

**Executive Summary – Enforcement Matter – Case No. 61332
Holcim (US) Inc.
RN100219286
Docket No. 2021-1222-AIR-E**

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Holcim Texas, 1800 Dove Lane, Midlothian, Ellis County

Type of Operation:

Cement manufacturing plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: March 11, 2022

Comments Received: No

Penalty Information

Total Penalty Assessed: \$18,000

Amount Deferred for Expedited Settlement: \$3,600

Total Paid to General Revenue: \$14,400

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: August 25, 2021

Date(s) of NOE(s): August 31, 2021

Executive Summary – Enforcement Matter – Case No. 61332
Holcim (US) Inc.
RN100219286
Docket No. 2021-1222-AIR-E

Violation Information

Failed to comply with the total hydrocarbons ("THC") emissions limit or alternative organic hazardous air pollutants ("oHAP") emissions limit. Specifically, during a 2018 stack test, the Respondent measured the oHAP and monitored the THC with a certified continuous emissions monitoring system for Kiln Line 2 and established the alternative THC emissions limit of 28.89 parts per million by volume dry ("ppmvd") corrected to seven percent oxygen ("7% O₂") based on a 30 operating day rolling average, but the Respondent exceeded the established alternative THC emissions limit of 28.89 ppmvd corrected to 7% O₂ based on a 30 operating day rolling average by a range of 0.05 ppmvd to 1.60 ppmvd on 20 days for the 30 operating day rolling averages ending on August 27, 2019, on August 28, 2019, from September 2, 2019 through September 18, 2019, and on October 5, 2019 [30 TEX. ADMIN. CODE §§ 101.20(2) and (3), 113.690, 116.115(c), and 122.143(4), 40 CODE OF FEDERAL REGULATIONS § 63.1343(b), New Source Review Permit Nos. 8996 and PSDTX454M4, Special Conditions No. 4, Federal Operating Permit No. O1046, General Terms and Conditions and Special Terms and Conditions Nos. 1.E and 11, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

- a. On February 24, 2020, obtained Standard Permit Registration No. 159688 that authorized the installation of an additional burner to increase the inlet temperature;
- b. By September 17, 2020, installed the burner; and
- c. On September 18, 2020, demonstrated compliance with the alternative oHAP emissions limit for Kiln Line 2.

Technical Requirements:

N/A

**Executive Summary – Enforcement Matter – Case No. 61332
Holcim (US) Inc.
RN100219286
Docket No. 2021-1222-AIR-E**

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Katelyn Dacy, Enforcement Division,
Enforcement Team 4, MC 219, (512) 239-4593; Michael Parrish, Enforcement Division,
MC 219, (512) 239-2548

Respondent: Michel Moser, Plant Manager, Holcim (US) Inc., 1800 Dove Lane,
Midlothian, Texas, 76065

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	7-Sep-2021	Screening	15-Sep-2021	EPA Due	26-Feb-2022
	PCW	30-Dec-2021				

RESPONDENT/FACILITY INFORMATION	
Respondent	Holcim (US) Inc.
Reg. Ent. Ref. No.	RN100219286
Facility/Site Region	4-Dallas/Fort Worth
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	61332	No. of Violations	1
Docket No.	2021-1222-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Kate Dacy
		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	\$15,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	45.0% Adjustment	Subtotals 2, 3, & 7	\$6,750
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Notes: Enhancement for one NOV with same or similar violations, two NOVs with dissimilar violations, and two orders containing a denial of liability. Reduction for two notices of intent to conduct an audit and one disclosure of violations.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$3,750
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$844
 Estimated Cost of Compliance: \$12,400
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$18,000
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: [Empty box]

Final Penalty Amount	\$18,000
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$18,000
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DEFERRAL	20.0%	Reduction	Adjustment	-\$3,600
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY	\$14,400
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Screening Date 15-Sep-2021

Docket No. 2021-1222-AIR-E

PCW

Respondent Holcim (US) Inc.

Policy Revision 5 (January 28, 2021)

Case ID No. 61332

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN100219286

Media Air

Enf. Coordinator Kate Dacy

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	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	2	40%
	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>)	2	-2%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	1	-2%
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) 45%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for one NOV with same or similar violations, two NOVs with dissimilar violations, and two orders containing a denial of liability. Reduction for two notices of intent to conduct an audit and one disclosure of violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 45%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 45%

Screening Date 15-Sep-2021 **Docket No.** 2021-1222-AIR-E **PCW**
Respondent Holcim (US) Inc. *Policy Revision 5 (January 28, 2021)*
Case ID No. 61332 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN100219286
Media Air
Enf. Coordinator Kate Dacy

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(2) and (3), 113.690, 116.115(c), and 122.143(4), 40 Code of Federal Regulations § 63.1343(b), New Source Review Permit Nos. 8996 and PSDTX454M4, Special Conditions No. 4, Federal Operating Permit No. O1046, General Terms and Conditions and Special Terms and Conditions Nos. 1.E. and 11, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to comply with the total hydrocarbons ("THC") emissions limit or alternative organic hazardous air pollutants ("oHAP") emissions limit. Specifically, during a 2018 stack test, the Respondent measured the oHAP and monitored the THC with a certified continuous emissions monitoring system for Kiln Line 2 and established the alternative THC emissions limit of 28.89 parts per million by volume dry ("ppmvd") corrected to seven percent oxygen ("7% O2") based on a 30 operating day rolling average, but the Respondent exceeded the established alternative THC emissions limit of 28.89 ppmvd corrected to 7% O2 based on a 30 operating day rolling average by a range of 0.05 ppmvd to 1.60 ppmvd on 20 days for the 30 operating day rolling averages ending on August 27, 2019, on August 28, 2019, from September 2, 2019 through September 18, 2019, and on October 5, 2019.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual			x	30.0%
	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 environmental receptors as a result of this violation.

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 2 20 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$15,000

Two monthly events are recommended for the instances of non-compliance that occurred from August 27, 2019 to September 18, 2019 and on October 5, 2019.

Good Faith Efforts to Comply

25.0%

Reduction \$3,750

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

Notes The Respondent completed the corrective actions by September 18, 2020, prior to the Notice of Enforcement dated August 31, 2021.

Violation Subtotal \$11,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$844

Violation Final Penalty Total \$18,000

This violation Final Assessed Penalty (adjusted for limits) \$18,000

Economic Benefit Worksheet

Respondent Holcim (US) Inc.
Case ID No. 61332
Reg. Ent. Reference No. RN100219286
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)	\$10,000	27-Aug-2019	17-Sep-2020	1.06	\$35	\$707	\$742
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	27-Aug-2019	24-Feb-2020	0.50	\$22	n/a	\$22
Other (as needed)	\$1,500	27-Aug-2019	18-Sep-2020	1.06	\$80	n/a	\$80

Notes for DELAYED costs

Estimated costs to obtain Standard Permit Registration No. 159688 that authorized the installation of an additional burner to increase the inlet temperature (\$900), to install the burner (\$10,000), and to demonstrate compliance with the alternative oHAP emissions limit for Kiln Line 2 (\$1,500). The Dates Required are the initial date of non-compliance and the Final Dates are the dates 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

\$12,400

TOTAL

\$844

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 CN601505985, RN100219286, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

Customer, Respondent, or Owner/Operator: CN601505985, Holcim (US) Inc. **Classification:** SATISFACTORY **Rating:** 4.66
Regulated Entity: RN100219286, HOLCIM TEXAS **Classification:** SATISFACTORY **Rating:** 4.66
Complexity Points: 27 **Repeat Violator:** NO
CH Group: 10 - Cement and Concrete Product Manufacturing
Location: 1800 DOVE LANE IN MIDLOTHIAN, ELLIS COUNTY, TEXAS
TCEQ Region: REGION 04 - DFW METROPLEX

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER ED0099J
AIR NEW SOURCE PERMITS PERMIT 8996
AIR NEW SOURCE PERMITS REGISTRATION 39680
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX454
AIR NEW SOURCE PERMITS REGISTRATION 70582
AIR NEW SOURCE PERMITS REGISTRATION 76527
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX454M3
AIR NEW SOURCE PERMITS REGISTRATION 80423
AIR NEW SOURCE PERMITS REGISTRATION 96989
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX454M4
AIR NEW SOURCE PERMITS REGISTRATION 166193
AIR NEW SOURCE PERMITS REGISTRATION 151431
AIR NEW SOURCE PERMITS REGISTRATION 155338
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX454M5
USED OIL REGISTRATION A85867
PETROLEUM STORAGE TANK REGISTRATION REGISTRATION 48390
STORMWATER EPA ID TX0090425
POLLUTION PREVENTION PLANNING ID NUMBER P06708
INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 32439
TAX RELIEF ID NUMBER 23688
TAX RELIEF ID NUMBER 23690
TAX RELIEF ID NUMBER 20396
TAX RELIEF ID NUMBER 20394

AIR OPERATING PERMITS PERMIT 1046
AIR NEW SOURCE PERMITS REGISTRATION 38923
AIR NEW SOURCE PERMITS ACCOUNT NUMBER ED0099J
AIR NEW SOURCE PERMITS AFS NUM 4813900022
AIR NEW SOURCE PERMITS REGISTRATION 74694
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX454M2
AIR NEW SOURCE PERMITS REGISTRATION 77035
AIR NEW SOURCE PERMITS REGISTRATION 94642
AIR NEW SOURCE PERMITS REGISTRATION 98215
AIR NEW SOURCE PERMITS REGISTRATION 154829
AIR NEW SOURCE PERMITS REGISTRATION 164238
AIR NEW SOURCE PERMITS REGISTRATION 149126
AIR NEW SOURCE PERMITS REGISTRATION 159688
TIRES REGISTRATION 76900
USED OIL EPA ID TXD130369481
STORMWATER PERMIT WQ0002580000

AIR EMISSIONS INVENTORY ACCOUNT NUMBER ED0099J
INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD130369481
TAX RELIEF ID NUMBER 23687
TAX RELIEF ID NUMBER 23691
TAX RELIEF ID NUMBER 23689
TAX RELIEF ID NUMBER 20598

Compliance History Period: September 01, 2016 to August 31, 2021 **Rating Year:** 2021 **Rating Date:** 09/01/2021

Date Compliance History Report Prepared: December 30, 2021

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: December 30, 2016 to December 30, 2021

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

Name: Kate Dacy

Phone: (512) 239-4593

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:

- 1 Effective Date: 01/15/2019 ADMINORDER 2018-0454-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT LLL 63.1343(b)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Special Condition 4 PERMIT
Description: Failure to comply with the 30-day rolling average 55 lb mercury (Hg)/million tons of clinker emissions limit for Kiln 2
Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT LLL 63.1350(f)(3)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Special Condition 9 OP
Description: Failure to initiate corrective actions within one hour of when visible emissions are observed during daily visible emissions evaluations for the finish mills
Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Special Condition 34 PERMIT
Description: Failure to report mercury (Hg) exceedances for Kiln 2 in quarterly excess emissions reports
Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
Description: Failure to report all instances of deviations of the Title V permit in the deviation report covering the January 1, 2016 through June 30, 2016 period that was submitted on July 29, 2016
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 101, SubChapter A 101.20(3)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT LLL 63.1346(a)
5C THSC Chapter 382 382.085(b)
Description: Failure to operate Kiln 2 such that the baghouse inlet temperature does not exceed the established limit in bypass mode
- 2 Effective Date: 11/17/2020 ADMINORDER 2020-0613-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Special Condition 1 PERMIT
Description: Failure to prevent unauthorized emissions to the atmosphere during an emissions event that was discovered on November 21, 2019.
Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(G)
30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: FOP No. O1046, GTC and STC No. 2.F OP
Description: Failure to submit an accurate final record associated with an emissions event, TCEQ/STEERS Incident No. 325391. Specifically, Holcim failed to report the total quantities of all individual compounds or mixtures of air contaminants listed in the definition of RQ in 30 TAC 101.1 from all emission points involved in the emissions event.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1	January 04, 2017	(1398387)
Item 2	February 08, 2017	(1405289)
Item 3	March 13, 2017	(1412363)
Item 4	March 31, 2017	(1394125)
Item 5	April 04, 2017	(1418868)
Item 6	May 03, 2017	(1401866)
Item 7	May 08, 2017	(1426524)
Item 8	June 01, 2017	(1432524)
Item 9	June 11, 2017	(1350258)
Item 10	July 18, 2017	(1441080)
Item 11	August 04, 2017	(1430552)
Item 12	August 18, 2017	(1444758)
Item 13	September 18, 2017	(1451348)
Item 14	October 10, 2017	(1457224)
Item 15	November 14, 2017	(1462672)
Item 16	December 05, 2017	(1469073)
Item 17	January 08, 2018	(1475778)
Item 18	February 01, 2018	(1487953)
Item 19	February 20, 2018	(1465099)
Item 20	March 22, 2018	(1471219)
Item 21	April 12, 2018	(1494889)
Item 22	May 16, 2018	(1501842)
Item 23	May 29, 2018	(1481927)
Item 24	May 30, 2018	(1483089)
Item 25	May 31, 2018	(1483314)
Item 26	June 19, 2018	(1508951)
Item 27	July 11, 2018	(1515268)
Item 28	August 07, 2018	(1500214)
Item 29	August 08, 2018	(1504631)
Item 30	August 09, 2018	(1504632)
Item 31	August 17, 2018	(1521318)
Item 32	September 19, 2018	(1528500)
Item 33	October 19, 2018	(1534837)
Item 34	December 04, 2018	(1546433)
Item 35	January 11, 2019	(1563383)
Item 36	February 05, 2019	(1543225)
Item 37	February 13, 2019	(1563381)
Item 38	March 14, 2019	(1563382)
Item 39	May 07, 2019	(1552503)
Item 40	May 20, 2019	(1569348)
Item 41	June 18, 2019	(1585715)
Item 42	August 01, 2019	(1600706)
Item 43	August 20, 2019	(1575668)
Item 44	September 04, 2019	(1579569)
Item 45	September 09, 2019	(1607621)
Item 46	October 15, 2019	(1614491)
Item 47	October 17, 2019	(1591492)
Item 48	November 11, 2019	(1620280)
Item 49	December 09, 2019	(1627629)
Item 50	January 02, 2020	(1635260)
Item 51	February 10, 2020	(1641875)
Item 52	April 20, 2020	(1654741)
Item 53	May 20, 2020	(1661307)
Item 54	June 28, 2020	(1667834)
Item 55	July 20, 2020	(1674782)
Item 56	August 07, 2020	(1681552)
Item 57	September 09, 2020	(1663983)
Item 58	September 10, 2020	(1688130)

F. Environmental audits:

Notice of Intent Date: 11/14/2017 (1454020)

Disclosure Date: 08/17/2018

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT 000 60.670(d)(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT 000 60.676(a)(3)(i)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT 000 60.676(a)(3)(ii)

Description: Failed to maintain records to demonstrate that notification was submitted to the Administrator that the width of the replacement conveyor belt is equal or smaller than the belt being replaced , in order to demonstrate exemption from the provisions of 40 CFR §§ 60.672, 60.674, and 60.675.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Y 60.254(c)

Description: Failed to maintain records to demonstrate compliance with 40 CFR § 60.254(c): preparation of and operation in accordance with a fugitive coal dust emission control plan; submittal of the fugitive coal dust emissions control plan; and monthly certification that the fugitive coal dust emissions control plan was implemented as described.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter K 106.264

Description: Failed to maintain documentation to demonstrate that notification was made of a replacement in 2014 of one open hopper with an enclosed walking floor feeding system (there was no change to the bucket elevator that feeds to the kin; therefore, no increase or change in emissions).

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT LLL 63.1354(b)

Description: Failed to maintain documentation to demonstrate that Hg RATA report was submitted to the EPA in 2017.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 279, SubChapter I, PT 279, SubPT E 279.65(a)(3)
40 CFR Chapter 279, SubChapter I, PT 279, SubPT E 279.65(a)(4)
30 TAC Chapter 324, SubChapter A 324.13

Description: Failed to ensure that the EPA ID number is included in each used oil burner bill of lading.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter A 335.6

Description: Failed to ensure that all wastes and/or waste management units have been correctly identified in the Notice of Registration.

Notice of Intent Date: 05/11/2020 (1651979)

No DOV Associated

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
HOLCIM (US) INC.
RN100219286**

**§
§
§
§
§**

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2021-1222-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 Holcim (US) 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 cement manufacturing plant located at 1800 Dove Lane in Midlothian, Ellis 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 \$18,000 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$14,400 of the penalty and \$3,600 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. On February 24, 2020, obtained Standard Permit Registration No. 159688 that authorized the installation of an additional burner to increase the inlet temperature;
 - b. By September 17, 2020, installed the burner; and
 - c. On September 18, 2020, demonstrated compliance with the alternative organic hazardous air pollutants ("oHAP") emissions limit for Kiln Line 2.

II. ALLEGATIONS

During a record review conducted on August 25, 2021, an investigator documented that the Respondent failed to comply with the total hydrocarbons ("THC") emissions limit or alternative oHAP emissions limit, in violation of 30 TEX. ADMIN. CODE §§ 101.20(2) and (3), 113.690, 116.115(c), and 122.143(4), 40 CODE OF FEDERAL REGULATIONS § 63.1343(b), New Source Review Permit Nos. 8996 and PSDTX454M4, Special Conditions No. 4, Federal Operating Permit No. O1046, General Terms and Conditions and Special Terms and Conditions Nos. 1.E and 11, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, during a 2018 stack test, the Respondent measured the oHAP and monitored the THC with a certified continuous emissions monitoring system for Kiln Line 2 and established the alternative THC emissions limit of 28.89 parts per million by volume dry ("ppmvd") corrected to seven percent oxygen ("7% O₂") based on a 30 operating day rolling average, but the Respondent exceeded the established alternative THC emissions limit of 28.89 ppmvd corrected to 7% O₂ based on a 30 operating day rolling average by a range of 0.05 ppmvd to 1.60 ppmvd on 20 days for the 30 operating day rolling averages ending on August 27, 2019, on August 28, 2019, from September 2, 2019 through September 18, 2019, and on October 5, 2019.

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: Holcim (US) Inc., Docket No. 2021-1222-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. All relief not expressly granted in this Order is denied.
3. 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.
4. 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.
5. 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.
6. 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.

7. 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



For the Executive Director

Date

6/27/2022

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 Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

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

Signature

Name (Printed or typed)
Authorized Representative of
Holcim (US) Inc.

Date

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.