

Executive Summary – Enforcement Matter – Case No. 40858

City Ready Mix, Inc.

RN101984821

Docket No. 2010-2020-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

City Ready Mix, 1810 West Mann Road, Laredo, Webb County

Type of Operation:

Concrete batch plant, rock crusher, and screening operation

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: May 20, 2011

Comments Received: No

Penalty Information

Total Penalty Assessed: \$18,985

Amount Deferred for Expedited Settlement: \$1,797

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$493

Total Due to General Revenue: \$16,695

Payment Plan: 35 payments of \$477 each

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Average

Site/RN - Average

Major Source: No

Statutory Maximum Limit Adjustment: \$800

Applicable Penalty Policy: September 2002

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City Ready Mix, Inc.
RN101984821
Docket No. 2010-2020-AIR-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: October 21, 2010 through October 22, 2010

Date(s) of NOE(s): November 29, 2010

Violation Information

1. Failed to obtain authorization to construct and operate a rock crusher. Specifically, on October 22, 2010, the Respondent was observed operating a rock crusher without TCEQ authorization [30 TEX. ADMIN. CODE § 116.110(a) and TEX. HEALTH & SAFETY CODE §§ 382.0518(a) and 382.085(b)].
2. Failed to notify the TCEQ within 24 hours after the discovery of an excess opacity event that occurred on October 22, 2010 [30 TEX. ADMIN. CODE § 101.201(e) and TEX. HEALTH & SAFETY CODE § 382.085(b)].
3. Failed to prevent unauthorized emissions from an excess opacity event and failed to maintain air pollution emission capture and abatement equipment in good working order and operating properly. Specifically, on October 22, 2010, visible emissions from the baghouse on Silo No. 1 were 31.66% averaged over a six minute period. Since the opacity event was not reported and could have been avoided by better operational practices, it does not meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH & SAFETY CODE § 382.085(b), and New Source Review (“NSR”) Permit No. 6324, General Conditions No. 9 and Special Conditions No. 3].
4. Failed to remain at or below the maximum allowable concrete batch plant production rate of 60 cubic yards per hour. Specifically, between 12:31 am and 1:32 am on October 19, 2010, the Respondent produced 70 cubic yards in one hour [30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH & SAFETY CODE § 382.085(b), and NSR Permit No. 6324, General Conditions No. 8].
5. Failed to maintain screening operation throughput records for a rolling 24-month period. Specifically, the production records for the screening plant were not being maintained and could not be provided upon request [30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH & SAFETY CODE § 382.085(b), and NSR Permit No. 6324, Special Conditions No. 8B].
6. Failed to install a visible and/or audible overflow warning device on each silo [30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH & SAFETY CODE § 382.085(b), and NSR Permit No. 6324, Special Conditions No. 5E].

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7. Failed to vent the weigh hopper to the cement silo. Specifically, the Respondent failed to vent weigh hoppers Nos. 1 and 2 to cement Silo Nos. 1 and 2 [30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH & SAFETY CODE § 382.085(b), and NSR Permit No. 6324, Special Conditions No. 5F].

8. Failed to maintain at or below 5% opacity at truck batch drop point No. 1. Specifically, visible emissions were calculated to be 12.70% averaged over a six-minute period on October 21, 2010 [30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH & SAFETY CODE § 382.085(b) and NSR Permit No. 6324, Special Conditions No. 3].

9. Failed to install permanently mounted spray bars at all material transfer points. Specifically, the screening plant was not equipped with spray bars [30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH & SAFETY CODE § 382.085(b), and NSR Permit No. 6324, Special Conditions No. 5I].

10. Failed to maintain emission control devices. Specifically, the Respondent failed to maintain the baghouse in good working order and operating properly. On October 21, 2010 visible emissions were observed from the baghouse on Silo No. 1 [30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH & SAFETY CODE § 382.085(b), and NSR Permit No. 6324, General Conditions No. 9].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:

- a. On October 22, 2010, ceased operation of the rock crusher;
- b. By October 31, 2010, began the daily use of log sheets to record hourly throughput and production rate records;
- c. On November 11, 2010, submitted a NSR permit amendment application for NSR Permit No. 6324;
- d. By November 26, 2010, cleaned Silo Nos. 1 and 2 and installed bag filters in the baghouses;
- e. By January 14, 2011, installed high level alarm indicators for Silo Nos. 1 and 2 and verified they were operational; and
- f. By January 20, 2011, installed a new dust collection system for the weigh hopper Nos. 1 and 2, truck batch drop point No. 1, and Silo Nos. 1 and 2.

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Docket No. 2010-2020-AIR-E

Technical Requirements:

The Order will require the Respondent to:

- a. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the NSR Permit No. 6324 amendment application within 30 days after the date of such requests, or by any other deadline specified in writing.
- b. Within 30 days:
 - i. Implement improvements to training procedures and the recordkeeping system to ensure excess opacity events are reported within 24 hours of discovery; and
 - ii. Install permanent mounted spray bar emissions control equipment at all material transfer points.
- c. Within 45 days, submit written certification demonstrating compliance with Ordering Provisions b.i. and b.ii.;
- d. Within 180 days, submit written certification that either authorization to operate the rock crusher has been obtained or that the rock crusher remains shutdown until such time that appropriate authorization is obtained; and
- e. Written certifications required by Ordering Provisions c. and d. shall be submitted demonstrating compliance.

Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A
TCEQ Enforcement Coordinator: Heather Podlipny, Enforcement Division,
Enforcement Team 4, MC 149, (512) 239-2603; Laurie Eaves, Enforcement Division,
MC 219, (512) 239-4495
TCEQ SEP Coordinator: N/A

Executive Summary – Enforcement Matter – Case No. 40858
City Ready Mix, Inc.
RN101984821
Docket No. 2010-2020-AIR-E

Respondent: Mr. Benito Hurtado, President, City Ready Mix, Inc., P.O. Box 2631,
Laredo, Texas 78044

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	6-Dec-2010	Screening	8-Dec-2010	EPA Due	
	PCW	3-Mar-2011				

RESPONDENT/FACILITY INFORMATION	
Respondent	City Ready Mix, Inc.
Reg. Ent. Ref. No.	RN101984821
Facility/Site Region	16-Laredo
Major/Minor Source	Minor

CASE INFORMATION		No. of Violations	1
Enf./Case ID No.	40858	Order Type	1660
Docket No.	2010-2020-AIR-E	Government/Non-Profit	No
Media Program(s)	Air	Enf. Coordinator	Heather Podlipny
Multi-Media		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$10,000**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **8.0%** Enhancement **Subtotals 2, 3, & 7** **\$800**

Notes: Enhancement for four dissimilar NOVs.

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: \$220
 Approx. Cost of Compliance: \$5,000
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$10,800**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount **\$10,800**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$10,000**

DEFERRAL **0.0%** Reduction **Adjustment** **\$0**

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

Notes:

No deferral is recommended because a mandatory statutory penalty amount is being assessed.

PAYABLE PENALTY **\$10,000**

Screening Date 8-Dec-2010

Docket No. 2010-2020-AIR-E

PCW

Respondent City Ready Mix, Inc.

Policy Revision 2 (September 2002)

Case ID No. 40858

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101984821

Media [Statute] Air

Enf. Coordinator Heather Podlipny

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>)	0	0%
	Other written NOVs	4	8%
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 counts</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>)	0	0%
	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>)	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) 8%

>> 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 four dissimilar NOVs.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 8%

Screening Date 8-Dec-2010

Docket No. 2010-2020-ATR-E

PCW

Respondent City Ready Mix, Inc.

Policy Revision 2 (September 2002)

Case ID No. 40858

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101984821

Media [Statute] Air

Enf. Coordinator Heather Podlipny

Violation Number 1

Rule Cite(s) 30 Tex. Admn. Code § 116.110(a) and Tex. Health & Safety Code §§ 382.0518(a) and 382.085(b)

Violation Description Failed to obtain authorization to construct and operate a rock crusher, Specifically, on October 22, 2010, the Respondent was observed operating a rock crusher without TCEQ authorization.

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			100%

Matrix Notes 100% of the rule requirement was not met. Per Tex. Water Code § 7.052(b), a rock crusher operating without a permit is penalized \$10,000 for each day that a continuing violation occurs.

Adjustment \$0

\$10,000

Violation Events

Number of Violation Events 1 Number of violation days 1

daily	X
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$10,000

One daily event is recommended based on the one day the rock crusher was observed operating without a permit during the investigation on October 22, 2010.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes Good faith effort is not recommended because a mandatory statutory penalty amount is being assessed.

Violation Subtotal \$10,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$220

Violation Final Penalty Total \$10,800

This violation Final Assessed Penalty (adjusted for limits) \$10,000

Economic Benefit Worksheet

Respondent: City Ready Mix, Inc.

Case ID No.: 40858

Req. Ent. Reference No.: RN101984821

Media: Air
Violation No.: 1

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				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs	\$5,000	22-Oct-2010	8-Sep-2011	0.88	\$220	n/a	\$220
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated costs to obtain authorization for the rock crusher. The Date required is the date the rock crusher was observed operating and the Final Date is the estimated date of compliance.

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

\$5,000

TOTAL

\$220



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	8-Dec-2010	Screening	8-Dec-2010	EPA Due	
	PCW	5-Apr-2011				

RESPONDENT/FACILITY INFORMATION

Respondent	City Ready Mix, Inc.		
Reg. Ent. Ref. No.	RN101984821		
Facility/Site Region	16-Laredo	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	40858	No. of Violations	9
Docket No.	2010-2020-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Heather Podlipny
		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$9,500
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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	8.0% Enhancement	Subtotals 2, 3, & 7	\$760
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Notes: Enhancement for four dissimilar NOVs.

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	\$1,275
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Economic Benefit	0.0% Enhancement	Subtotal 6	\$0
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Total EB Amounts: \$883
 Approx. Cost of Compliance: \$60,291
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$8,985
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$8,985
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$8,985
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DEFERRAL	20.0% Reduction	Adjustment	-\$1,797
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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	\$7,188
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Screening Date 8-Dec-2010

Docket No. 2010-2020-AIR-E

PCW

Respondent City Ready Mix, Inc.

Policy Revision 2 (September 2002)

Case ID No. 40858

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101984821

Media [Statute] Air

Enf. Coordinator Heather Podlipny

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 (number of NOVs meeting criteria)	0	0%
	Other written NOVs	4	8%
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) 8%

>> 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 four dissimilar NOVs.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 8%

Screening Date 8-Dec-2010

Docket No. 2010-2020-AIR-E

PCW

Respondent City Ready Mix, Inc.

Policy Revision 2 (September 2002)

Case ID No. 40858

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101984821

Media [Statute] Air

Enf. Coordinator Heather Podlipny

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 101.201(e) and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to notify the TCEQ within 24 hours after the discovery of an excess opacity event that occurred on October 22, 2010.

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 requirement was not met.				

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1 Number of violation days 48

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

Violation Base Penalty \$1,000

One single event is recommended based on the one missing report.

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 \$1,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$11 Violation Final Penalty Total \$1,080

This violation Final Assessed Penalty (adjusted for limits) \$1,080

Economic Benefit Worksheet

Respondent City Ready Mix, Inc.

Case ID No. 40858

Req. Ent. Reference No. RN101984821

Media Air

Violation No. 1

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				0.00	\$0	n/a	\$0
Training/Sampling	\$250	23-Oct-2010	8-Sep-2011	0.88	\$11	n/a	\$11
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 costs to provide additional oversight and training for excess opacity event reporting. The Date Required is the date the report was due, and the Final Date is the expected date of compliance.

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

\$250

TOTAL

\$11

Screening Date 8-Dec-2010

Docket No. 2010-2020-AIR-E

PCW

Respondent City Ready Mix, Inc.

Policy Revision 2 (September 2002)

Case ID No. 40858

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101984821

Media [Statute] Air

Enf. Coordinator Heather Podlipny

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 116.115(c), Tex. Health & Safety Code § 382.085(b), and New Source Review ("NSR") Permit No. 6324, General Conditions No. 9 and Special Conditions No. 3

Violation Description Failed to prevent unauthorized emissions from an excess opacity event and failed to maintain air pollution emission capture and abatement equipment in good working order and operating properly. Specifically, on October 22, 2010, visible emissions from the baghouse on Silo No. 1 were 31.66% averaged over a six minute period. Since the opacity event was not reported and could have been avoided by better operational practices, it does not meet the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual			X	10%
	Potential				

>> 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 the violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1 Number of violation days 1

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

Violation Base Penalty \$1,000

One quarterly event is recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$250

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

Notes The Respondent returned to compliance on November 26, 2010 and the NOE is dated November 29, 2010.

Violation Subtotal \$750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$9

Violation Final Penalty Total \$830

This violation Final Assessed Penalty (adjusted for limits) \$830

Economic Benefit Worksheet

Respondent: City Ready Mix, Inc.

Case ID No.: 40858

Reg. Ent. Reference No.: RN101984821

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 commas or \$

Delayed Costs

Equipment	\$1,394	22-Oct-2010	26-Nov-2010	0.10	\$0	\$9
Buildings				0.00	\$0	\$0
Other (as needed)				0.00	\$0	\$0
Engineering/construction				0.00	\$0	\$0
Land				0.00	\$0	n/a
Record Keeping System				0.00	\$0	n/a
Training/Sampling				0.00	\$0	n/a
Remediation/Disposal				0.00	\$0	n/a
Permit Costs				0.00	\$0	n/a
Other (as needed)				0.00	\$0	n/a

Notes for DELAYED costs

Actual costs to replace any damaged fabric filter bags with new fabric filter bags in the baghouse. The Date Required is the date of the excess opacity event and the 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
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)				0.00	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,394

TOTAL

\$9

Screening Date 8-Dec-2010

Docket No. 2010-2020-AIR-E

PCW

Respondent City Ready Mix, Inc.

Policy Revision 2 (September 2002)

Case ID No. 40858

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101984821

Media [Statute] Air

Enf. Coordinator Heather Podlipny

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 116.115(c), Tex. Health & Safety Code § 382.085(b), and NSR Permit No. 6324, General Conditions No. 8

Violation Description

Failed to remain at or below the maximum allowable concrete batch plant production rate of 60 cubic yards per hour. Specifically, between 12:31 am and 1:32 am on October 19, 2010, the Respondent produced 70 cubic yards in one hour.

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 the violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1

1 Number of violation days

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

Violation Base Penalty \$1,000

One quarterly event is recommended based on the one day on which the production rate was exceeded.

Good Faith Efforts to Comply

25.0% Reduction

\$250

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

Notes

The Respondent returned to compliance on October 31, 2010 and the NOE is dated November 29, 2010.

Violation Subtotal \$750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$3

Violation Final Penalty Total \$830

This violation Final Assessed Penalty (adjusted for limits) \$830

Economic Benefit Worksheet

Respondent City Ready Mix, Inc.
Case ID No. 40858
Reg. Ent. Reference No. RN101984821
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

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	19-Oct-2010	31-Oct-2010	0.03	\$3	n/a	\$3

Notes for DELAYED costs

Estimated costs to implement measures designed to ensure that the concrete batch plant is operating within permitted production rates. The Date Required is the date on which the production rate was exceeded and the 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

\$2,000	TOTAL	\$3
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Screening Date 8-Dec-2010

Docket No. 2010-2020-AIR-E

PCW

Respondent City Ready Mix, Inc.

Policy Revision 2 (September 2002)

Case ID No. 40858

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101984821

Media [Statute] Air

Enf. Coordinator Heather Podlony

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 116.115(c), Tex. Health & Safety Code § 382.085(b), and NSR Permit No. 6324, Special Conditions No. 8B

Violation Description

Failed to maintain screening operation throughput records for a rolling 24-month period. Specifically, the production records for the screening plant were not being maintained and could not be provided upon request.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
		X	

Percent 5%

Matrix Notes

33% of the rule requirement was not met.

Adjustment \$9,500

\$500

Violation Events

Number of Violation Events 1

49 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$500

One single event is recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$125

Extraordinary

Before NOV NOV to EDPRP/Settlement Offer

Ordinary

N/A

(mark with x)

Notes

The Respondent returned to compliance on October 31, 2010 and the NOE is dated November 29, 2010.

Violation Subtotal \$375

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$415

This violation Final Assessed Penalty (adjusted for limits) \$415

Economic Benefit Worksheet

Respondent City Ready Mix, Inc.

Case ID No. 40858

Req. Ent. Reference No. RN101984821

Media Air

Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$250	21-Oct-2010	31-Oct-2010	0.03	\$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 costs for improving the recordkeeping system to maintain required production throughput records. The Date Required is the investigation date and the 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

\$250

TOTAL

\$0

Screening Date 8-Dec-2010

Docket No. 2010-2020-AIR-E

PCW

Respondent City Ready Mix, Inc.

Policy Revision 2 (September 2002)

Case ID No. 40858

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101984821

Media [Statute] Air

Enf. Coordinator Heather Podlipny

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code § 116.115(c), Tex. Health & Safety Code § 382.085(b), and NSR Permit No. 5324, Special Conditions No. 5E

Violation Description Failed to install a visible and/or audible overflow warning device on each silo.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual					5%
Potential				X	

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
					0%

Human health or the environment will or could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$9,500

\$500

Violation Events

Number of Violation Events 2 Number of violation days 49

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

Violation Base Penalty \$1,000

Two single events are recommended (one for each silo).

Good Faith Efforts to Comply

10.0% Reduction \$100

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

Notes The Respondent returned to compliance on January 14, 2011 and the NOE is dated November 29, 2010.

Violation Subtotal \$900

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$33

Violation Final Penalty Total \$980

This violation Final Assessed Penalty (adjusted for limits) \$980

Economic Benefit Worksheet

Respondent City Ready Mix, Inc.

Case ID No. 40858

Reg. Ent. Reference No. RN101984821

Media Air

Violation No. 5

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	\$2,000	21-Oct-2010	14-Jan-2011	0.23	\$2	\$31	\$33
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated costs to install overflow warning devices for Silo Nos. 1 and 2. The Date Required is the investigation date and the Final Date is the date of compliance.

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

\$33

Screening Date 8-Dec-2010

Docket No. 2010-2020-AIR-E

PCW

Respondent City Ready Mix, Inc.

Policy Revision 2 (September 2002)

Case ID No. 40858

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101984821

Media [Statute] Air

Enf. Coordinator Heather Podlupny

Violation Number 6

Rule Cite(s) 30 Tex. Adm. Code § 116.115(c), Tex. Health & Safety Code § 382.085(b), and NSR Permit No. 6324, Special Conditions No. 5F

Violation Description Failed to vent the weigh hopper to the cement silo. Specifically, the Respondent failed to vent weigh hoppers Nos. 1 and 2 to cement Silo Nos. 1 and 2.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual				X	10%
Potential					

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
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 the violation.					0%

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 2 Number of violation days 49

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

Violation Base Penalty \$2,000

Two quarterly events are recommended, one for each weigh hopper.

Good Faith Efforts to Comply

10.0% Reduction

\$200

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

Notes The Respondent returned to compliance on January 20, 2011 and the NOE is dated November 29, 2010.

Violation Subtotal \$1,800

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$641

Violation Final Penalty Total \$1,960

This violation Final Assessed Penalty (adjusted for limits) \$1,960

Economic Benefit Worksheet

Respondent City Ready Mix, Inc.
Case ID No. 40858
Req. Ent. Reference No. RN101984821
Media Air
Violation No. 6

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 \$

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				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)	\$51,397	21-Oct-2010	20-Jan-2011	0.25	\$641	n/a	\$641

Notes for DELAYED costs

Actual costs for installing a new dust collection system for the cement weigh hoppers and Silo Nos. 1 and 2. The Date Required is the Investigation date and the Final Date is the date of compliance.

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
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 \$51,397
TOTAL \$641

Screening Date 8-Dec-2010

Docket No. 2010-2020-AIR-E

PCW

Respondent City Ready Mix, Inc.

Policy Revision 2 (September 2002)

Case ID No. 40858

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101984821

Media [Statute] Air

Enf. Coordinator Heather Podlipny

Violation Number 7

Rule Cite(s) 30 Tex. Admin. Code § 116.115(c), Tex. Health & Safety Code § 382.085(b) and NSR Permit No. 6324, Special Conditions No. 3

Violation Description

Failed to maintain at or below 5% opacity at truck batch drop point No. 1. Specifically, visible emissions were calculated to be 12.70% averaged over a six-minute period on October 21, 2010.

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 the violation.

Adjustment \$9,000

\$1,000

Violation Events

1

1

Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$1,000

One single event is recommended.

Good Faith Efforts to Comply

10.0% Reduction

\$100

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary	
Ordinary	X
N/A	(mark with x)

Notes

The Respondent returned to compliance on January 20, 2011 and the NOE is dated November 29, 2010.

Violation Subtotal \$900

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$980

This violation Final Assessed Penalty (adjusted for limits) \$980

Economic Benefit Worksheet

Respondent City Ready Mix, Inc.
Case ID No. 40858
Reg. Ent. Reference No. RN101984821
Media Air
Violation No. 7

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			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

Actual costs are included in Violation No. 6.

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

\$0

TOTAL

\$0

Screening Date 8-Dec-2010

Docket No. 2010-2020-AIR-E

PCW

Respondent City Ready Mix, Inc.

Policy Revision 2 (September 2002)

Case ID No. 40858

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101984821

Media [Statute] Air

Enf. Coordinator Heather Podlipny

Violation Number 8

Rule Cite(s) 30 Tex. Admin. Code § 116.115(c), Tex. Health & Safety Code § 382.085(b), and NSR Permit No. 6324, Special Conditions No. 5I

Violation Description Failed to install permanently mounted spray bars at all material transfer points. Specifically, the screening plant was not equipped with spray bars.

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 the violation.

Adjustment \$9,000

\$1,000

Violation Events

1

49 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$1,000

One quarterly event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
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 \$185

Violation Final Penalty Total \$1,080

This violation Final Assessed Penalty (adjusted for limits) \$1,080

Economic Benefit Worksheet

Respondent City Ready Mix, Inc.

Case ID No. 40858

Reg. Ent. Reference No. RN101984821

Media Air

Violation No. 8

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	\$3,000	21-Oct-2010	8-Sep-2011	0.88	\$9	\$176	\$185
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to permanently install mounted spray bars at all material transfer points. The Date Required is the Investigation date and the Final Date is the estimated 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

\$3,000

TOTAL

\$185

Screening Date 8-Dec-2010

Docket No. 2010-2020-AIR-E

PCW

Respondent City Ready Mix, Inc.

Policy Revision 2 (September 2002)

Case ID No. 40858

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101984821

Media [Statute] Air

Enf. Coordinator Heather Podlipny

Violation Number 9

Rule Cite(s) 30 Tex. Admin. Code § 116.115(c), Tex. Health & Safety Code § 382.085(b), and NSR Permit No. 6324, General Conditions No. 9

Violation Description

Failed to maintain emission control devices. Specifically, the Respondent failed to maintain the baghouse in good working order and operating properly. On October 21, 2010 visible emissions were observed from the baghouse on Silo No. 1.

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 the violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1

49 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$1,000

One quarterly event is recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$250

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

Notes

Respondent returned to compliance on November 26, 2010 and the NOE is dated November 29, 2010.

Violation Subtotal \$750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$830

This violation Final Assessed Penalty (adjusted for limits) \$830

Economic Benefit Worksheet

Respondent: City Ready Mix, Inc.

Case ID No.: 40858

Reg. Ent. Reference No.: RN101984821

Media: Air

Violation No.: 9

Percent Interest	Years of Depreciation
5.0	15

Item Cost **Date Required** **Final Date** **Yrs** **Interest Saved** **One-time 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			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

Actual costs are included in Violation No. 2.

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

\$0

TOTAL

\$0

Compliance History

Customer/Respondent/Owner-Operator: CN600135917 City Ready Mix, Inc. Classification: AVERAGE Rating: 1.35

Regulated Entity: RN101984821 CITY READY MIX Classification: AVERAGE Site Rating: 1.05

ID Number(s): AIR NEW SOURCE PERMITS PERMIT 6324
 AIR NEW SOURCE PERMITS ACCOUNT NUMBER 906324F
 MUNICIPAL SOLID WASTE NON PERMITTED ID NUMBER 455160028
 WASTE WATER GENERAL PERMIT PERMIT TXG110658

Location: 1810 WEST MANN ROAD, LAREDO, TX

TCEQ Region: REGION 16 - LAREDO

Date Compliance History Prepared: December 08, 2010

Agency Decision Requiring Compliance History: Enforcement

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

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
 Name: Heather Podlipny Phone: 239 - 2603

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: 9/1/2010 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	02/25/2008	(678866)
2	12/03/2007	(678867)
3	12/03/2007	(678868)
4	12/03/2007	(678869)
5	12/03/2007	(678870)
6	12/03/2007	(678871)
7	12/03/2007	(678872)
8	12/03/2007	(678873)
9	12/03/2007	(678874)
10	01/02/2008	(678875)
11	01/29/2008	(678876)
12	04/02/2008	(698204)
13	05/05/2008	(698205)
14	05/30/2008	(698206)

15 07/01/2008 (719764)
 16 07/30/2008 (719765)
 17 08/22/2008 (719766)
 18 09/19/2008 (719767)
 19 10/20/2008 (719768)
 20 09/04/2008 (720880)
 21 11/19/2008 (734790)
 22 12/19/2008 (734791)
 23 01/19/2009 (734792)
 24 02/20/2009 (757991)
 25 03/20/2009 (757992)
 26 04/15/2009 (757993)
 27 05/19/2009 (774450)
 28 06/12/2009 (774451)
 29 02/18/2010 (838065)
 30 03/12/2010 (838066)
 31 05/14/2010 (838067)
 32 08/20/2009 (838068)
 33 09/17/2009 (838069)
 34 10/23/2009 (838070)
 35 11/25/2009 (838071)
 36 12/21/2009 (838072)
 37 01/21/2010 (838073)
 38 07/08/2010 (862953)
 39 07/19/2010 (862954)
 40 08/31/2010 (876422)
 41 11/29/2010 (878418)

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

Date: 06/30/2007 (678870) CN600135917
 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: 09/04/2008 (720880) CN600135917
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
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 30 TAC Chapter 305, SubChapter F 305.125(17)
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(17)
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 09/30/2009 (838070) CN600135917
 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: 04/30/2010 (838067) CN600135917
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

- F. Environmental audits.
N/A
 - G. Type of environmental management systems (EMSs).
N/A
 - H. Voluntary on-site compliance assessment dates.
N/A
 - I. Participation in a voluntary pollution reduction program.
N/A
 - J. Early compliance.
N/A
- Sites Outside of Texas
N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CITY READY MIX, INC.
RN101984821**

§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2010-2020-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 City Ready Mix, Inc. ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a concrete batch plant, rock crusher, and screening operation at 1810 West Mann Road in Laredo, Webb County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about December 4, 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 Eighteen Thousand Nine Hundred Eighty-Five Dollars (\$18,985) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Four Hundred Ninety-Three Dollars (\$493) of the administrative penalty and One Thousand Seven Hundred Ninety-Seven Dollars (\$1,797) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, including the payment schedule, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

The remaining amount of Sixteen Thousand Six Hundred Ninety-Five Dollars (\$16,695) of the administrative penalty shall be payable in thirty-five monthly payments of Four Hundred Seventy-Seven Dollars (\$477) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

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 Plant:
 - a. On October 22, 2010, ceased operation of the rock crusher;
 - b. By October 31, 2010, began the daily use of log sheets to record hourly throughput and production rate records;
 - c. On November 11, 2010, submitted a New Source Review ("NSR") permit amendment application for NSR Permit No. 6324;
 - d. By November 26, 2010, cleaned Silo Nos. 1 and 2 and installed bag filters in the baghouses;
 - e. By January 14, 2011, installed high level alarm indicators for Silo Nos. 1 and 2 and verified they were operational; and
 - f. By January 20, 2011, installed a new dust collection system for the weigh hopper Nos. 1 and 2, truck batch drop point No. 1, and Silo Nos. 1 and 2.

10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have:

1. Failed to obtain authorization to construct and operate a rock crusher, in violation of 30 TEX. ADMIN. CODE § 116.110(a) and TEX. HEALTH & SAFETY CODE §§ 382.0518(a) and 382.085(b), as documented during an investigation conducted on October 21, 2010 through October 22, 2010. Specifically, on October 22, 2010, the Respondent was observed operating a rock crusher without TCEQ authorization.
2. Failed to notify the TCEQ within 24 hours after the discovery of an excess opacity event that occurred on October 22, 2010, in violation of 30 TEX. ADMIN. CODE § 101.201(e) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on October 21, 2010 through October 22, 2010.
3. Failed to prevent unauthorized emissions from an excess opacity event and failed to maintain air pollution emission capture and abatement equipment in good working order and operating properly, in violation of 30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH & SAFETY CODE § 382.085(b), and NSR Permit No. 6324, General Conditions No. 9 and Special Conditions No. 3, as documented during an investigation conducted on October 21, 2010 through October 22, 2010. Specifically, on October 22, 2010, visible emissions from the baghouse on Silo No. 1 were 31.66% averaged over a six minute period. Since the opacity event was not reported and could have been avoided by better operational practices, it does not meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.
4. Failed to remain at or below the maximum allowable concrete batch plant production rate of 60 cubic yards per hour, in violation of 30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH & SAFETY CODE § 382.085(b), and NSR Permit No. 6324, General Conditions No. 8, as documented during an investigation conducted on October 21, 2010 through October 22, 2010. Specifically, between 12:31 am and 1:32 am on October 19, 2010, the Respondent produced 70 cubic yards in one hour.
5. Failed to maintain screening operation throughput records for a rolling 24-month period, in violation of 30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH & SAFETY CODE § 382.085(b), and NSR Permit No. 6324, Special Conditions No. 8B, as documented during an investigation conducted on October 21, 2010 through October 22, 2010.

Specifically, the production records for the screening plant were not being maintained and could not be provided upon request.

6. Failed to install a visible and/or audible overflow warning device on each silo, in violation of 30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH & SAFETY CODE § 382.085(b), and NSR Permit No. 6324, Special Conditions No. 5E, as documented during an investigation conducted on October 21, 2010 through October 22, 2010.
7. Failed to vent the weigh hopper to the cement silo, in violation of 30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH & SAFETY CODE § 382.085(b), and NSR Permit No. 6324, Special Conditions No. 5F, as documented during an investigation conducted on October 21, 2010 through October 22, 2010. Specifically, the Respondent failed to vent weigh hoppers Nos. 1 and 2 to cement Silo Nos. 1 and 2.
8. Failed to maintain at or below 5% opacity at truck batch drop point No. 1, in violation of 30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH & SAFETY CODE § 382.085(b) and NSR Permit No. 6324, Special Conditions No. 3, as documented during an investigation conducted on October 21, 2010 through October 22, 2010. Specifically, visible emissions were calculated to be 12.70% averaged over a six-minute period on October 21, 2010.
9. Failed to install permanently mounted spray bars at all material transfer points, in violation of 30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH & SAFETY CODE § 382.085(b), and NSR Permit No. 6324, Special Conditions No. 5I, as documented during an investigation conducted on October 21, 2010 through October 22, 2010. Specifically, the screening plant was not equipped with spray bars.
10. Failed to maintain emission control devices, in violation of 30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH & SAFETY CODE § 382.085(b), and NSR Permit No. 6324, General Conditions No. 9, as documented during an investigation conducted on October 21, 2010 through October 22, 2010. Specifically, the Respondent failed to maintain the baghouse in good working order and operating properly. On October 21, 2010 visible emissions were observed from the baghouse on Silo No. 1.

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: City Ready Mix, Inc., Docket No. 2010-2020-AIR-E" to:

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

2. It is further ordered that the Respondent shall undertake the following technical requirements:

- a. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the NSR Permit No. 6324 amendment application within 30 days after the date of such requests, or by any other deadline specified in writing;
- b. Within 30 days after the effective date of this Agreed Order:
 - i. Implement improvements to training procedures and the recordkeeping system to ensure excess opacity events are reported within 24 hours of discovery; and
 - ii. Install permanent mounted spray bar emissions control equipment at all material transfer points.
- c. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision Nos. 2.b.i. and 2.b.ii. in accordance with Ordering Provision No. 2.e.;
- d. Within 180 days after the effective date of this Agreed Order, submit written certification that either authorization to operate the rock crusher has been obtained or that the rock crusher remains shutdown until such time that appropriate authorization is obtained; and
- e. Written certifications required by Ordering Provisions Nos. 2.c. and 2.d. shall be submitted as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance. The certifications shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of 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
Laredo Regional Office
Texas Commission on Environmental Quality
707 East Calton Road, Suite 304
Laredo, Texas 78041-3887

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This 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.

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

City Ready Mix, Inc.
DOCKET NO. 2010-2020-AIR-E
Page 8

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John Zoller
For the Executive Director

Date 6/10/2011

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.

Benito Hurtado
Signature

Date June 7, 2011

Benito Hurtado
Name (Printed or typed)
Authorized Representative of
City Ready Mix, Inc.

Title President

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.