

Executive Summary – Enforcement Matter – Case No. 59501
Turner Concrete Products Holdings, LP
RN100789221
Docket No. 2020-0883-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

The Turner Batch Plant, 11049 South U.S. Highway 287, Rhome, Wise County

Type of Operation:

Concrete batch plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: The complainant has expressed an interest in this matter but does not wish to speak at Agenda.

Texas Register Publication Date: July 8, 2022

Comments Received: No

Penalty Information

Total Penalty Assessed: \$17,855

Amount Deferred for Expedited Settlement: \$3,571

Total Paid to General Revenue: \$14,284

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications:

Person/CN - High

Site/RN - High

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014

Investigation Information

Complaint Date(s): December 27, 2019

Complaint Information: Alleged that dust from the regulated entity was causing a nuisance at their property, causing breathing difficulty and damaging property.

Date(s) of Investigation: January 24, 2020 and June 22, 2020

Date(s) of NOE(s): June 23, 2020

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Violation Information

1. Failed to perform quarterly visible emissions observations of the fugitive emissions leaving the property. Specifically, the Respondent did not conduct the quarterly visible emissions observations of the fugitive emissions leaving the property during the first quarter of 2019 through the fourth quarter of 2019 [30 TEX. ADMIN. CODE § 116.115(c), New Source Review ("NSR") Permit No. 43750, Special Conditions ("SC") No. 3, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
2. Failed to maintain the records for road cleaning, application of road dust control, or road maintenance for dust control. Specifically, the Respondent provided the records for the application of road dust control for the months of July 2019 through January 2020, but did not provide records for the months of January 2019 through June 2019 [30 TEX. ADMIN. CODE § 116.115(b)(2)(E)(i) and (c), NSR Permit No. 43750, SC No. 17.D, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
3. Failed to comply with the concrete production limit for Concrete Batch Plant 2 ("CBP 2"). Specifically, the Respondent exceeded the concrete production limit of 10 cubic yards per hour ("yd³/hr") on 132 operating days from August 1, 2019 through February 11, 2020 for CBP 2 [30 TEX. ADMIN. CODE § 116.115(c), NSR Permit No. 43750, SC No. 6, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
4. Failed to comply with the maximum operating schedule. Specifically, the Respondent exceeded the maximum operating schedule of five days per week on August 10, 2019, August 24, 2019, September 14, 2019, September 28, 2019, October 12, 2019, October 26, 2019, November 16, 2019, December 7, 2019, January 11, 2020, January 18, 2020, January 25, 2020, and February 1, 2020 for CBP 2 [30 TEX. ADMIN. CODE § 116.115(c), NSR Permit No. 43750, SC No. 7, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
5. Failed to obtain a permit amendment prior to constructing or modifying a source of air contaminants. Specifically, the Respondent constructed and operated a cement silo and central mixer prior to obtaining the proper authorization [30 TEX. ADMIN. CODE §§ 116.110(a) and 116.116(b)(1) and TEX. HEALTH & SAFETY CODE §§ 382.0518(a) and 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

- a. Began conducting the quarterly visible emissions observations of the fugitive emissions leaving the property on May 21, 2020;

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- b. Began maintaining the records for road cleaning, application of road dust control, or road maintenance for dust control and beginning to retain the records for at least two years by June 9, 2020; and
- c. Obtained Standard Permit Registration No. 166318 that authorized the operation of the cement silo and central mixer and the associated emissions and increased the operating schedule to 10 hours per day, six days per week, 52 weeks per year, and 3,120 hours per year on February 2, 2022.

Technical Requirements:

The Respondent shall undertake the following technical requirements:

- a. Within 30 days, implement measures and/or procedures designed to comply with the concrete production limit of 10 yd³/hr for CBP 2; and
- b. Within 45 days, submit written certification to demonstrate compliance with a.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Toni Red, Enforcement Division, Enforcement Team 2, MC 219, (512) 239-1704; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Brian Turner, Partner, Turner Concrete Products Holdings, LP, 11049 South U.S. Highway 287, Rhome, Texas 76078

Mark S. Rogers, EHS Manager, Turner Concrete Products Holdings, LP, 11049 South U.S. Highway 287, Rhome, Texas 76078

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision September 1, 2019

DATES	Assigned	29-Jun-2020	Screening	30-Jun-2020	EPA Due	
	PCW	19-May-2022				

RESPONDENT/FACILITY INFORMATION	
Respondent	Turner Concrete Products Holdings, LP
Reg. Ent. Ref. No.	RN100789221
Facility/Site Region	4-Dallas/Fort Worth
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	59501	No. of Violations	5
Docket No.	2020-0883-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Toni Red
		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$17,375
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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	2.0% Adjustment	Subtotals 2, 3, & 7	\$347
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Notes	Enhancement for one NOV with the same or similar violations and five NOVs with dissimilar violations. Reduction for one notice of intent to conduct an audit, one disclosure of violations, and High Performer classification.
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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	-\$906
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$2,527	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$13,669	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$16,816
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OTHER FACTORS AS JUSTICE MAY REQUIRE	6.2% Adjustment	\$1,039
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	Enhancement to capture the avoided cost of compliance associated with Violation No. 1.
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Final Penalty Amount	\$17,855
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$17,855
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DEFERRAL	20.0% Reduction Adjustment	-\$3,571
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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	\$14,284
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Screening Date 30-Jun-2020

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PCW

Respondent Turner Concrete Products Holdings, LP

Policy Revision 4 (April 2014)

Case ID No. 59501

PCW Revision September 1, 2019

Reg. Ent. Reference No. RN100789221

Media Air

Enf. Coordinator Toni Red

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>)	1	5%
	Other written NOVs	5	10%
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>)	1	-1%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	1	-2%
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) 12%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

High Performer

Adjustment Percentage (Subtotal 7) -10%

>> Compliance History Summary

Compliance History Notes

Enhancement for one NOV with the same or similar violations and five NOVs with dissimilar violations. Reduction for one notice of intent to conduct an audit, one disclosure of violations, and High Performer classification.

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

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 2%

Screening Date 30-Jun-2020 **Docket No.** 2020-0883-AIR-E **PCW**
Respondent Turner Concrete Products Holdings, LP *Policy Revision 4 (April 2014)*
Case ID No. 59501 *PCW Revision September 1, 2019*
Reg. Ent. Reference No. RN100789221
Media Air
Enf. Coordinator Toni Red

Violation Number 1
Rule Cite(s) 30 Tex. Admin. Code § 116.115(c), New Source Review ("NSR") Permit No. 43750, Special Conditions ("SC") No. 3, and Tex. Health & Safety Code § 382.085(b)
Violation Description Failed to perform quarterly visible emissions observations of the fugitive emissions leaving the property. Specifically, the Respondent did not conduct the quarterly visible emissions observations of the fugitive emissions leaving the property during the first quarter of 2019 through the fourth quarter of 2019.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				
	Potential			x	Percent 3.0%

>> 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 the environmental receptors as a result of this violation.

Adjustment \$24,250

\$750

Violation Events

Number of Violation Events 4 364 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$3,000

Four single events are recommended for each quarterly visible fugitive emissions observation that was not conducted.

Good Faith Efforts to Comply 25.0% Reduction \$750

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		

Notes The Respondent completed the corrective actions on May 21, 2020, prior the Notice of Enforcement ("NOE") dated July 10, 2020.

Violation Subtotal \$2,250

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

Estimated EB Amount \$1,053 **Violation Final Penalty Total** \$2,453

This violation Final Assessed Penalty (adjusted for limits) \$2,453

Economic Benefit Worksheet

Respondent Turner Concrete Products Holdings, LP
Case ID No. 59501
Reg. Ent. Reference No. RN100789221
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				0.00	\$0	n/a	\$0
Training/Sampling	\$250	31-Mar-2019	21-May-2020	1.14	\$14	n/a	\$14
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 to conduct the quarterly visible emissions observations of the fugitive emissions leaving the property. The Date Required is the initial date of non-compliance 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)	\$1,019	31-Dec-2019	21-May-2020	0.39	\$20	\$1,019	\$1,039

Notes for AVOIDED costs

Estimated avoided costs plus accrued interest to conduct the quarterly visible emissions observations of the fugitive emissions leaving the property at least once during each calendar quarter (four missed observations @ \$250/observation plus \$19 interest that began accruing on March 31, 2019, June 30, 2019, and September 30, 2019 - the end dates of the first three calendar quarters when visible observations were missed). The Date Required is the last date when the quarterly visible emissions observation for the fourth quarter of 2019 could have been conducted and the Final Date is the date of compliance.

Approx. Cost of Compliance \$1,269

TOTAL \$1,053

Screening Date 30-Jun-2020

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PCW

Respondent Turner Concrete Products Holdings, LP

Policy Revision 4 (April 2014)

Case ID No. 59501

PCW Revision September 1, 2019

Reg. Ent. Reference No. RN100789221

Media Air

Enf. Coordinator Toni Red

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 116.115(b)(2)(E)(i) and (c), NSR Permit No. 43750, SC No. 17.D, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to maintain the records for road cleaning, application of road dust control, or road maintenance for dust control. Specifically, the Respondent provided the records for the application of road dust control for the months of July 2019 through January 2020, but did not provide records for the months of January 2019 through June 2019.

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		2.5%

Matrix Notes Greater than 30% but less than 70% of the rule requirements were not met.

Adjustment \$24,375

\$625

Violation Events

Number of Violation Events 1 158 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$625

One single event is recommended for the incomplete set of records.

Good Faith Efforts to Comply

25.0%

Reduction \$156

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

Extraordinary		
Ordinary	x	
N/A		

Notes The Respondent completed the corrective actions by June 9, 2020, prior the NOE dated July 10, 2020.

Violation Subtotal \$469

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$102

Violation Final Penalty Total \$511

This violation Final Assessed Penalty (adjusted for limits) \$511

Economic Benefit Worksheet

Respondent Turner Concrete Products Holdings, LP
Case ID No. 59501
Reg. Ent. Reference No. RN100789221
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	31-Jan-2019	9-Jun-2020	1.36	\$102	n/a	\$102
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 to maintain the records for road cleaning, application of road dust control, or road maintenance for dust control and begin to retain the records for at least two years. The Date Required is the initial date of non-compliance 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 \$1,500

TOTAL \$102

Screening Date 30-Jun-2020

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PCW

Respondent Turner Concrete Products Holdings, LP

Policy Revision 4 (April 2014)

Case ID No. 59501

PCW Revision September 1, 2019

Reg. Ent. Reference No. RN100789221

Media Air

Enf. Coordinator Toni Red

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 116.115(c), NSR Permit No. 43750, SC No. 6, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to comply with the concrete production limit for Concrete Batch Plant 2 ("CBP 2"). Specifically, the Respondent exceeded the concrete production limit of 10 cubic yards per hour ("yd3/hr") on 132 operating days from August 1, 2019 to February 11, 2020 for CBP 2.

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 3 194 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$3,750

Three quarterly events are recommended for the instances of non-compliance that occurred from August 1, 2019 to February 11, 2020.

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 \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,252

Violation Final Penalty Total \$4,061

This violation Final Assessed Penalty (adjusted for limits) \$4,061

Economic Benefit Worksheet

Respondent Turner Concrete Products Holdings, LP
Case ID No. 59501
Reg. Ent. Reference No. RN100789221
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				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	1-Aug-2020	1-Feb-2023	2.50	\$1,252	n/a	\$1,252

Notes for DELAYED costs
 Estimated cost to implement measures and/or procedures designed to comply with the concrete production limit of 10 yd³/hr for CBP 2. The Date Required is the first date of non-compliance 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
 (This area is currently blank for input.)

Approx. Cost of Compliance \$10,000	TOTAL \$1,252
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Screening Date 30-Jun-2020

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PCW

Respondent Turner Concrete Products Holdings, LP

Policy Revision 4 (April 2014)

Case ID No. 59501

PCW Revision September 1, 2019

Reg. Ent. Reference No. RN100789221

Media Air

Enf. Coordinator Toni Red

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 116.115(c), NSR Permit No. 43750, SC No. 7, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to comply with the maximum operating schedule. Specifically, the Respondent exceeded the maximum operating schedule of five days per week on August 10, 2019, August 24, 2019, September 14, 2019, September 28, 2019, October 12, 2019, October 26, 2019, November 16, 2019, December 7, 2019, January 11, 2020, January 18, 2020, January 25, 2020, and February 1, 2020 for CBP 2.

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 which do not exceed levels that are protective of human health or the environmental receptors as a result of this violation.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 2 12 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$2,500

Two quarterly events are recommended for the instances of non-compliance from August 10, 2019 to February 1, 2020.

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 \$120

Violation Final Penalty Total \$2,708

This violation Final Assessed Penalty (adjusted for limits) \$2,708

Economic Benefit Worksheet

Respondent Turner Concrete Products Holdings, LP
Case ID No. 59501
Reg. Ent. Reference No. RN100789221
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
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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				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs	\$900	6-Jun-2019	2-Feb-2022	2.66	\$120	n/a	\$120
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Actual cost to obtain Standard Permit Registration No. 166318 that authorized the operation of the cement silo and central mixer and the associated emissions and increased the operating schedule to 10 hours per day, six days per week, 52 weeks per year, and 3,120 hours per year. The Date Required is the initial 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 \$900

TOTAL \$120

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PCW

Respondent Turner Concrete Products Holdings, LP

Policy Revision 4 (April 2014)

Case ID No. 59501

PCW Revision September 1, 2019

Reg. Ent. Reference No. RN100789221

Media Air

Enf. Coordinator Toni Red

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code §§ 116.110(a) and 116.116(b)(1) and Tex. Health & Safety Code §§ 382.0518(a) and 382.085(b)

Violation Description Failed to obtain a permit amendment prior to constructing or modifying a source of air contaminants. Specifically, the Respondent constructed and operated a cement silo and central mixer prior to obtaining the proper authorization.

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			5.0%

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

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 6 158 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$7,500

Six monthly events are recommended from the January 24, 2020 investigation date to the June 30, 2020 screening date.

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 \$7,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$8,123

This violation Final Assessed Penalty (adjusted for limits) \$8,123

Economic Benefit Worksheet

Respondent Turner Concrete Products Holdings, LP
Case ID No. 59501
Reg. Ent. Reference No. RN100789221
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
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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				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

See the Economic Benefit in Violation No. 4.

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

\$0

TOTAL

\$0

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



Compliance History Report

Compliance History Report for CN604639104, RN100789221, Rating Year 2019 which includes Compliance History (CH) components from September 1, 2014, through August 31, 2019.

Customer, Respondent, or Owner/Operator: CN604639104, Turner Concrete Products Holdings, LP **Classification:** HIGH **Rating:** 0.00
Regulated Entity: RN100789221, THE TURNER BATCH PLANT **Classification:** HIGH **Rating:** 0.00
Complexity Points: 6 **Repeat Violator:** NO
CH Group: 10 - Cement and Concrete Product Manufacturing
Location: 11049 SOUTH UNITED STATES HIGHWAY 287 NEAR RHOME, WISE COUNTY, TEXAS
TCEQ Region: REGION 04 - DFW METROPLEX

ID Number(s):

AIR NEW SOURCE PERMITS PERMIT 43750 **AIR NEW SOURCE PERMITS** ACCOUNT NUMBER WN0218I
AIR NEW SOURCE PERMITS AFS NUM 4849700695 **AIR EMISSIONS INVENTORY** ACCOUNT NUMBER WN0218I

WASTEWATER PERMIT TXG111997

Compliance History Period: September 01, 2014 to August 31, 2019 **Rating Year:** 2019 **Rating Date:** 09/01/2019

Date Compliance History Report Prepared: July 14, 2020

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: July 14, 2015 to July 14, 2020

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

Name: Toni Red

Phone: (512) 239-1704

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.):

Item 1	July 16, 2015	(1280089)
Item 2	September 10, 2015	(1293092)
Item 3	December 01, 2015	(1304730)
Item 4	January 12, 2016	(1318649)
Item 5	January 19, 2016	(1318650)
Item 6	February 05, 2016	(1327832)
Item 7	March 23, 2016	(1334620)
Item 8	April 12, 2016	(1342003)
Item 9	January 10, 2017	(1393316)
Item 10	February 14, 2017	(1399994)

Item 11	June 08, 2017	(1434139)
Item 12	July 27, 2017	(1442709)
Item 13	February 09, 2018	(1477457)
Item 14	February 12, 2018	(1477462)
Item 15	March 30, 2018	(1489580)
Item 16	June 11, 2018	(1510595)
Item 17	July 06, 2018	(1516931)
Item 18	December 04, 2018	(1548041)
Item 19	February 08, 2019	(1568459)
Item 20	March 15, 2019	(1636966)
Item 21	June 20, 2019	(1589196)
Item 22	July 11, 2019	(1596199)
Item 23	August 19, 2019	(1602421)
Item 24	October 21, 2019	(1616173)
Item 25	December 30, 2019	(1629313)
Item 26	May 18, 2020	(1662967)

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.

- 1 Date: 08/08/2019 (1571263)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)
5C THSC Chapter 382 382.085(b)
Description: The failure to obtain prior approval by the executive director or the commission prior to the construction of a new facility.

- 2 Date: 08/31/2019 (1609319)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

- 3 Date: 10/31/2019 (1621978)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

- 4 Date: 01/31/2020 (1643547)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

- 5 Date: 02/29/2020 (1650052)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

- 6 Date: 03/31/2020 (1656494)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits:

Notice of Intent Date: 02/01/2017 (1394375)
Disclosure Date: 03/17/2017
Viol. Classification: Moderate
Citation: 30 TAC Chapter 106, SubChapter E 106.141
30 TAC Chapter 106, SubChapter A 106.8(b)

30 TAC Chapter 106, SubChapter A 106.8(c)(2)
30 TAC Chapter 106, SubChapter A 106.8(c)(3)
30 TAC Chapter 106, SubChapter A 106.8(c)(4)
30 TAC Chapter 106, SubChapter A 106.8(c)(5)
30 TAC Chapter 116, SubChapter B 116.115(b)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: PERMIT General Condition No. 7
PERMIT Special Condition No. 15
PERMIT Special Condition No. 17
PERMIT Special Condition No. 9

Description: Failed to maintain recordkeeping for spills, road cleaning, road maintenance, or dust control; failed to maintain recordkeeping for inspections, malfunctions, repairs, and maintenance of abatement equipment for dust control; failed to maintain recordkeeping of the manufacturer's cleaning and maintenance schedule for the abatement equipment; and failed to maintain a watering truck and blank watering log to use for compliance.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter A 106.8(b)
30 TAC Chapter 106, SubChapter A 106.8(c)(2)
30 TAC Chapter 106, SubChapter A 106.8(c)(3)
30 TAC Chapter 106, SubChapter A 106.8(c)(4)
30 TAC Chapter 106, SubChapter A 106.8(c)(5)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: PERMIT General Conditions No. 7
PERMIT Special Conditions No. 17
PERMIT Special Conditions No. 5
PERMIT Special Conditions No. 6
PERMIT Special Conditions No. 7

Description: Failed to maintain records of concrete production or operating hours.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: PERMIT Special Conditions No. 8

Description: Failed to prevent VOCs in additives utilized at the facility.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter K 106.265
30 TAC Chapter 106, SubChapter A 106.8(c)
30 TAC Chapter 106, SubChapter A 106.8(c)(2)
30 TAC Chapter 106, SubChapter A 106.8(c)(3)
30 TAC Chapter 106, SubChapter A 106.8(c)(4)
30 TAC Chapter 106, SubChapter A 106.8(c)(5)
5C THSC Chapter 382 382.085(b)

Description: Failed to maintain documentation to demonstrate compliance with PBR requirements in 30 TAC § 106.4. Specifically, the facility maintains a cutting torch table within the welding shop along with hand-held equipment, and since the cutting torch table is utilized as a work area for hand-held equipment, it is authorized by PBR 30 TAC § 106.265, but records are not maintained to demonstrate compliance with the PBR.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 122, SubChapter D, PT 122, SubPT B 122.21(a)
30 TAC Chapter 205, SubChapter A 205.2(a)(5)(A)
30 TAC Chapter 205, SubChapter A 205.2(a)(5)(B)
40 CFR Chapter 205, SubChapter G, PT 205, SubPT A 205.4(a)
2D TWC Chapter 26, SubChapter A 26.040(a)(5)(A)
2D TWC Chapter 26, SubChapter A 26.040(a)(5)(B)
30 TAC Chapter 281, SubChapter A 281.2(2)

Rqmt Prov: PERMIT Part IV(1)
PERMIT Part IV(5)

Description: Failed to update Wastewater Permit No. TXG111997 to reflect the current operations at the site. Specifically, the facility is constructing new office buildings and new production line which will affect wastewater / stormwater flow and content. Additionally, the facility acquired the adjacent property which will add to additional outfalls, not reflected in the permit.

Viol. Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.041
2D TWC Chapter 26, SubChapter A 26.121(a)(1)

Rqmt Prov: PERMIT GPDW, Part III (D)(2),(3),(7),(7)(a)
PERMIT GPDW, Part III(D)(7)(a)(i-v),(b-c),IV(1)
PERMIT GPDW, Part IV(3)

Description: Failed to properly operate and maintain all facilities and systems of treatment and control. Specifically, the berm, which directs the wastewater to flow into the tanks was compromised. Wastewater was observed discharging without treatment and evidence of flow was observed going under the work area and toward Outfall #2.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: PERMIT Part IV(1)
PERMIT Part IV(3)

Description: Failed to install secondary containment on various chemical tanks throughout the facility.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 122, SubChapter D, PT 122, SubPT B 122.21(a)
30 TAC Chapter 205, SubChapter A 205.2(a)(5)(A)
30 TAC Chapter 205, SubChapter A 205.2(a)(5)(B)
40 CFR Chapter 205, SubChapter G, PT 205, SubPT A 205.4(a)
2D TWC Chapter 26, SubChapter A 26.040(a)(5)(A)
2D TWC Chapter 26, SubChapter A 26.040(a)(5)(B)
30 TAC Chapter 281, SubChapter A 281.2(2)

Rqmt Prov: PERMIT GPDW, Part IV(1) & (3)
PERMIT Part II(A),III(D)(2,3,&7(a)(i-v),(b-c)

Description: Failed to include the wastewater stream that discharges wastewater generated by the washing of metal products within the welding operations in the facility's Wastewater Permit No. TXG111997.

Viol. Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: PERMIT Part III, Section C.4.

Description: Failed to maintain the required signage on the facility's wash truck used in dust suppression.

Viol. Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter C 305.44(a)

Rqmt Prov: PERMIT GPDW, part IV(1)
PERMIT GPDW, part IV(8)

Description: Failed to ensure that the Wastewater Plan Certification is signed and dated.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: PERMIT Standard Permit Conditions No. 3
PERMIT Standard Permit Conditions No. 7

Description: Failed to complete each section of the quality assurance procedures (non-stormwater discharge, monthly inspections, and training) and maintain records for at least five years.

Viol. Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.042(a)
2D TWC Chapter 26, SubChapter A 26.042(b)
2D TWC Chapter 26, SubChapter A 26.042(b)(1)
2D TWC Chapter 26, SubChapter A 26.042(b)(2)
2D TWC Chapter 26, SubChapter A 26.042(b)(3)

Rqmt Prov: PERMIT GPDW,Part IV(1,3,&7 (d,g,h(i-vi)

Description: Failed to maintain records to demonstrate that properly trained and authorized personnel were conduct monitoring and sampling of discharges. Additionally, several of the 2015 and 2016 monthly DMRs were missing flow measurements, did not have compliance documentation to verify that the reports were submitted prior to the 20th day of the following month, and were submitted past the required deadline.

Viol. Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.042(a)
2D TWC Chapter 26, SubChapter A 26.042(b)
2D TWC Chapter 26, SubChapter A 26.042(b)(1)
2D TWC Chapter 26, SubChapter A 26.042(b)(2)
2D TWC Chapter 26, SubChapter A 26.042(b)(3)
2D TWC Chapter 26, SubChapter A 26.042(b)(4)

Rqmt Prov: PERMIT GPDW, Part III (D)(7)(a)-(v)
PERMIT GPDW, Part III (D)(7)(b) and (c)
PERMIT GPDW,Part IV 1, Part III (D)(7)

Description: Failed to conduct non-compliance notifications for monthly DMRs with missing flow, discharges caused from the compromised berm, unauthorized welding operations discharge, and late DMR submittals.

Viol. Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.042(a)
2D TWC Chapter 26, SubChapter A 26.042(b)(3)

Rqmt Prov: PERMIT GPDW,Part III(D)(7a-d)
PERMIT GPDW,Part IV(1)

Description: Failed to follow recommended sampling methods in accordance with 40 CFR § 136 and to meet the maximum holding timeframe requirements for the monthly samples to be sent to an authorized laboratory. Specifically, samples collected by the facility exceeded holding timeframe requirements for the monthly samples to be sent to an authorized laboratory and did not follow recommended sampling methods in accordance with 40 CFR 136.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 261, SubChapter I, PT 261, SubPT B 261.10
30 TAC Chapter 335, SubChapter A 335.13(a)
30 TAC Chapter 335, SubChapter A 335.13(b)
30 TAC Chapter 335, SubChapter A 335.13(c)
30 TAC Chapter 335, SubChapter A 335.13(d)
30 TAC Chapter 335, SubChapter A 335.6(c)
30 TAC Chapter 335, SubChapter A 335.6(c)(1)
30 TAC Chapter 335, SubChapter A 335.6(c)(2)
30 TAC Chapter 335, SubChapter A 335.6(c)(3)
30 TAC Chapter 335, SubChapter A 335.6(c)(4)
30 TAC Chapter 335, SubChapter A 335.6(c)(5)(A)
30 TAC Chapter 335, SubChapter A 335.6(c)(5)(B)
30 TAC Chapter 335, SubChapter A 335.6(c)(5)(C)
30 TAC Chapter 335, SubChapter A 335.6(c)(5)(D)
30 TAC Chapter 335, SubChapter A 335.9(a)(1)(A)
30 TAC Chapter 335, SubChapter A 335.9(a)(1)(B)
30 TAC Chapter 335, SubChapter A 335.9(a)(1)(C)
30 TAC Chapter 335, SubChapter A 335.9(a)(1)(D)
30 TAC Chapter 335, SubChapter A 335.9(a)(1)(E)
30 TAC Chapter 335, SubChapter A 335.9(a)(1)(F)
30 TAC Chapter 335, SubChapter A 335.9(a)(1)(G)

Description: Failed to maintain records to demonstrate compliance with industrial solid and hazardous waste generated on site and then disposed off-site. Specifically, there are no existing hazardous waste determinations nor subsequent registration documentation, training, and inspection records, or tracking system of the hazardous waste. Although no hazardous waste was identified during the audit, the site does generate solid waste such as scrap wood, concrete waste, and refuse, etc.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11(a)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11(b)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11(c)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11(c)(1)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11(c)(2)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11(d)
30 TAC Chapter 335, SubChapter R 335.503(a)
30 TAC Chapter 335, SubChapter R 335.503(a)(4)(A)
30 TAC Chapter 335, SubChapter R 335.503(a)(4)(B)
30 TAC Chapter 335, SubChapter R 335.503(a)(4)(C)
30 TAC Chapter 335, SubChapter R 335.503(a)(4)(D)
30 TAC Chapter 335, SubChapter R 335.504
30 TAC Chapter 335, SubChapter R 335.510
30 TAC Chapter 335, SubChapter R 335.513
30 TAC Chapter 335, SubChapter C 335.62
30 TAC Chapter 335, SubChapter A 335.9(a)(1)(A)

Description: Failed to maintain documentation to demonstrate that waste evaluation and classification describing each waste stream generated by the facility was conducted. Waste streams observed during the audit include untreated wood, scrap metal, scrap concrete, used oil, general refuse, and universal waste.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 273, SubChapter I, PT 273, SubPT A 273.1

40 CFR Chapter 273, SubChapter I, PT 273, SubPT B 273.11
40 CFR Chapter 273, SubChapter I, PT 273, SubPT B 273.14
40 CFR Chapter 273, SubChapter I, PT 273, SubPT B 273.15(c)
40 CFR Chapter 273, SubChapter I, PT 273, SubPT B 273.16
40 CFR Chapter 273, SubChapter I, PT 273, SubPT B 273.18
40 CFR Chapter 273, SubChapter I, PT 273, SubPT A 273.2
40 CFR Chapter 273, SubChapter I, PT 273, SubPT A 273.3
40 CFR Chapter 273, SubChapter I, PT 273, SubPT A 273.4
40 CFR Chapter 273, SubChapter I, PT 273, SubPT A 273.5
30 TAC Chapter 335, SubChapter H 335.261(a)

Description: Failed to maintain a Universal Waste Generator Status Determination and Disposal Plan, label universal waste containers, designate a universal waste storage area, documentation of training for employees handling universal waste.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT B 262.20(a)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT B 262.20(a)(1)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT B 262.20(a)(2)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT B 262.20(a)(3)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT B 262.20(a)(3)(i)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT B 262.20(a)(3)(ii)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT B 262.20(b)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT B 262.20(c)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT B 262.20(d)
30 TAC Chapter 335, SubChapter A 335.9(a)(1)(A)
30 TAC Chapter 335, SubChapter A 335.9(a)(1)(B)
30 TAC Chapter 335, SubChapter A 335.9(a)(1)(C)
30 TAC Chapter 335, SubChapter A 335.9(a)(1)(D)
30 TAC Chapter 335, SubChapter A 335.9(a)(1)(E)
30 TAC Chapter 335, SubChapter A 335.9(a)(1)(F)
30 TAC Chapter 335, SubChapter A 335.9(a)(1)(G)

Description: Failed to maintain hazardous, non-hazardous, and universal waste manifests.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 279, SubChapter I, PT 279, SubPT C 279.22(b)(2)
40 CFR Chapter 279, SubChapter I, PT 279, SubPT C 279.22(c)

Description: Failed to prevent leaks from used oil containers and secondary containment. Additionally, containers storing used oil were not labeled with the words "Used Oil."

Viol. Classification: Moderate

Citation: 40 CFR Chapter 279, SubChapter I, PT 279, SubPT C 279.22(a)
40 CFR Chapter 279, SubChapter I, PT 279, SubPT C 279.22(b)
40 CFR Chapter 279, SubChapter I, PT 279, SubPT C 279.22(b)(1)
40 CFR Chapter 279, SubChapter I, PT 279, SubPT C 279.22(c)(1)
40 CFR Chapter 279, SubChapter I, PT 279, SubPT C 279.22(d)
30 TAC Chapter 324, SubChapter A 324.15
30 TAC Chapter 324, SubChapter A 324.3(1)
30 TAC Chapter 324, SubChapter A 324.3(2)
30 TAC Chapter 324, SubChapter A 324.6

Description: Failed to maintain used oil waste shipment documentation to determine if used oil is transported by transporters who have obtained an EPA Identification Number.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter Q 335.473(1)
30 TAC Chapter 335, SubChapter Q 335.473(2)
30 TAC Chapter 335, SubChapter Q 335.473(3)

Description: Failed to develop and maintain a Pollution Prevention Plan.

Viol. Classification: Minor

Citation: 40 CFR Chapter 261, SubChapter I, PT 261, SubPT A 261.5(f)(2)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(d)
30 TAC Chapter 335, SubChapter C 335.69(a)(3)
30 TAC Chapter 335, SubChapter C 335.69(a)(4)
30 TAC Chapter 335, SubChapter C 335.78(f)(2)

Description: Several used 55-gallon metal and plastic drums were stored at the maintenance shop and within the yard

during the site visit. Some drums were not labeled with their contents. It is unclear if contents were waste or new raw material. During an interview with site personnel, it was discovered that the used drums were not washed prior to disposal or if vendors pickup, wash, and dispose of used drums.

Viol. Classification: Minor

Citation: 30 TAC Chapter 295, SubChapter E 295.182(b)
30 TAC Chapter 295, SubChapter A 295.4

Description: No Tier II reports and supporting documentation were maintained. The facility handles concrete and sand which require Tier II reporting.

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
TURNER CONCRETE PRODUCTS
HOLDINGS, LP
RN100789221

§
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§
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§
§

BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2020-0883-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 Turner Concrete Products Holdings, LP (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 concrete batch plant located at 11049 South United States Highway 287 near Rhome, Wise 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. 361 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 \$17,855 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$14,284 of the penalty and \$3,571 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order. The deferred amount shall be waived only upon full compliance with all the terms and conditions contained in this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms or requirements contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.
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. Began conducting the quarterly visible emissions observations of the fugitive emissions leaving the property on May 21, 2020;
 - b. Began maintaining the records for road cleaning, application of road dust control, or road maintenance for dust control and beginning to retain the records for at least two years by June 9, 2020; and
 - c. Obtained Standard Permit Registration No. 166318 that authorized the operation of the cement silo and central mixer and the associated emissions and increased the operating schedule to 10 hours per day, six days per week, 52 weeks per year, and 3,120 hours per year on February 2, 2022.

II. ALLEGATIONS

1. During an investigation conducted on January 24, 2020, an investigator documented that the Respondent:
 - a. Failed to perform quarterly visible emissions observations of the fugitive emissions leaving the property, in violation of 30 TEX. ADMIN. CODE § 116.115(c), New Source Review ("NSR") Permit No. 43750, Special Conditions ("SC") No. 3, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent did not conduct the quarterly visible emissions observations of the fugitive emissions leaving the property during the first quarter of 2019 through the fourth quarter of 2019.
 - b. Failed to maintain the records for road cleaning, application of road dust control, or road maintenance for dust control, in violation of 30 TEX. ADMIN. CODE § 116.115(b)(2)(E)(i) and (c), NSR Permit No. 43750, SC No. 17.D, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent provided the records for the application of road dust control for the months of July 2019 through January 2020, but did not provide records for the months of January 2019 through June 2019.

- c. Failed to comply with the concrete production limit for Concrete Batch Plant 2 ("CBP 2"), in violation of 30 TEX. ADMIN. CODE § 116.115(c), NSR Permit No. 43750, SC No. 6, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent exceeded the concrete production limit of 10 cubic yards per hour ("yd³/hr") on 132 operating days from August 1, 2019 through February 11, 2020 for CBP 2.
 - d. Failed to comply with the maximum operating schedule, in violation of 30 TEX. ADMIN. CODE § 116.115(c), NSR Permit No. 43750, SC No. 7, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent exceeded the maximum operating schedule of five days per week on August 10, 2019, August 24, 2019, September 14, 2019, September 28, 2019, October 12, 2019, October 26, 2019, November 16, 2019, December 7, 2019, January 11, 2020, January 18, 2020, January 25, 2020, and February 1, 2020 for CBP 2.
2. During an investigation conducted on January 24, 2020 and a record review conducted on June 22, 2020, investigators documented that the Respondent failed to obtain a permit amendment prior to constructing or modifying a source of air contaminants, in violation of 30 TEX. ADMIN. CODE §§ 116.110(a) and 116.116(b)(1) and TEX. HEALTH & SAFETY CODE §§ 382.0518(a) and 382.085(b). Specifically, the Respondent constructed and operated a cement silo and central mixer prior to obtaining the proper authorization.

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: Turner Concrete Products Holdings, LP, Docket No. 2020-0883-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 undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Order, implement measures and/or procedures designed to comply with the concrete production limit of 10 yd³/hr for CBP 2.

- b. Within 45 days after the effective date of this Order, submit written certification, and include detailed supporting documentation and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.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:

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

with a copy to:

Air Section Manager
Dallas/Fort Worth Regional Office
Texas Commission on Environmental Quality
2309 Gravel Drive
Fort Worth, Texas 76118-6951

3. All relief not expressly granted in this Order is denied.
4. 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.
5. 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.
6. 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 Order Compliance Team at the address listed above.

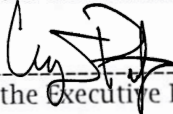
7. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. 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.
9. 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



11/7/2022

For the Executive Director

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.



10-18-22

Date

Signature

Name (Printed or typed)
Authorized Representative of
Turner Concrete Products Holdings, LP

Partner

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.