

Executive Summary – Enforcement Matter – Case No. 58779

U.S. Minerals, Inc.

RN100929140

Docket No. 2020-0060-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

US Minerals Galveston, 5712 Harborside Drive, Galveston, Galveston County

Type of Operation:

Bulk material handling facility

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: April 21, 2023

Comments Received: No

Penalty Information

Total Penalty Assessed: \$26,135

Amount Deferred for Expedited Settlement: \$5,227

Total Paid to General Revenue: \$10,454

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project (“SEP”) Conditional Offset: \$10,454

Name of SEP: Houston-Galveston Area Council-AERCO (Third-Party Pre-Approved)

Compliance History Classifications:

Person/CN - Unclassified

Site/RN - Unclassified

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: October 9, 2019

Date(s) of NOE(s): December 6, 2019

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U.S. Minerals, Inc.

RN100929140

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Violation Information

1. Failed to maintain records for the stockpile watering. Specifically, on October 9, 2019, the investigator requested the records for the times of stockpile watering and cumulative hours of stockpile watering per day, but the Respondent did not maintain the requested records [30 TEX. ADMIN. CODE § 116.115(b)(2)(E)(i) and (c), New Source Review ("NSR") Permit No. 82298, Special Conditions ("SC") No. 20.E., and TEX. HEALTH & SAFETY CODE § 382.085(b)].

2. Failed to maintain records for the quarterly visible emissions observations. Specifically, on October 9, 2019, the investigator requested the records for the quarterly observations for the visible emissions and opacity determinations for the Hot Baghouse Stack and the Rotex Baghouse Stack, but the Respondent did not maintain the requested records [30 TEX. ADMIN. CODE § 116.115(b)(2)(E)(i) and (c), NSR Permit No. 82298, SC No. 20.B., and TEX. HEALTH & SAFETY CODE § 382.085(b)].

3. Failed to maintain records for the quarterly visible fugitive emissions observations. Specifically, on October 9, 2019, the investigator requested the records for the quarterly observations for the visible fugitive emissions from the crusher, screens, dryer, dryer discharge box, transfer points on conveyors, bucket elevators, chutes, boxes, material storage and feed bins, stockpiles, and internal roads and work areas; but the Respondent did not maintain the requested records [30 TEX. ADMIN. CODE § 116.115(b)(2)(E)(i) and (c), NSR Permit No. 82298, SC No. 20.C., and TEX. HEALTH & SAFETY CODE § 382.085(b)].

4. Failed to perform weekly inspections to verify proper operation of all hooding, duct, and collection systems and to verify there are no holes, cracks, and/or conditions that would reduce the collection efficiency of the emission capture system. Specifically, on October 9, 2019, the investigator observed numerous holes, gaps, and other conditions that would affect the control efficiency of the emission control systems demonstrating that the weekly inspections were not performed from June 1, 2019 to October 9, 2019 [30 TEX. ADMIN. CODE § 116.115(b)(2)(E)(i) and (c), NSR Permit No. 82298, SC No. 19, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

5. Failed to maintain all air pollution emission capture and abatement equipment in good working order and operating properly during normal facility operations. Specifically, on October 9, 2019, the investigator observed numerous holes in the conveyance and duct systems [30 TEX. ADMIN. CODE § 116.115(b)(2)(G) and (c), NSR Permit No. 82298, SC No. 19, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

6. Failed to limit the operation of the production equipment to the times when the baghouses are fully operational. Specifically, on October 9, 2019, the investigator observed the Rotex Baghouse was not in operation while the production equipment was in operation [30 TEX. ADMIN. CODE § 116.115(c), NSR Permit No. 82298, SC No. 7, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

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7. Failed to spray the stockpiles with water and/or environmentally sensitive chemicals at a minimum of three times per day for a cumulative time not less than seven hours per day during days when material is being moved to or from the stockpiles except during periods of rainfall. Specifically, on October 9, 2019, the investigator observed that the area-type water sprays were installed at all stockpiles and active work areas, but the stockpiles were not being sprayed with water at a minimum of three times per day for a cumulative time not less than seven hours per day [30 TEX. ADMIN. CODE § 116.115(c), NSR Permit No. 82298, SC No. 12, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

- a. By August 31, 2020, began performing weekly inspections to verify proper operation of all hooding, duct, and collection systems and to verify there are no holes, cracks, and/or conditions that would reduce the collection efficiency of the emission capture system; and
- b. By September 10, 2020, repaired the holes in the conveyance and duct systems to ensure that all air pollution emission capture and abatement equipment is maintained in good working order and operating properly during normal Plant operations.

Technical Requirements:

1. The Order will require the Respondent to implement and complete a SEP (see SEP Attachment A).
2. The Order will also require the Respondent to:
 - a. Within 30 days:
 - i. Begin maintaining the records for the times of stockpile watering and the cumulative hours of stockpile watering per day;
 - ii. Begin maintaining the records for the quarterly observations for the visible emissions and/or opacity determinations from the Hot Baghouse Stack and Rotex Baghouse Stack;
 - iii. Begin maintaining the records for the quarterly observations for the visible fugitive emissions from the crusher, screens, dryer, dryer discharge box, transfer points on the conveyors, bucket elevators, chutes, boxes, material storage or feed bins, stockpiles, and internal roads and work areas;

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iv. Implement measures and/or procedures designed to ensure that the operation of the production equipment at the Plant is limited to the times when the baghouses are fully operational; and

v. Spray the stockpiles with water and/or environmentally sensitive chemicals at a minimum of three times per day for a cumulative time not less than seven hours per day during days when material is being moved to or from the stockpiles except during periods of rainfall.

b. Within 45 days, submit written certification to demonstrate compliance with a.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Johnnie Wu, Enforcement Division, Enforcement Team 2, MC 219, (512) 239-2524; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

TCEQ SEP Coordinator: Stuart Beckley, SEP Coordinator, Enforcement Division, MC 219, (512) 239-3565

SEP Third-Party Administrator: Houston-Galveston Area Council-AERCO, 3555 Timmons Lane, Suite 120, Houston, Texas 77027

Respondent: Jeff Fink, Vice President of Operations, U.S. Minerals, Inc., 18635 West Creek Drive, Tinley Park, Illinois 60477

Peter Kossis, President, U.S. Minerals, Inc., 18635 West Creek Drive, Tinley Park, Illinois 60477

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

DATES	Assigned	17-Dec-2019	Screening	10-Jan-2020	EPA Due	
	PCW	22-Feb-2023				

RESPONDENT/FACILITY INFORMATION

Respondent	U.S. Minerals, Inc.				
Reg. Ent. Ref. No.	RN100929140				
Facility/Site Region	12-Houston	Major/Minor Source	Minor		

CASE INFORMATION

Enf./Case ID No.	58779	No. of Violations	7
Docket No.	2020-0060-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Johnnie Wu
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$26,250
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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%	Adjustment	Subtotals 2, 3, & 7	\$0
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Notes	No adjustment for compliance history.
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Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes	The Respondent does not meet the culpability criteria.
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Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$625
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$4,386	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$58,029	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$25,625
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OTHER FACTORS AS JUSTICE MAY REQUIRE	2.0%	Adjustment	\$510
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	Enhancement to capture the avoided costs of compliance associated with Violation No. 4.
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Final Penalty Amount	\$26,135
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$26,135
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DEFERRAL	20.0%	Reduction	Adjustment	-\$5,227
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes	Deferral offered for expedited settlement.
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PAYABLE PENALTY	\$20,908
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Screening Date 10-Jan-2020

Docket No. 2020-0060-AIR-E

PCW

Respondent U.S. Minerals, Inc.

Policy Revision 4 (April 2014)

Case ID No. 58779

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100929140

Media Air

Enf. Coordinator Johnnie Wu

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	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%
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)

Unclassified

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 10-Jan-2020
Respondent U.S. Minerals, Inc.
Case ID No. 58779
Reg. Ent. Reference No. RN100929140
Media Air
Enf. Coordinator Johnnie Wu

Docket No. 2020-0060-AIR-E

PCW

Policy Revision 4 (April 2014)
PCW Revision March 26, 2014

Violation Number

Rule Cite(s) 30 Tex. Admin. Code § 116.115(b)(2)(E)(i) and (c), New Source Review ("NSR") Permit No. 82298, Special Conditions ("SC") No. 20.E., and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to maintain records for the stockpile watering. Specifically, on October 9, 2019, the investigator requested the records for the times of stockpile watering and cumulative hours of stockpile watering per day, but the Respondent did not maintain the requested records.

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="0.0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
		<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	
100% of the rule requirements were not met.					

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

One single event is recommended for the missing stockpile watering records.

Good Faith Efforts to Comply

Reduction

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

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

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent U.S. Minerals, Inc.
Case ID No. 58779
Reg. Ent. Reference No. RN100929140
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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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	\$1,500	10-Jun-2019	1-Oct-2023	4.31	\$323	n/a	\$323
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 begin maintaining the records for the times of stockpile watering and the cumulative hours of stockpile watering per day. The Date Required is the initial investigation date and the Final Date is the estimated date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$323

Screening Date 10-Jan-2020
Respondent U.S. Minerals, Inc.
Case ID No. 58779
Reg. Ent. Reference No. RN100929140
Media Air
Enf. Coordinator Johnnie Wu

Docket No. 2020-0060-AIR-E

PCW

Policy Revision 4 (April 2014)
PCW Revision March 26, 2014

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 116.115(b)(2)(E)(i) and (c), NSR Permit No. 82298, SC No. 20.B., and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to maintain records for the quarterly visible emissions observations. Specifically, on October 9, 2019, the investigator requested the records for the quarterly observations for the visible emissions and opacity determinations for the Hot Baghouse Stack and the Rotex Baghouse Stack, but the Respondent did not maintain the requested records.

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 5.0%

Matrix Notes

100% of the rule requirements were not met.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 2

93 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$2,500

Two single events are recommended for the missing visible emissions observation records (one event for each baghouse).

Good Faith Efforts to Comply

0.0%

Reduction \$0

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

Extraordinary	
Ordinary	
N/A	x

Notes

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

Violation Subtotal \$2,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$323

Violation Final Penalty Total \$2,550

This violation Final Assessed Penalty (adjusted for limits) \$2,550

Economic Benefit Worksheet

Respondent U.S. Minerals, Inc.
Case ID No. 58779
Reg. Ent. Reference No. RN100929140
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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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	\$1,500	10-Jun-2019	1-Oct-2023	4.31	\$323	n/a	\$323
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 begin maintaining the records for the quarterly observations for the visible emissions and/or opacity determinations from the Hot Baghouse Stack and Rotex Baghouse Stack. The Date Required is the initial investigation date and the Final Date is the estimated date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$323

Screening Date 10-Jan-2020
Respondent U.S. Minerals, Inc.
Case ID No. 58779
Reg. Ent. Reference No. RN100929140
Media Air
Enf. Coordinator Johnnie Wu

Docket No. 2020-0060-AIR-E

PCW

*Policy Revision 4 (April 2014)
 PCW Revision March 26, 2014*

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 116.115(b)(2)(E)(i) and (c), NSR Permit No. 82298, SC No. 20.C., and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to maintain records for the quarterly visible fugitive emissions observations. Specifically, on October 9, 2019, the investigator requested the records for the quarterly observations for the visible fugitive emissions from the crusher, screens, dryer, dryer discharge box, transfer points on conveyors, bucket elevators, chutes, boxes, material storage and feed bins, stockpiles, and internal roads and work areas; but the Respondent did not maintain the requested records.

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 5.0%

Matrix Notes

100% of the rule requirements were not met.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 11 93 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$13,750

Eleven single events are recommended for the missing visible fugitive emissions observation records (one event for each emission source).

Good Faith Efforts to Comply

0.0%

Reduction \$0

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

Extraordinary		
Ordinary		
N/A	x	

Notes

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

Violation Subtotal \$13,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$323

Violation Final Penalty Total \$14,024

This violation Final Assessed Penalty (adjusted for limits) \$14,024

Economic Benefit Worksheet

Respondent U.S. Minerals, Inc.
Case ID No. 58779
Reg. Ent. Reference No. RN100929140
Media Air
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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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	\$1,500	10-Jun-2019	1-Oct-2023	4.31	\$323	n/a	\$323
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 begin maintaining the records for the quarterly observations for the visible fugitive emissions from the crusher, screens, dryer, dryer discharge box, transfer points on the conveyors, bucket elevators, chutes, boxes, material storage or feed bins, stockpiles, and internal roads and work areas. The Date Required is the initial investigation date and the Final Date is the estimated date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$323

Screening Date	10-Jan-2020	Docket No.	2020-0060-AIR-E	PCW
Respondent	U.S. Minerals, Inc.			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	58779			<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No.	RN100929140			
Media	Air			
Enf. Coordinator	Johnnie Wu			

Violation Number

Rule Cite(s) 30 Tex. Admin. Code § 116.115(b)(2)(E)(i) and (c), NSR Permit No. 82298, SC No. 19, and Tex. Health & Safety Code § 382.085(b)

Violation Description
 Failed to perform weekly inspections to verify proper operation of all hooding, duct, and collection systems and to verify there are no holes, cracks, and/or conditions that would reduce the collection efficiency of the emission capture system. Specifically, on October 9, 2019, the investigator observed numerous holes, gaps, and other conditions that would affect the control efficiency of the emission control systems demonstrating that the weekly inspections were not performed from June 1, 2019 to October 9, 2019.

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="3.0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text" value="x"/>	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="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

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

Five single events are recommended (one event for each month that a weekly inspection was not performed from June 1, 2019 to October 9, 2019).

Good Faith Efforts to Comply Reduction

	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text" value="x"/>
N/A	<input type="text"/>	<input type="text"/>

Notes The Respondent completed the corrective measures by August 31, 2020, after the Notice of Enforcement ("NOE") dated December 6, 2019.

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 U.S. Minerals, Inc.
Case ID No. 58779
Reg. Ent. Reference No. RN100929140
Media Air
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	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)	\$25	9-Oct-2019	31-Aug-2020	0.90	\$1	n/a	\$1

Notes for DELAYED costs

Estimated cost to begin performing weekly inspections to verify proper operation of all hooding, duct, and collection systems and to verify there are no holes, cracks, and/or conditions that would reduce the collection efficiency of the emission capture system. The Date Required is the investigation date and the Final Date is the date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs	\$504	9-Oct-2019	10-Jan-2020	0.25	\$6	\$504	\$510
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated delayed cost to perform weekly inspections plus interest (\$25/inspection x 20 missed inspections plus \$4 in interest). The Date Required is the last day a weekly inspection was due and the Final Date is the screening date.

Approx. Cost of Compliance

\$529

TOTAL

\$511

Screening Date 10-Jan-2020
Respondent U.S. Minerals, Inc.
Case ID No. 58779
Reg. Ent. Reference No. RN100929140
Media Air
Enf. Coordinator Johnnie Wu

Docket No. 2020-0060-AIR-E

PCW

Policy Revision 4 (April 2014)
PCW Revision March 26, 2014

Violation Number

Rule Cite(s) 30 Tex. Admin. Code § 116.115(b)(2)(G) and(c), NSR Permit No. 82298, SC No. 19, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to maintain all air pollution emission capture and abatement equipment in good working order and operating properly during normal facility operations. Specifically, on October 9, 2019, the investigator observed numerous holes in the conveyance and duct systems.

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" value="x"/>	<input type="text" value="5.0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>

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

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

Two quarterly events are recommended from the October 9, 2019 investigation date to the January 10, 2020 screening date.

Good Faith Efforts to Comply

Reduction

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

Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text" value="x"/>
N/A	<input type="text"/>	<input type="text"/>

Notes The Respondent completed the corrective measures by September 10, 2020, after the NOE dated December 6, 2019.

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 U.S. Minerals, Inc.
Case ID No. 58779
Reg. Ent. Reference No. RN100929140
Media Air
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	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)	\$50,000	9-Oct-2019	10-Sep-2020	0.92	\$2,308	n/a	\$2,308

Notes for DELAYED costs

Estimated cost to repair the holes in the conveyance and duct systems to ensure that all air pollution emission capture and abatement equipment is maintained in good working order and operating properly during normal Plant operations. The Date Required is the investigation date and the Final Date is the date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$50,000

TOTAL \$2,308

Screening Date 10-Jan-2020
Respondent U.S. Minerals, Inc.
Case ID No. 58779
Reg. Ent. Reference No. RN100929140
Media Air
Enf. Coordinator Johnnie Wu

Docket No. 2020-0060-AIR-E

PCW

Policy Revision 4 (April 2014)
PCW Revision March 26, 2014

Violation Number 6

Rule Cite(s) 30 Tex. Admin. Code § 116.115(c), NSR Permit No. 82298, SC No. 7, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to limit the operation of the production equipment to the times when the baghouses are fully operational. Specifically, on October 9, 2019, the investigator observed the Rotex Baghouse was not in operation while the production equipment was in operation.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 5.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

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

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1 1 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$1,250

One single event is recommended based on the observation.

Good Faith Efforts to Comply

0.0%

Reduction \$0

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

Extraordinary		
Ordinary		
N/A	x	

Notes

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

Violation Subtotal \$1,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$299

Violation Final Penalty Total \$1,275

This violation Final Assessed Penalty (adjusted for limits) \$1,275

Economic Benefit Worksheet

Respondent U.S. Minerals, Inc.
Case ID No. 58779
Reg. Ent. Reference No. RN100929140
Media Air
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	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)	\$1,500	9-Oct-2019	1-Oct-2023	3.98	\$299	n/a	\$299

Notes for DELAYED costs

Estimated costs to implement measures and/or procedures designed to ensure that the operation of the production equipment at the Plant is limited to the times when the baghouses are fully operational. The Date Required is the investigation date and the Final Date is the estimated date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$299

Screening Date 10-Jan-2020
Respondent U.S. Minerals, Inc.
Case ID No. 58779
Reg. Ent. Reference No. RN100929140
Media Air
Enf. Coordinator Johnnie Wu

Docket No. 2020-0060-AIR-E

PCW

Policy Revision 4 (April 2014)
PCW Revision March 26, 2014

Violation Number 7

Rule Cite(s) 30 Tex. Admin. Code § 116.115(c), NSR Permit No. 82298, SC No. 12, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to spray the stockpiles with water and/or environmentally sensitive chemicals at a minimum of three times per day for a cumulative time not less than seven hours per day during days when material is being moved to or from the stockpiles except during periods of rainfall. Specifically, on October 9, 2019, the investigator observed that the area-type water sprays were installed at all stockpiles and active work areas, but the stockpiles were not being sprayed with water at a minimum of three times per day for a cumulative time not less than seven hours per day.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual			x	5.0%
	Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes

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

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1 1 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$1,250

One single event is recommended based on the observation.

Good Faith Efforts to Comply

0.0%

Reduction \$0

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

Extraordinary		
Ordinary		
N/A	x	

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

Violation Subtotal \$1,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$299

Violation Final Penalty Total \$1,275

This violation Final Assessed Penalty (adjusted for limits) \$1,275

Economic Benefit Worksheet

Respondent U.S. Minerals, Inc.
Case ID No. 58779
Reg. Ent. Reference No. RN100929140
Media Air
Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	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)	\$1,500	9-Oct-2019	1-Oct-2023	3.98	\$299	n/a	\$299

Notes for DELAYED costs

Estimated cost to spray the stockpiles with water and/or environmentally sensitive chemicals at a minimum of three times per day for a cumulative time not less than seven hours per day during days when material is being moved to or from the stockpiles except during periods of rainfall. The Date Required is the investigation date and the Final Date is the estimated date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$299



Compliance History Report

Compliance History Report for CN603795196, RN100929140, Rating Year 2022 which includes Compliance History (CH) components from September 1, 2017, through August 31, 2022.

Customer, Respondent, or Owner/Operator: CN603795196, U.S. Minerals, Inc. **Classification:** UNCLASSIFIED **Rating:** -----

Regulated Entity: RN100929140, US MINERALS GALVESTON **Classification:** UNCLASSIFIED **Rating:** -----

Complexity Points: 10 **Repeat Violator:** NO

CH Group: 14 - Other

Location: 5712 HARBORSIDE DRIVE, GALVESTON, GALVESTON COUNTY, TEXAS 77554-2821

TCEQ Region: REGION 12 - HOUSTON

ID Number(s):

AIR NEW SOURCE PERMITS REGISTRATION 9132 **AIR NEW SOURCE PERMITS ACCOUNT NUMBER GB0132B**

AIR NEW SOURCE PERMITS AFS NUM 4816700079 **AIR NEW SOURCE PERMITS PERMIT 82298**

STORMWATER PERMIT TXR05DS98 **AIR EMISSIONS INVENTORY ACCOUNT NUMBER GB0132B**

Compliance History Period: September 01, 2017 to August 31, 2022 **Rating Year:** 2022 **Rating Date:** 09/01/2022

Date Compliance History Report Prepared: December 02, 2022

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: December 02, 2017 to December 02, 2022

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

Name: Johnnie Wu **Phone:** (512) 239-2524

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

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.):

N/A

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
U.S. MINERALS, INC.
RN100929140

§
§
§
§
§

BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2020-0060-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 U.S. Minerals, 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 together stipulate that:

1. The Respondent owns and operates a bulk material handling facility located at 5712 Harborside Drive in Galveston, Galveston County, Texas (the "Plant"). The Plant consists or consisted of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 382 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$26,135 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$10,454 of the penalty and \$5,227 of the penalty is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order and shall be waived only upon full compliance with all the terms and conditions of this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms and conditions contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.

Pursuant to TEX. WATER CODE § 7.067, \$10,454 of the penalty shall be conditionally offset by the Respondent's timely and satisfactory completion of a Supplemental Environmental Project ("SEP") as defined in the attached SEP Agreement ("Attachment A", incorporated herein by reference). The Respondent's obligation to pay the conditionally offset portion of the penalty shall be discharged upon full compliance with all the terms

and conditions of this Order, which includes the timely and satisfactory completion of all provisions of the SEP Agreement, as determined by the Executive Director.

5. 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). 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.
6. 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 Order.
7. This Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Plant:
 - a. By August 31, 2020, began performing weekly inspections to verify proper operation of all hooding, duct, and collection systems and to verify there are no holes, cracks, and/or conditions that would reduce the collection efficiency of the emission capture system; and
 - b. By September 10, 2020, repaired the holes in the conveyance and duct systems to ensure that all air pollution emission capture and abatement equipment is maintained in good working order and operating properly during normal Plant operations.

II. ALLEGATIONS

During an investigation at the Plant conducted on October 9, 2019, an investigator documented that the Respondent:

1. Failed to maintain records for the stockpile watering, in violation of 30 TEX. ADMIN. CODE § 116.115(b)(2)(E)(i) and (c), New Source Review ("NSR") Permit No. 82298, Special Conditions ("SC") No. 20.E., and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, on October 9, 2019, the investigator requested the records for the times of stockpile watering and cumulative hours of stockpile watering per day, but the Respondent did not maintain the requested records.
2. Failed to maintain records for the quarterly visible emissions observations, in violation of 30 TEX. ADMIN. CODE § 116.115(b)(2)(E)(i) and (c), NSR Permit No. 82298, SC No. 20.B., and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, on October 9, 2019, the investigator requested the records for the quarterly observations for the visible emissions and opacity determinations for the Hot Baghouse Stack and the Rotex Baghouse Stack, but the Respondent did not maintain the requested records.

3. Failed to maintain records for the quarterly visible fugitive emissions observations, in violation of 30 TEX. ADMIN. CODE § 116.115(b)(2)(E)(i) and (c), NSR Permit No. 82298, SC No. 20.C., and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, on October 9, 2019, the investigator requested the records for the quarterly observations for the visible fugitive emissions from the crusher, screens, dryer, dryer discharge box, transfer points on conveyors, bucket elevators, chutes, boxes, material storage and feed bins, stockpiles, and internal roads and work areas; but the Respondent did not maintain the requested records.
4. Failed to perform weekly inspections to verify proper operation of all hooding, duct, and collection systems and to verify there are no holes, cracks, and/or conditions that would reduce the collection efficiency of the emission capture system, in violation of 30 TEX. ADMIN. CODE § 116.115(b)(2)(E)(i) and (c), NSR Permit No. 82298, SC No. 19, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, on October 9, 2019, the investigator observed numerous holes, gaps, and other conditions that would affect the control efficiency of the emission control systems demonstrating that the weekly inspections were not performed from June 1, 2019 to October 9, 2019.
5. Failed to maintain all air pollution emission capture and abatement equipment in good working order and operating properly during normal facility operations, in violation of 30 TEX. ADMIN. CODE § 116.115(b)(2)(G) and (c), NSR Permit No. 82298, SC No. 19, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, on October 9, 2019, the investigator observed numerous holes in the conveyance and duct systems.
6. Failed to limit the operation of the production equipment to the times when the baghouses are fully operational, in violation of 30 TEX. ADMIN. CODE § 116.115(c), NSR Permit No. 82298, SC No. 7, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, on October 9, 2019, the investigator observed the Rotex Baghouse was not in operation while the production equipment was in operation.
7. Failed to spray the stockpiles with water and/or environmentally sensitive chemicals at a minimum of three times per day for a cumulative time not less than seven hours per day during days when material is being moved to or from the stockpiles except during periods of rainfall, in violation of 30 TEX. ADMIN. CODE § 116.115(c), NSR Permit No. 82298, SC No. 12, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, on October 9, 2019, the investigator observed that the area-type water sprays were installed at all stockpiles and active work areas, but the stockpiles were not being sprayed with water at a minimum of three times per day for a cumulative time not less than seven hours per day.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this 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. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: U.S. Minerals, Inc., Docket No. 2020-0060-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 Respondent shall implement and complete the SEP as set forth in Section I, Paragraph No. 4. The amount of \$10,454 of the assessed penalty is conditionally offset based on the Respondent's implementation and completion of the SEP pursuant to the terms of the SEP Agreement, as defined in Attachment A. Penalty payments for any portion of the SEP deemed by the Executive Director as not complete shall be paid within 30 days after the date the Executive Director demands payment.
3. The Respondent shall undertake the following technical requirements at the Plant:
 - a. Within 30 days after the effective date of this Order:
 - i. Begin maintaining the records for the times of stockpile watering and the cumulative hours of stockpile watering per day;
 - ii. Begin maintaining the records for the quarterly observations for the visible emissions and/or opacity determinations from the Hot Baghouse Stack and Rotex Baghouse Stack;
 - iii. Begin maintaining the records for the quarterly observations for the visible fugitive emissions from the crusher, screens, dryer, dryer discharge box, transfer points on the conveyors, bucket elevators, chutes, boxes, material storage or feed bins, stockpiles, and internal roads and work areas;
 - iv. Implement measures and/or procedures designed to ensure that the operation of the production equipment at the Plant is limited to the times when the baghouses are fully operational; and
 - v. Spray the stockpiles with water and/or environmentally sensitive chemicals at a minimum of three times per day for a cumulative time not less than seven hours per day during days when material is being moved to or from the stockpiles except during periods of rainfall.
 - b. Within 45 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a. The certification shall be signed by the Respondent and shall include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe

that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Air Section Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Street, Suite H
Houston, Texas 77023-1452

and a copy to:

Air Program Manager
Air & Water Pollution Services
Galveston County Health District
P.O. Box 939
La Marque, Texas 77568

4. All relief not expressly granted in this Order is denied.
5. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Plant operations referenced in this Order.
6. If the Respondent fails to comply with any of the Ordering Provisions in this 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 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.
7. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this 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. Extension requests shall be sent to the Enforcement Division at the address listed above.
8. This 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 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.

9. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this 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 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.
10. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



For the Executive Director

5/15/2023

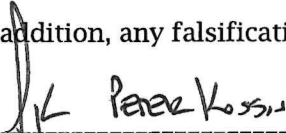
Date

I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, 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 OAG 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 OAG 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

3/20/2023

Date



Name (Printed or typed)
Authorized Representative of
U.S. Minerals, Inc.

PRESIDENT

Title

If mailing address has changed, please check this box and provide the new address below:

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

Attachment A
Docket Number: 2020-0060-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	U.S. Minerals, Inc.
Payable Penalty Amount:	\$20,908
SEP Offset Amount:	\$10,454
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Houston-Galveston Area Council-AERCO
Project Name:	<i>Clean Vehicles Partnership Project</i>
Location of SEP: Angelina, Austin, Brazoria, Chambers, Colorado, Fort Bend, Galveston, Hardin, Harris, Houston, Jasper, Jefferson, Liberty, Matagorda, Montgomery, Nacogdoches, Newton, Orange, Polk, Sabine, San Augustine, San Jacinto, Trinity, Tyler, Walker, Waller, and Wharton Counties	

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

1. Project Description

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Houston-Galveston Area Council-AERCO** for the *Clean Vehicles Partnership Project*. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the “Project”). Specifically, the SEP Offset Amount will be used to replace old, higher emission buses that do not meet 2010 Environmental Protection Agency (“EPA”) emissions standards (“Old Buses”) with new, lower emission buses that meet the most recent EPA emissions standards (“New Buses”) or to retrofit or convert Old Buses with emissions reducing equipment. The Third-Party Administrator shall allocate the SEP Offset Amount to public entities such as school districts, local governments, and public transit authorities (“SEP Administrators”) that apply for replacement, retrofit, or conversion of buses.

The SEP Offset Amount may also be used for retrofit or conversion technology that brings an Old Bus up to current EPA emissions standards. New Buses may be alternative-fueled. The SEP Offset Amount may be used for up to 100% of the replacement, conversion, or retrofit cost. The SEP Offset Amount will be used only for purchase of New Buses or conversion or retrofit equipment and contract labor for installation of equipment. The SEP Offset Amount will not be used for financing such a purchase through a lease-purchase or similar agreement.

Retrofitting means reducing exhaust emissions to current standards by installing devices that are verified or certified by the EPA or the California Air Resources Board as proven retrofit technologies. Converting means replacing an engine system with an alternative fuel engine system to bring the Old Bus within the current EPA emissions standards.

U.S. Minerals, Inc.
Docket No. 2020-0060-AIR-E
Agreed Order - Attachment A

Buses to be replaced, retrofitted, or converted must be in regular use (driven at least five hundred miles per year for at least the past two years) by the SEP Administrator and must not already be scheduled for replacement in the following twenty-four months.

All replaced buses must be fully decommissioned. The Third-Party Administrator shall provide proof of decommissioning to TCEQ for each replaced vehicle by submitting a copy of the TCEQ SEP Vehicle Replacement Disposition Form. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of implementing the Project, including, but not limited to supplies, materials, and equipment. Any portion of this contribution that is not spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

The Respondent's signature affixed to this Agreed Order certifies that the Respondent has no prior commitment to make this contribution and that it is being contributed to settle this enforcement action. The Respondent shall not profit from this SEP.

b. Environmental Benefit

This SEP will directly benefit air quality by reducing harmful exhaust emissions that contribute to the formation of ozone and may cause or exacerbate many respiratory diseases, including asthma. For example, by replacing a 1989 diesel bus with a 2010 ultra-low emission model, passengers' exposure to nitrogen oxides may be reduced by 98 percent; volatile organic compounds by 93 percent; carbon dioxide by 83 percent; and particulate matter by 99 percent. In addition, by encouraging less bus idling, this SEP contributes to public awareness of air pollution and air quality.

c. Minimum Expenditure

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

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Houston-Galveston Area Council-AERCO SEP** and shall mail the contribution with a copy of the Agreed Order to:

Houston-Galveston Area Council-AERCO
Emission Reduction Credit Corporation
Attn: Air Quality Program Manager
3555 Timmons Lane, Suite 120
Houston, Texas 77027

3. **Records and Reporting**

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

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

4. **Failure to Fully Perform**

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality"; and shall mail it to:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

5. **Publicity**

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

6. **Recognition**

The Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. **Other SEPs by TCEQ or Other Agencies**

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