

**Executive Summary – Enforcement Matter – Case No. 49118
Carbon Silica Partners, LP
RN100219443
Docket No. 2014-1201-AIR-E**

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Diamond Fiberglass Fabricators, 1036 Industrial Park Drive, Victoria, Victoria County

Type of Operation:

Fiberglass tank fabrication plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: June 5, 2015

Comments Received: No

Penalty Information

Total Penalty Assessed: \$102,017

Amount Deferred for Expedited Settlement: \$20,402

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$2,270

Total Due to General Revenue: \$79,345

Payment Plan: 35 payments of \$2,267 each

Supplemental Environmental Project ("SEP") Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002 and April 2014

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RN100219443
Docket No. 2014-1201-AIR-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: May 20, 2014

Date(s) of NOE(s): July 21, 2014

Violation Information

1. Failed to perform quarterly visible emissions observations. Specifically, the Respondent failed to conduct quarterly visible emissions observations at Emission Point Nos. S-1, S-2, and S-3 for all quarters in 2011, 2012, and 2013 and the first quarter in 2014 [30 TEX. ADMIN. CODE § 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), and Federal Operating Permit (FOP) No. O2714, Special Terms and Conditions ("STC") No. 3.A.vi.1].
2. Failed to submit a permit renewal application in a timely manner for FOP No. O2714. Specifically, a permit renewal application for FOP No. O2714 was due by July 31, 2010, but was not submitted until November 2, 2010 [30 TEX. ADMIN. CODE §§ 122.133(2), 122.143(4), and 122.241(b), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP No. O2714, STC No. 1].
3. Failed to submit an initial notification and notifications of compliance status. Specifically, the Respondent is subject to 40 Code of Federal Regulation (CFR) Part 63, Subpart WWWW; but an initial notification was not submitted by August 20, 2003, a notification of compliance status was not submitted by May 21, 2006, and notifications of compliance status were not submitted for the July 1 through December 31, 2009, January 1 through June 30, 2010, July 1 through December 31, 2010, January 1 through June 30, 2011, July 1 through December 31, 2011, January 1 through June 30, 2012, July 1 through December 31, 2012, January 1 through June 30, 2013, and July 1 through December 31, 2013 reporting periods [30 TEX. ADMIN. CODE §§ 101.20(2), 113.1060, 116.115(c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), 40 CFR §§ 63.9(b) and (h)(1), 63.5905(a), and 63.5910(b), FOP No. O2714, STC Nos. 4 and 5, and New Source Review Permit No. 20081, Special Conditions No. 4].
4. Failed to report all instances of deviations. Specifically, the deviation report for the December 8, 2008 through June 7, 2009 reporting period did not include deviations for failing to submit notifications of compliance status for 40 CFR Part 63, Subpart WWWW, failing to submit deviation reports, and failing to report all instances of deviations [30 TEX. ADMIN. CODE §§ 122.145(2)(A) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP No. O2714, General Terms and Conditions ("GTC")].
5. Failed to submit deviation reports within 30 days after the end of each reporting period. Specifically, deviation reports were not submitted for the June 8 through December 7, 2009, December 8, 2009 through June 7, 2010, June 8 through December

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7, 2010, December 8, 2010 through June 7, 2011, June 8 through December 7, 2011, December 8, 2011 through June 7, 2012, June 8 through December 7, 2012, December 8, 2012 through June 7, 2013, and June 8 through December 7, 2013 reporting periods; but the Respondent had deviations for failing to conduct visible emissions observations, failing to submit a permit renewal application at least six months prior to the expiration date of FOP No. O2714, failing to submit notifications of compliance status for 40 CFR Part 63, Subpart WWWW, failing to timely submit the calendar year 2012 emissions inventory, failing to submit semi-annual deviation reports, and failing to report all instances of deviations that occurred during the reporting periods [30 TEX. ADMIN. CODE §§ 122.145(2)(B) and (C) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP No. O2714, GTC].

6. Failed to submit an application for a revision to a permit to change, add, or remove one or more permit terms or conditions. Specifically, a permit application to revise FOP No. O2714 to incorporate the requirements of 40 CFR Part 63, Subpart WWWW was due by April 21, 2006, but was not submitted until November 2, 2010 [30 TEX. ADMIN. CODE §§ 122.142(b)(2)(B) and 122.210(a) and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent has implemented the following:

- a. On January 20, 2011, obtained a permit renewal and revision for FOP No. O2714;
- b. On June 30, 2014, began conducting visible emissions observations; and
- c. On July 3, 2014, submitted semi-annual compliance reports for 40 CFR Part 63, Subpart WWWW and reported the unreported deviations for failure to conduct visible emissions observations, failing to submit a permit renewal application at least six months prior to the expiration date of FOP No. O2714, failing to submit semi-annual compliance reports for 40 CFR Part 63, Subpart WWWW, and failing to include all deviations in a deviation report in the December 8, 2013 through June 7, 2014 deviation report.

Technical Requirements:

N/A

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

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RN100219443
Docket No. 2014-1201-AIR-E

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Amancio R. Gutierrez, Enforcement Division, Enforcement Team 5, MC 149, (512) 239-3921; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456

TCEQ SEP Coordinator: N/A

Respondent: Don Porr, President, Carbon Silica Partners, LP, 1036 Industrial Park Drive, Victoria, Texas 77905

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

DATES	Assigned	28-Jul-2014	Screening	1-Aug-2014	EPA Due	
	PCW	1-Aug-2014				

RESPONDENT/FACILITY INFORMATION			
Respondent	Carbon Silica Partners, LP		
Reg. Ent. Ref. No.	RN100219443		
Facility/Site Region	14-Corpus Christi	Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	49118	No. of Violations	6
Docket No.	2014-1201-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Amancio R. Gutierrez
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$38,500
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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	0.0% Enhancement	Subtotals 2, 3, & 7	\$0
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Notes: No adjustment for compliance history.

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	-\$9,625
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$3,514	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$12,250	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$28,875
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.9%	Adjustment	\$259
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Enhancement to capture the avoided cost of compliance with Violation No. 1.

Final Penalty Amount	\$29,134
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$29,134
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DEFERRAL	20.0% Reduction	Adjustment	-\$5,826
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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	\$23,308
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Screening Date 1-Aug-2014

Docket No. 2014-1201-AIR-E

PCW

Respondent Carbon Silica Partners, LP

Policy Revision 2 (September 2002)

Case ID No. 49118

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100219443

Media [Statute] Air

Enf. Coordinator Amancio R. Gutierrez

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	0	0%
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 judgments 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) 0%

>> **Repeat Violator (Subtotal 3)**

No

Adjustment Percentage (Subtotal 3) 0%

>> **Compliance History Person Classification (Subtotal 7)**

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

No adjustment for compliance history.

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

Screening Date 1-Aug-2014

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PCW

Respondent Carbon Silica Partners, LP

Policy Revision 2 (September 2002)

Case ID No. 49118

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100219443

Media [Statute] Air

Enf. Coordinator Amancio R. Gutierrez

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 122.143(4), Tex. Health & Safety Code § 382.085(b), and Federal Operating Permit ("FOP") No. O2714, Special Terms and Conditions ("STC") No. 3.A.vi.1

Violation Description Failed to perform quarterly visible emissions observations. Specifically, the Respondent failed to conduct quarterly visible emissions observations at Emission Point Nos. S-1, S-2, and S-3 during the first and second quarters in 2011.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				10%
Potential			x	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

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 \$9,000

\$1,000

Violation Events

Number of Violation Events 6 Number of violation days 91

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$6,000

Six single events are recommended (two events per emission point).

Good Faith Efforts to Comply

25.0%

Reduction

\$1,500

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

Notes The Respondent completed corrective measures on June 30, 2014, before the July 21, 2014 Notice of Enforcement ("NOE").

Violation Subtotal \$4,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$259

Violation Final Penalty Total \$4,540

This violation Final Assessed Penalty (adjusted for limits) \$4,540

Economic Benefit Worksheet

Respondent Carbon Silica Partners, LP
Case ID No. 49118
Reg. Ent. Reference No. RN100219443
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

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

Economic Benefit included in Violation No. 1 of the accompanying PCW.

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	\$500	1-Jan-2011	30-Jun-2011	0.49	\$12	\$247	\$259
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

Estimated avoided cost to conduct visible emissions observations (\$125/observation x 4 quarterly observations/year). The Date Required is the first date the quarterly observation could be conducted and the Final Date is the last date the observations could be conducted.

Approx. Cost of Compliance

\$500

TOTAL

\$259

Screening Date 1-Aug-2014

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PCW

Respondent Carbon Silica Partners, LP

Policy Revision 2 (September 2002)

Case ID No. 49118

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100219443

Media [Statute] Air

Enf. Coordinator Amancio R. Gutierrez

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 122.133(2), 122.143(4), and 122.241(b), Tex. Health & Safety Code § 382.085(b), and FOP No. O2714, STC No. 1

Violation Description Failed to submit a permit renewal application in a timely manner for FOP No. O2714. Specifically, a permit renewal application for FOP No. O2714 was due by July 31, 2010, but was not submitted until November 2, 2010.

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 25%

Matrix Notes 100% of the rule requirement was not met.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

173 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$2,500

One single event is recommended.

Good Faith Efforts to Comply

25.0%

Reduction \$625

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

Notes The Respondent completed corrective measures on January 20, 2011, before the July 21, 2014 NOE.

Violation Subtotal \$1,875

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2,377

Violation Final Penalty Total \$1,892

This violation Final Assessed Penalty (adjusted for limits) \$1,892

Economic Benefit Worksheet

Respondent Carbon Silica Partners, LP
Case ID No. 49118
Reg. Ent. Reference No. RN100219443
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	21-Apr-2006	20-Jan-2011	4.75	\$2,377	n/a	\$2,377

Notes for DELAYED costs

Estimated cost to obtain a permit renewal and revision for FOP No. O2714. The Date Required is the date the permit revision application was due 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

\$10,000

TOTAL

\$2,377

Screening Date 1-Aug-2014
Respondent Carbon Silica Partners, LP
Case ID No. 49118
Reg. Ent. Reference No. RN100219443
Media [Statute] Air
Enf. Coordinator Amancio R. Gutierrez

Docket No. 2014-1201-AIR-E

PCW

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

Violation Number

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(2), 113.1060, 116.115(c), and 122.143(4), Tex. Health & Safety Code § 382.085(b), 40 Code of Federal Regulations ("CFR") §§ 63.9(b) and (h)(1), 63.5905(a), and 63.5910(b), FOP No. O2714, STC Nos. 4 and 5, and New Source Review Permit No. 20081, Special Conditions No. 4

Violation Description
 Failed to submit an initial notification and notifications of compliance status. Specifically, the Respondent is subject to 40 CFR Part 63, Subpart WWWW; but an initial notification was not submitted by August 20, 2003, a notification of compliance status was not submitted by May 21, 2006, and notifications of compliance status were not submitted for the July 1 through December 31, 2009, January 1 through June 30, 2010, July 1 through December 31, 2010, and January 1 through June 30, 2011 reporting periods.

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="25%"/>

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input checked="" type="text" value="x"/>

Violation Base Penalty

Good Faith Efforts to Comply

Reduction

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

Notes

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Carbon Silica Partners, LP
Case ID No. 49118
Reg. Ent. Reference No. RN100219443
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
to commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,500	20-Aug-2003	3-Jul-2014	10.88	\$816	n/a	\$816

Notes for DELAYED costs
 Estimated cost to submit the notifications (\$250 for each notification). The Date Required is the date the first notification was due 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	\$1,500	TOTAL	\$816
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Screening Date 1-Aug-2014

Docket No. 2014-1201-AIR-E

PCW

Respondent Carbon Silica Partners, LP

Policy Revision 2 (September 2002)

Case ID No. 49118

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100219443

Media [Statute] Air

Enf. Coordinator Amancio R. Gutierrez

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code §§ 122.145(2)(A) and 122.143(4), Tex. Health & Safety Code § 382.085(b), and FOP No. O2714, General Terms and Conditions ("GTC")

Violation Description Failed to report all instances of deviations. Specifically, the deviation report for the December 8, 2008 through June 7, 2009 reporting period did not include deviations for failing to submit notifications of compliance status for 40 CFR Part 63, Subpart WWWW, failing to submit deviation reports, and failing to report all instances of deviations.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
		x			25%

Matrix Notes More than 70% of the rule requirement was not met.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1 Number of violation days 785

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

Violation Base Penalty \$2,500

One single event is recommended for the incomplete report.

Good Faith Efforts to Comply

25.0%

Reduction \$625

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

Notes The Respondent completed corrective measures on July 3, 2014, before the July 21, 2014 NOE.

Violation Subtotal \$1,875

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$62

Violation Final Penalty Total \$1,892

This violation Final Assessed Penalty (adjusted for limits) \$1,892

Economic Benefit Worksheet

Respondent Carbon Silica Partners, LP
Case ID No. 49118
Reg. Ent. Reference No. RN100219443
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
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)	\$250	7-Jul-2009	3-Jul-2014	4.99	\$62	n/a	\$62

Notes for DELAYED costs

Estimated cost to report the unreported deviations in the December 8, 2013 through June 7, 2014 deviation report. The Date Required is the date the first deviation should have been reported 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

\$62

Screening Date 1-Aug-2014

Docket No. 2014-1201-AIR-E

PCW

Respondent Carbon Silica Partners, LP

Policy Revision 2 (September 2002)

Case ID No. 49118

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100219443

Media [Statute] Air

Enf. Coordinator Amancio R. Gutierrez

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code §§ 122.145(2)(B) and (C) and 122.143(4), Tex. Health & Safety Code § 382.085(b), and FOP No. O2714, GTC

Violation Description Failed to submit semi-annual deviation reports within 30 days after the end of each reporting period. Specifically, deviation reports were not submitted for the June 8 through December 7, 2009, December 8, 2009 through June 7, 2010, June 8 through December 7, 2010, and December 8, 2010 through June 7, 2011 reporting periods; but the Respondent had deviations for failing to conduct visible emissions observations, failing to submit a permit renewal application at least six months prior to the expiration date of FOP No. O2714, and failing to report all instances of deviations that occurred during the reporting periods.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), and Percent (0%).

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, and Percent (25%).

Matrix Notes 100% of the rule requirement was not met.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 4 Number of violation days 602

Table for frequency selection: daily, weekly, monthly, quarterly, semiannual, annual, single event (marked with x).

Violation Base Penalty \$10,000

Four single events are recommended (one for each report).

Good Faith Efforts to Comply

25.0%

Reduction \$2,500

Table for Good Faith Efforts: Extraordinary, Ordinary (marked with x), N/A (marked with x).

Notes The Respondent completed corrective measures on July 3, 2014, before the July 21, 2014 NOE.

Violation Subtotal \$7,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$7,567

This violation Final Assessed Penalty (adjusted for limits) \$7,567

Economic Benefit Worksheet

Respondent Carbon Silica Partners, LP
Case ID No. 49118
Reg. Ent. Reference No. RN100219443
Media Air
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

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

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

Economic benefit included in Violation No. 4.

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 1-Aug-2014
Respondent Carbon Silica Partners, LP
Case ID No. 49118
Reg. Ent. Reference No. RN100219443
Media [Statute] Air
Enf. Coordinator Amancio R. Gutierrez

Docket No. 2014-1201-AIR-E

PCW

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

Violation Number 6

Rule Cite(s) 30 Tex. Admin. Code §§ 122.142(b)(2)(B) and 122.210(a) and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to submit an application for a revision to a permit to change, add, or remove one or more permit terms or conditions. Specifically, a permit application to revise FOP No. O2714 to incorporate the requirements of 40 CFR Part 63, Subpart WWWW was due by April 21, 2006, but was not submitted until November 2, 2010.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
	X			25%

Matrix Notes 100% of the rule requirement was not met.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1 1735 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$2,500

One single event is recommended.

Good Faith Efforts to Comply

25.0%

Reduction \$625

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

Notes The Respondent completed corrective measures on January 20, 2011, before the July 21, 2014 NOE.

Violation Subtotal \$1,875

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$1,892

This violation Final Assessed Penalty (adjusted for limits) \$1,892

Economic Benefit Worksheet

Respondent Carbon Silica Partners, LP
Case ID No. 49118
Reg. Ent. Reference No. RN100219443
Media Air
Violation No. 6

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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Economic Benefit 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



Penalty Calculation Worksheet (PCW)

TCEQ

DATES	Assigned	28-Jul-2014	Screening	1-Aug-2014	EPA Due	
	PCW	1-Aug-2014				

RESPONDENT/FACILITY INFORMATION			
Respondent	Carbon Silica Partners, LP		
Reg. Ent. Ref. No.	RN100219443		
Facility/Site Region	14-Corpus Christi	Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	49118	No. of Violations	3
Docket No.	2014-1201-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Amancio R. Gutierrez
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$95,250
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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	0.0% Enhancement	Subtotals 2, 3, & 7	\$0
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Notes: No adjustment for compliance history.

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	-\$23,811
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$1,525	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$1,000	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$71,439
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OTHER FACTORS AS JUSTICE MAY REQUIRE	2.0%	Adjustment	\$1,444
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Enhancement to capture the avoided cost of compliance with Violation No. 1.

Final Penalty Amount	\$72,883
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$72,883
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DEFERRAL	20.0% Reduction	Adjustment	-\$14,576
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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	\$58,307
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Screening Date 1-Aug-2014

Docket No. 2014-1201-AIR E

PCW

Respondent Carbon Silica Partners, LP

Policy Revision 4 (April 2014)

Case ID No. 49118

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100219443

Media [Statute] Air

Enf. Coordinator Amancio R. Gutierrez

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	0	0%
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 judgments 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%
<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) 0%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

No adjustment for compliance history.

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

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 0%

Screening Date 1-Aug-2014

Docket No. 2014-1201-AIR-E

PCW

Respondent Carbon Silica Partners, LP

Policy Revision 4 (April 2014)

Case ID No. 49118

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100219443

Media [Statute] Air

Enf. Coordinator Amancio R. Gutierrez

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 122.143(4), Tex. Health & Safety Code § 382.085(b), and Federal Operating Permit ("FOP") No. O2714, Special Terms and Conditions ("STC") No. 3.A.vi.1

Violation Description Failed to perform quarterly visible emissions observations. Specifically, the Respondent failed to conduct quarterly visible emissions observations at Emission Point Nos. S-1, S-2, and S-3 during the third and fourth quarters in 2011, all quarters in 2012 and 2013, and the first quarter in 2014.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				7.0%
Potential			x	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes

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

Adjustment \$23,250

\$1,750

Violation Events

Number of Violation Events 33 913 Number of violation days

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

Violation Base Penalty \$57,750

Thirty-three single events are recommended (11 events per emission point).

Good Faith Efforts to Comply

25.0%

Reduction \$14,437

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

Notes The Respondent completed corrective measures on June 30, 2014, before the July 21, 2014 Notice of Enforcement ("NOE").

Violation Subtotal \$43,313

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,525

Violation Final Penalty Total \$44,188

This violation Final Assessed Penalty (adjusted for limits) \$44,188

Economic Benefit Worksheet

Respondent Carbon Silica Partners, LP
Case ID No. 49118
Reg. Ent. Reference No. RN100219443
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$500	31-Mar-2011	30-Jun-2014	3.25	\$81	n/a	\$81

Notes for DELAYED costs
 Estimated cost to conduct visible emissions observations. The Date Required is the date the first quarterly visible emissions observation was due 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	\$500	1-Jul-2011	31-Mar-2014	2.75	\$69	\$1,375	\$1,444
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
 Estimated avoided cost to conduct visible emissions observations (\$125/observation x 4 quarterly observations/year). The Date Required is the first date the quarterly observation could be conducted and the Final Date is the last date the observations could be conducted.

Approx. Cost of Compliance	\$1,000	TOTAL	\$1,525
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Screening Date 1-Aug-2014

Docket No. 2014-1201-AIR-E

PCW

Respondent Carbon Silica Partners, LP

Policy Revision 4 (April 2014)

Case ID No. 49118

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100219443

Media [Statute] Air

Enf. Coordinator Amancio R. Gutierrez

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(2), 113.1060, 116.115(c), and 122.143(4), Tex. Health & Safety Code § 382.085(b), 40 Code of Federal Regulations ("CFR") §§ 63.5910(b) and 63.9(h)(1), FOP No. 02714, STC Nos. 4 and 5, and New Source Review Permit No. 20081, Special Conditions No. 4

Violation Description

Failed to submit notifications of compliance status. Specifically, the Respondent is subject to 40 CFR Part 63, Subpart WWWW; but notifications of compliance status were not submitted for the July 1 through December 31, 2011, January 1 through June 30, 2012, July 1 through December 31, 2012, January 1 through June 30, 2013, and July 1 through December 31, 2013 reporting periods.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 15.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 5

885 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$18,750

Five single events are recommended (one for each report).

Good Faith Efforts to Comply

25.0%

Reduction

\$4,687

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary	
Ordinary	x
N/A	(mark with x)

Notes

The Respondent completed corrective measures on July 3, 2014, before the July 21, 2014 NOE.

Violation Subtotal \$14,063

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$14,347

This violation Final Assessed Penalty (adjusted for limits) \$14,347

Economic Benefit Worksheet

Respondent Carbon Silica Partners, LP
Case ID No. 49118
Reg. Ent. Reference No. RN100219443
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Economic benefit included in Violation No. 3 of the accompanying PCW.

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 1-Aug-2014

Docket No. 2014-1201-AIR-E

PCW

Respondent Carbon Silica Partners, LP

Policy Revision 4 (April 2014)

Case ID No. 49118

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100219443

Media [Statute] Air

Enf. Coordinator Amancio R. Gutierrez

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code §§ 122.145(2)(B) and (C) and 122.143(4), Tex. Health & Safety Code § 382.085(b), and FOP No. O2714, GTC

Violation Description Failed to submit semi-annual deviation reports within 30 days after the end of each reporting period. Specifically, deviation reports were not submitted for the June 8 through December 7, 2011, December 8, 2011 through June 7, 2012, June 8 through December 7, 2012, December 8, 2012 through June 7, 2013, and June 8 through December 7, 2013 reporting periods; but the Respondent had deviations for failing to conduct visible emissions observations, failing to submit compliance reports for 40 CFR Part 63, Subpart WWWW, failing to timely submit the calendar year 2012 emissions inventory, failing to submit semi-annual deviation reports, and failing to report all deviations occurred during the reporting periods.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0.0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
	x			15.0%

Matrix Notes 100% of the rule requirement was not met.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 5 Number of violation days 909

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$18,750

Five single events are recommended (one for each report).

Good Faith Efforts to Comply

25.0%

Reduction \$4,687

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

Notes The Respondent completed corrective measures on July 3, 2014, before the July 21, 2014 NOE.

Violation Subtotal \$14,063

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$14,347

This violation Final Assessed Penalty (adjusted for limits) \$14,347

Economic Benefit Worksheet

Respondent Carbon Silica Partners, LP
Case ID No. 49118
Reg. Ent. Reference No. RN100219443
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
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No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Economic benefit included in Violation No. 4 of the accompanying PCW.

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 Report

PUBLISHED Compliance History Report for CN602552499, RN100219443, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

Customer, Respondent, or Owner/Operator:	CN602552499, Carbon Silica Partners, LP	Classification:	SATISFACTORY	Rating:	0.36
Regulated Entity:	RN100219443, DIAMOND FIBERGLASS FABRICATORS	Classification:	SATISFACTORY	Rating:	0.36
Complexity Points:	10	Repeat Violator:	NO		
CH Group:	14 - Other				
Location:	1036 INDUSTRIAL PARK DR VICTORIA, TX 77905-0701, VICTORIA COUNTY				
TCEQ Region:	REGION 14 - CORPUS CHRISTI				

ID Number(s):		
AIR OPERATING PERMITS ACCOUNT NUMBER VC00600		AIR OPERATING PERMITS PERMIT 2714
INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD987994878		INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 39717
AIR NEW SOURCE PERMITS PERMIT 20081		AIR NEW SOURCE PERMITS ACCOUNT NUMBER VC00600
AIR NEW SOURCE PERMITS AFS NUM 4846900023		AIR EMISSIONS INVENTORY ACCOUNT NUMBER VC00600
POLLUTION PREVENTION PLANNING ID NUMBER P00173		

Compliance History Period:	September 01, 2008 to August 31, 2013	Rating Year:	2013	Rating Date:	09/01/2013
Date Compliance History Report Prepared:	August 01, 2014				
Agency Decision Requiring Compliance History:	Enforcement				
Component Period Selected:	August 01, 2009 to August 01, 2014				

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Amancio R. Gutierrez **Phone:** (512) 239-3921

Site and Owner/Operator History:

- 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 for #2, who is the current owner/operator? N/A
- 4) If YES for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If YES, when did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

- A. Final Orders, court judgments, and consent decrees:**
N/A
- B. Criminal convictions:**
N/A
- C. Chronic excessive emissions events:**
N/A
- D. The approval dates of investigations (CCEDS Inv. Track. No.):**

Item 1	January 12, 2010	(787777)
Item 2	February 17, 2011	(895158)
Item 3	May 29, 2012	(1008346)

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

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

N/A

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CARBON SILICA PARTNERS, LP
RN100219443**

**§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2014-1201-AIR-E**

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Carbon Silica Partners, LP ("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 together stipulate that:

1. The Respondent owns and operates a fiberglass tank fabrication plant located at 1036 Industrial Park Drive in Victoria, Victoria 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 Executive Director 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 July 26, 2014.
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 One Hundred Two Thousand Seventeen Dollars (\$102,017) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Two Thousand Two Hundred

Seventy Dollars (\$2,270) of the administrative penalty and Twenty Thousand Four Hundred Two Dollars (\$20,402) 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 Seventy-Nine Thousand Three Hundred Forty-Five Dollars (\$79,345) of the administrative penalty shall be payable in 35 monthly payments of Two Thousand Two Hundred Sixty-Seven Dollars (\$2,267) 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 and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:
 - a. On January 20, 2011, obtained a permit renewal and revision for Federal Operating Permit ("FOP") No. O2714;
 - b. On June 30, 2014, began conducting visible emissions observations; and
 - c. On July 3, 2014, submitted semi-annual compliance reports for 40 CODE OF FEDERAL REGULATIONS ("CFR") Part 63, Subpart WWWW and reported the unreported deviations for failure to conduct visible emissions observations, failing to submit a permit renewal application at least six months prior to the expiration date of FOP No. O2714, failing to submit semi-annual compliance reports for 40 CFR Part 63, Subpart WWWW, and failing to include all deviations in a deviation report in the December 8, 2013 through June 7, 2014 deviation report.
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 perform quarterly visible emissions observations, in violation of 30 TEX. ADMIN. CODE § 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP No. O2714, Special Terms and Conditions ("STC") No. 3.A.vi.1, as documented during an investigation conducted on May 20, 2014. Specifically, the Respondent failed to conduct quarterly visible emissions observations at Emission Point Nos. S-1, S-2, and S-3 for all quarters in 2011, 2012, and 2013 and the first quarter in 2014.
2. Failed to submit a permit renewal application in a timely manner for FOP No. O2714, in violation of 30 TEX. ADMIN. CODE §§ 122.133(2), 122.143(4), and 122.241(b), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP No. O2714, STC No. 1, as documented during an investigation conducted on May 20, 2014. Specifically, a permit renewal application for FOP No. O2714 was due by July 31, 2010, but was not submitted until November 2, 2010.
3. Failed to submit an initial notification and notifications of compliance status, in violation of 30 TEX. ADMIN. CODE §§ 101.20(2), 113.1060, 116.115(c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), 40 CFR §§ 63.9(b) and (h)(1), 63.5905(a), and 63.5910(b), FOP No. O2714, STC Nos. 4 and 5, and New Source Review Permit No. 20081, Special Conditions No. 4, as documented during an investigation conducted on May 20, 2014. Specifically, the Respondent is subject to 40 CFR Part 63, Subpart WWWW; but an initial notification was not submitted by August 20, 2003, a notification of compliance status was not submitted by May 21, 2006, and notifications of compliance status were not submitted for the July 1 through December 31, 2009, January 1 through June 30, 2010, July 1 through December 31, 2010, January 1 through June 30, 2011, July 1 through December 31, 2011, January 1 through June 30, 2012, July 1 through December 31, 2012, January 1 through June 30, 2013, and July 1 through December 31, 2013 reporting periods.
4. Failed to report all instances of deviations, in violation of 30 TEX. ADMIN. CODE §§ 122.145(2)(A) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP No. O2714, General Terms and Conditions ("GTC"), as documented during an investigation conducted on May 20, 2014. Specifically, the deviation report for the December 8, 2008 through June 7, 2009 reporting period did not include deviations for failing to submit notifications of compliance status for 40 CFR Part 63, Subpart WWWW, failing to submit deviation reports, and failing to report all instances of deviations.

5. Failed to submit deviation reports within 30 days after the end of each reporting period, in violation of 30 TEX. ADMIN. CODE §§ 122.145(2)(B) and (C) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP No. O2714, GTC, as documented during an investigation conducted on May 20, 2014. Specifically, deviation reports were not submitted for the June 8 through December 7, 2009, December 8, 2009 through June 7, 2010, June 8 through December 7, 2010, December 8, 2010 through June 7, 2011, June 8 through December 7, 2011, December 8, 2011 through June 7, 2012, June 8 through December 7, 2012, December 8, 2012 through June 7, 2013, and June 8 through December 7, 2013 reporting periods; but the Respondent had deviations for failing to conduct visible emissions observations, failing to submit a permit renewal application at least six months prior to the expiration date of FOP No. O2714, failing to submit notifications of compliance status for 40 CFR Part 63, Subpart WWWW, failing to timely submit the calendar year 2012 emissions inventory, failing to submit semi-annual deviation reports, and failing to report all instances of deviations that occurred during the reporting periods.
6. Failed to submit an application for a revision to a permit to change, add, or remove one or more permit terms or conditions, in violation of 30 TEX. ADMIN. CODE §§ 122.142(b)(2)(B) and 122.210(a) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on May 20, 2014. Specifically, a permit application to revise FOP No. O2714 to incorporate the requirements of 40 CFR Part 63, Subpart WWWW was due by April 21, 2006, but was not submitted until November 2, 2010.

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: Carbon Silica Partners, LP, Docket No. 2014-1201-AIR-E" to:

Financial Administration Division, Revenue Operations 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 Plant operations referenced in this Agreed Order.

3. 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.
4. 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.
5. 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.
6. 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.
7. 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.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Rann Marie J
For the Executive Director

8/24/15
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

[Signature]
Signature

4/29/15
Date

DON POFF
Name (Printed or typed)
Authorized Representative of
Carbon Silica Partners, LP

PRESIDENT
Title

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