC Chapter 26 26.121(c)
 TWC Chapter 26 26.121(d)
 TWC Chapter 26 26.121(e)
 Description: Failure to prevent an unauthorized discharge of wastewater.
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to maintain compliance with permitted effluent limits for pH maximum (10/03);
 TSS daily average mg/l (1/04), and TSS single grab mg/l (3/07).
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 319, SubChapter A 319.4
 Other Requirements PERMIT
 Description: Failure to monitor the parameters required by permit.
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Monitoring and Reporting Requirements PERMIT
 Description: Failure to submit noncompliance notification as required by permit.
 Date: 06/21/2007 (564521) CN601231459
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 OTHER REQUIREMENTS PERMIT
 Description: Failure to maintain compliance with permitted effluent limits.

Date: 08/31/2007 (604867) CN601231459
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 09/30/2007 (625483) CN601231459
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 03/31/2008 (675676) CN601231459
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 04/30/2008 (694007) CN601231459
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 10/31/2009 (815133) CN601231459
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 11/30/2009 (815134) CN601231459
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 03/31/2010 CN601231459
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits.

Notice of Intent Date: 07/27/2007 (572626)
 Disclosure Date: 12/18/2007
 Viol. Classification: Major
 Citation: 30 TAC Chapter 116, SubChapter B 116.119

Description: Failure to comply with miscellaneous paints and solvent usage emission de minimis usage rates for coatings of 100 gallons per year and cleaning and striping solvents fo 50 gallons per year.

Viol. Classification: Moderate
 Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.9(h)

Description: Failure to submit NOC report for stack testing performed in 2002 for particulate matter (PM) and dioxin and furan (D/F) and in 2004 for D/F.

Notice of Intent Date: 02/22/2008 (639305)
 No DOV Associated

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
HOLCIM (TEXAS) LIMITED
PARTNERSHIP
RN100219286**

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§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2010-1200-IWD-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding HOLCIM (TEXAS) LIMITED PARTNERSHIP ("the Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a limestone quarry and portland cement manufacturing plant located at 1800 Dove Lane, in Midlothian, Ellis County, Texas (the "Facility").
2. The Respondent has discharged industrial waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about June 30, 2010.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Two Thousand Six Hundred Dollars (\$2,600) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Two Thousand Eighty Dollars (\$2,080) of the administrative penalty and Five Hundred Twenty Dollars (\$520) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
 - a. By March 30, 2010, made repairs to the discharge gate of the outfall standpipe; and
 - b. By April 30, 2010, returned to compliance with the permitted effluent limits of Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0002580000.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have failed to comply with permit effluent limits, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System Permit ("TPDES") No. WQ0002580000, Effluent Limitations and Monitoring Requirements No. 1, as documented during a record review conducted on May 12, 2010 and shown in the following table:

EFFLUENT VIOLATION TABLE		
Months	TSS Daily Avg. Conc.	TSS Daily Max. Conc.
	Limit = 25 mg/L	Limit = 45 mg/L
October 2009	c	47
November 2009	34.7	82
March 2010	35	918

TSS = total suspended solids

mg/L = milligrams per liter

c = compliant

conc. = concentration

max. = maximum

avg. = average

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: HOLCIM (TEXAS) LIMITED PARTNERSHIP, Docket No. 2010-1200-IWD-E" to:

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

2. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
3. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

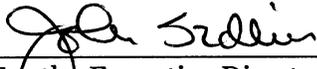
4. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format (“pdf”), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term “signature” shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms “electronic transmission”, “owner”, “person”, “writing”, and “written” shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

Date 1/21/2011

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

Date 10/28/2010

Michel Moser

Name (Printed or typed)
Authorized Representative of
HOLCIM (TEXAS) LIMITED PARTNERSHIP

Title Plant Manager

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.