

Executive Summary – Enforcement Matter – Case No. 61592
Texas Concrete Partners, L.P.
RN102597135
Docket No. 2021-1516-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Texas Concrete Victoria TX, 4702 North Vine Street, Victoria, Victoria County

Type of Operation:

Specialty 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: February 23, 2024

Comments Received: No

Penalty Information

Total Penalty Assessed: \$13,875

Amount Deferred for Expedited Settlement: \$2,775

Total Paid to General Revenue: \$11,100

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications:

Person/CN – Satisfactory - 2023; High - 2022

Site/RN - High

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): March 6, 2020, December 17, 2020, December 19, 2020, and May 4, 2021

Complaint Information: Alleged road dust emanated from the site daily and deposits on the complainant's property.

Date(s) of Investigation: May 7, 2021 and February 27, 2023

Date(s) of NOE(s): November 2, 2021 and April 28, 2023

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RN102597135
Docket No. 2021-1516-AIR-E

Violation Information

1. Failed to prevent nuisance dust conditions. Specifically, on May 7, 2021, TCEQ staff observed a dust plume emanating from a truck as it departed the non-paved access area of the Plant, observed heavy accumulation of particulate matter that appeared similar in color to the Plant's access road base material and stockpiles at the intersection of the Plant's non-paved access area and Wagner Way, observed particulate matter on the complainant's windows and patio door and on the property vegetation, and took tape-lift samples from these areas. Laboratory analysis of the tape-lift samples that were collected from the off-site property indicated that cement and fly ash particles had diameters and x-ray spectra consistent with the reference samples taken from the Plant's concrete batch mixer, resulting in the confirmation of nuisance dust conditions [30 TEX. ADMIN. CODE § 101.4 and TEX. HEALTH & SAFETY CODE § 382.085(a) and (b)].

2. Failed to control emissions from in-plant roads and traffic areas at all times by watering them, treating them with dust-suppressant chemicals, covering them with a material, or paving them with a cohesive hard surface that is maintained intact and cleaned. Specifically, on May 7, 2021, TCEQ staff observed a dust plume leaving the Plant's in-plant road as a truck departed the Plant and crossed North Vine Street in Victoria, Texas and observed heavy accumulation of particulate matter on the in-plant roads [30 TEX. ADMIN. CODE §§ 106.144(2), 116.115(b), and 116.615(2), Permits by Rule Registration No. 74730, Standard Permit Registration No. 108757, Air Quality Standard Permit for Concrete Batch Plants, General Requirements No. (E), and TEX. HEALTH & SAFETY CODE § 382.085(b)].

3. Failed to prevent nuisance dust conditions. Specifically, on February 27, 2023, TCEQ staff observed deposits of concrete dust from the Plant on the complainant's property, resulting in the confirmation of nuisance dust conditions [30 TEX. ADMIN. CODE § 101.4 and TEX. HEALTH & SAFETY CODE § 382.085(a) and (b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondent to:

a. Within 30 days:

i. Implement procedures designed to minimize dust emissions from leaving the Plant and causing nuisance dust conditions that impact off-site receptors; and

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RN102597135
Docket No. 2021-1516-AIR-E

ii. Control the emissions from the in-plant roads and traffic areas at all times by watering them; treating them with dust-suppressant chemicals as described in the application of aqueous detergents, surfactants, and other cleaning solutions in the de minimis list; covering them with a material such as, but not limited to, roofing shingles or tire chips and used in combination with watering them or treating them with dust-suppressant chemicals; or paving them with a cohesive hard surface that is maintained intact and cleaned, in accordance with the Air Quality Standard Permit for Concrete Batch Plants.

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

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Yuliya Dunaway, Enforcement Division, Enforcement Team 2, MC R-13, (210) 403-4077; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Kody Kolar, Plant Manager, Texas Concrete Partners, L.P., P.O. Box 1070, Victoria, Texas 77902

James A. Cannon, IV, General Manager, Texas Concrete Partners, L.P., P.O. Box 1070, Victoria, Texas 77902

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	8-Nov-2021			
	PCW	15-Jan-2024	Screening	18-Nov-2021	EPA Due

RESPONDENT/FACILITY INFORMATION

Respondent	Texas Concrete Partners, L.P.				
Reg. Ent. Ref. No.	RN102597135 (PCW No. 1 of 2)				
Facility/Site Region	14-Corpus Christi	Major/Minor Source	Minor		

CASE INFORMATION

Enf./Case ID No.	61592	No. of Violations	2
Docket No.	2021-1516-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Yuliya Dunaway
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$11,250
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	-10.0%	Adjustment	Subtotals 2, 3, & 7	-\$1,125
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Notes	Reduction for 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	\$0
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$3,324
Estimated Cost of Compliance	\$20,000

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$10,125
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes		
	Final Penalty Amount	\$10,125

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$10,125
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DEFERRAL	20.0%	Reduction	Adjustment	-\$2,025
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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	\$8,100
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Screening Date18-Nov-2021

RespondentTexas Concrete Partners, L.P.

Case ID No.61592

Reg. Ent. Reference No.RN102597135 (PCW No. 1 of 2)

MediaAir

Enf. CoordinatorYuliya Dunaway

Docket No.2021-1516-AIR-E

PCW

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2)0%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3)0%

>> Compliance History Person Classification (Subtotal 7)

High Performer

Adjustment Percentage (Subtotal 7)-10%

>> Compliance History Summary

Compliance History Notes

Reduction for High Performer classification.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)-10%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100%-10%

Screening Date

18-Nov-2021

Docket No.

2021-1516-AIR-E

PCW

Respondent

Texas Concrete Partners, L.P.

Policy Revision 5 (January 28, 2021)

Case ID No.

61592

PCW Revision February 11, 2021

Reg. Ent. Reference No.

RN102597135 (PCW No. 1 of 2)

Media

Air

Enf. Coordinator

Yuliya Dunaway

Violation Number

1

Rule Cite(s)

30 Tex. Admin. Code § 101.4 and Tex. Health & Safety Code § 382.085(a) and (b)

Violation Description

Failed to prevent nuisance dust conditions. Specifically, on May 7, 2021, TCEQ staff observed a dust plume emanating from a truck as it departed the non-paved access area of the Plant, observed heavy accumulation of particulate matter that appeared similar in color to the Plant's access road base material and stockpiles at the intersection of the Plant's non-paved access area and Wagner Way, observed pariculate matter on the complainant's windows and patio door and on the property vegetation, and took tape-lift samples from these areas. Laboratory analysis of the tape-lift samples that were collected from the off-site property indicated that cement and fly ash particles had diameters and x-ray spectra consistent with the reference samples taken from the Plant's concrete batch mixer, resulting in the confirmation of nuisance dust conditions.

Base Penalty

\$25,000

>> Environmental, Property and Human Health Matrix

OR

Release

Major

Moderate

Minor

Actual

x

Potential

Percent

15.0%

>>Programmatic Matrix

Falsification

Major

Moderate

Minor

Percent

0.0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants as a result of the violation.

Adjustment

\$21,250

\$3,750

Violation Events

Number of Violation Events

1

1

Number of violation days

daily

weekly

monthly

quarterly

semiannual

annual

single event

x

Violation Base Penalty

\$3,750

One single event is recommended for the day of the documented nuisance dust conditions.

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

\$1,662

Violation Final Penalty Total

\$3,375

This violation Final Assessed Penalty (adjusted for limits)

\$3,375

Economic Benefit Worksheet

Respondent Texas Concrete Partners, L.P.
Case ID No. 61592
Reg. Ent. Reference No. RN102597135 (PCW No. 1 of 2)
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				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	7-May-2021	1-Sep-2024	3.32	\$1,662	n/a	\$1,662
Notes for DELAYED costs	Estimated cost to implement procedures designed to minimize dust emissions at the Plant from leaving the Plant and causing nuisance dust conditions that impact off-site receptors. The Date Required is the date nuisance dust conditions were documented and the Final Date is the estimated date of compliance.						

Avoided Costs

ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs							

Approx. Cost of Compliance	\$10,000	TOTAL	\$1,662
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Screening Date	18-Nov-2021	Docket No.	2021-1516-AIR-E	PCW	
Respondent	Texas Concrete Partners, L.P.			Policy Revision 5 (January 28, 2021)	
Case ID No.	61592	PCW Revision February 11, 2021			
Reg. Ent. Reference No.	RN102597135 (PCW No. 1 of 2)				
Media	Air				
Enf. Coordinator	Yuliya Dunaway				
Violation Number	2				
Rule Cite(s)	30 Tex. Admin. Code §§ 106.144(2), 116.115(b), and 116.615(2), Permits by Rule Registration No. 74730, Standard Permit Registration No. 108757, Air Quality Standard Permit for Concrete Batch Plants, General Requirements No. (E), and Tex. Health & Safety Code § 382.085(b)				
Violation Description	Failed to control emissions from in-plant roads and traffic areas at all times by watering them, treating them with dust-suppressant chemicals, covering them with a material, or paving them with a cohesive hard surface that is maintained intact and cleaned. Specifically, on May 7, 2021, TCEQ staff observed a dust plume leaving the Plant's in-plant road as a truck departed the Plant and crossed North Vine Street in Victoria, Texas and observed heavy accumulation of particulate matter on the in-plant roads.				
Base Penalty				\$25,000	
>> Environmental, Property and Human Health Matrix					
OR	Release	Harm			
		Major	Moderate	Minor	
	Actual			x	
	Potential				Percent 15.0%
>> Programmatic Matrix					
	Falsification	Major	Moderate	Minor	
					Percent 0.0%
Matrix Notes	Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.				
Adjustment				\$21,250	
					\$3,750
Violation Events					
Number of Violation Events		2	1	Number of violation days	
	daily				
	weekly				
	monthly				
	quarterly				
	semiannual				
	annual				
	single event		x	Violation Base Penalty \$7,500	
Two single events are recommended for each instance of non-compliance that was observed.					
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	\$1,662	Violation Final Penalty Total		\$6,750	
This violation Final Assessed Penalty (adjusted for limits)				\$6,750	

Economic Benefit Worksheet

Respondent Texas Concrete Partners, L.P.
Case ID No. 61592
Reg. Ent. Reference No. RN102597135 (PCW No. 1 of 2)
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				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	7-May-2021	1-Sep-2024	3.32	\$1,662	n/a	\$1,662
Notes for DELAYED costs	Estimated cost to control the emissions from the in-plant roads and traffic areas at all times by watering them; treating them with dust-suppressant chemicals as described in the application of aqueous detergents, surfactants, and other cleaning solutions in the de minimis list; covering them with a material such as, but not limited to, roofing shingles or tire chips and used in combination with watering them or treating them with dust-suppressant chemicals; or paving them with a cohesive hard surface that is maintained intact and cleaned. The Date Required is the date of the observation and the Final Date is the estimated date of compliance.						

Avoided Costs

ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs							

Approx. Cost of Compliance	\$10,000	TOTAL	\$1,662
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Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	13-Jun-2023			
	PCW	15-Jan-2024	Screening	21-Jun-2023	EPA Due

RESPONDENT/FACILITY INFORMATION

Respondent	Texas Concrete Partners, L.P.				
Reg. Ent. Ref. No.	RN102597135 (PCW No. 2 of 2)				
Facility/Site Region	14-Corpus Christi	Major/Minor Source	Minor		

CASE INFORMATION

Enf./Case ID No.	61592	No. of Violations	1
Docket No.	2021-1516-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Yuliya Dunaway
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$3,750
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	0.0%	Adjustment	Subtotals 2, 3, & 7	\$0
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Notes	No adjustments for compliance history.			
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Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes	The Respondent does not meet the culpability criteria.			
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Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$0	<i>*Capped at the Total EB \$ Amount</i>
Estimated Cost of Compliance	\$0	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$3,750
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount	\$3,750
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$3,750
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DEFERRAL	20.0%	Reduction	Adjustment	-\$750
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$3,000
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Screening Date21-Jun-2023

RespondentTexas Concrete Partners, L.P.

Case ID No.61592

Reg. Ent. Reference No.RN102597135 (PCW No. 2 of 2)

MediaAir

Enf. CoordinatorYuliya Dunaway

Docket No.2021-1516-AIR-E

PCW

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2)0%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3)0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7)0%

>> Compliance History Summary

Compliance History Notes

No adjustments for compliance history.

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

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100%0%

Screening Date 21-Jun-2023		Docket No. 2021-1516-AIR-E		PCW	
Respondent Texas Concrete Partners, L.P.		<i>Policy Revision 5 (January 28, 2021)</i>			
Case ID No. 61592		<i>PCW Revision February 11, 2021</i>			
Reg. Ent. Reference No. RN102597135 (PCW No. 2 of 2)					
Media Air					
Enf. Coordinator Yuliya Dunaway					
Violation Number		1			
Rule Cite(s)		30 Tex. Admin. Code § 101.4 and Tex. Health & Safety Code § 382.085(a) and (b)			
Violation Description		Failed to prevent nuisance dust conditions. Specifically, on February 27, 2023, TCEQ staff observed deposits of concrete dust from the Plant on the complainant's property, resulting in the confirmation of nuisance dust conditions.			
				Base Penalty	\$25,000
>> Environmental, Property and Human Health Matrix					
OR	Release		Harm		
	Major	Moderate	Minor		
	Actual			x	
	Potential				
				Percent	15.0%
>> Programmatic Matrix					
		Falsification	Major	Moderate	Minor
				Percent	0.0%
Matrix Notes		Human health or the environment has been exposed to insignificant amounts of pollutants as a result of the violation.			
				Adjustment	\$21,250
					\$3,750
Violation Events					
Number of Violation Events		1	1	Number of violation days	
		daily			
		weekly			
		monthly			
		quarterly			
		semiannual			
		annual			
		single event	x		
				Violation Base Penalty	\$3,750
One single event is recommended for the day of the documented nuisance dust conditions.					
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		\$0		Violation Final Penalty Total	\$3,750
This violation Final Assessed Penalty (adjusted for limits)				\$3,750	

Economic Benefit Worksheet

Respondent

Case ID No.

Reg. Ent. Reference No.

Media

Violation No.

Texas Concrete Partners, L.P.
61592
RN102597135 (PCW No. 2 of 2)
Air
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				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. 1 of PCW No. 1 of 2.						

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
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Compliance History Report

Compliance History Report for CN603123399, RN102597135, Rating Year 2022 which includes Compliance History (CH) components from September 1, 2017, through August 31, 2022.

Customer, Respondent, or Owner/Operator: CN603123399, Texas Concrete Partners, L.P. **Classification:** HIGH **Rating:** 0.00

Regulated Entity: RN102597135, TEXAS CONCRETE VICTORIA TX **Classification:** HIGH **Rating:** 0.00

Complexity Points: 5 **Repeat Violator:** NO

CH Group: 10 - Cement and Concrete Product Manufacturing

Location: 4702 NORTH VINE STREET, VICTORIA, VICTORIA COUNTY, TEXAS

TCEQ Region: REGION 14 - CORPUS CHRISTI

ID Number(s):

AIR NEW SOURCE PERMITS REGISTRATION 72019 **AIR NEW SOURCE PERMITS ACCOUNT NUMBER VC0028K**

AIR NEW SOURCE PERMITS REGISTRATION 74730 **AIR NEW SOURCE PERMITS REGISTRATION 108757**

TIRES REGISTRATION 4391 **PETROLEUM STORAGE TANK REGISTRATION REGISTRATION 10131**

WASTEWATER PERMIT TXG113142

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

Date Compliance History Report Prepared: April 19, 2023

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: April 19, 2018 to April 19, 2023

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

Name: Yuliya Dunaway **Phone:** (210) 403-4077

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	June 06, 2018	(1503303)
Item 2	August 01, 2018	(1516724)
Item 3	August 17, 2018	(1522780)
Item 4	September 13, 2018	(1530000)
Item 5	October 03, 2018	(1536263)
Item 6	November 16, 2018	(1544163)
Item 7	December 12, 2018	(1547833)
Item 8	February 05, 2019	(1567825)
Item 9	March 21, 2019	(1567826)

Item 10	April 29, 2019	(1574546)
Item 11	May 28, 2019	(1588700)
Item 12	June 19, 2019	(1588701)
Item 13	July 31, 2019	(1595984)
Item 14	August 19, 2019	(1602180)
Item 15	October 07, 2019	(1609103)
Item 16	October 16, 2019	(1615959)
Item 17	November 20, 2019	(1621764)
Item 18	December 30, 2019	(1629103)
Item 19	January 15, 2020	(1636737)
Item 20	March 02, 2020	(1643335)
Item 21	March 17, 2020	(1649841)
Item 22	April 08, 2020	(1656238)
Item 23	May 19, 2020	(1662757)
Item 24	June 19, 2020	(1669321)
Item 25	July 20, 2020	(1676277)
Item 26	August 19, 2020	(1683074)
Item 27	September 28, 2020	(1689601)
Item 28	November 19, 2020	(1695961)
Item 29	January 11, 2021	(1720506)
Item 30	January 22, 2021	(1720507)
Item 31	February 23, 2021	(1733587)
Item 32	March 24, 2021	(1733588)
Item 33	May 03, 2021	(1733589)
Item 34	May 26, 2021	(1744079)
Item 35	June 09, 2021	(1744080)
Item 36	July 07, 2021	(1754386)
Item 37	August 24, 2021	(1759706)
Item 38	September 03, 2021	(1769177)
Item 39	October 14, 2021	(1780334)
Item 40	November 18, 2021	(1786457)
Item 41	December 06, 2021	(1793346)
Item 42	January 13, 2022	(1801179)
Item 43	February 16, 2022	(1809031)
Item 44	March 11, 2022	(1816163)
Item 45	June 29, 2022	(1838410)
Item 46	July 18, 2022	(1845496)
Item 47	August 25, 2022	(1852027)
Item 48	September 27, 2022	(1859438)
Item 49	October 28, 2022	(1865775)
Item 50	November 28, 2022	(1872661)
Item 51	January 02, 2023	(1878534)
Item 52	February 20, 2023	(1893172)

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

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

N/A

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:
N/A

Sites Outside of Texas:
N/A



Compliance History Report

Compliance History Report for CN603123399, RN102597135, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

Customer, Respondent, or Owner/Operator: CN603123399, Texas Concrete Partners, L.P. **Classification:** SATISFACTORY **Rating:** 0.19

Regulated Entity: RN102597135, TEXAS CONCRETE VICTORIA TX **Classification:** HIGH **Rating:** 0.00

Complexity Points: 5 **Repeat Violator:** NO

CH Group: 10 - Cement and Concrete Product Manufacturing

Location: 4702 NORTH VINE STREET, VICTORIA, VICTORIA COUNTY, TEXAS

TCEQ Region: REGION 14 - CORPUS CHRISTI

ID Number(s):

AIR NEW SOURCE PERMITS REGISTRATION 72019

AIR NEW SOURCE PERMITS ACCOUNT NUMBER VC0028K

AIR NEW SOURCE PERMITS REGISTRATION 74730

AIR NEW SOURCE PERMITS REGISTRATION 108757

TIRES REGISTRATION 4391

PETROLEUM STORAGE TANK REGISTRATION REGISTRATION 10131

WASTEWATER PERMIT TXG113142

Compliance History Period: September 01, 2018 to August 31, 2023 **Rating Year:** 2023 **Rating Date:** 09/01/2023

Date Compliance History Report Prepared: January 15, 2024

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: January 15, 2019 to January 15, 2024

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

Name: Yuliya Dunaway

Phone: (210) 403-4077

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	February 05, 2019	(1567825)
Item 2	March 21, 2019	(1567826)
Item 3	April 29, 2019	(1574546)
Item 4	May 28, 2019	(1588700)
Item 5	June 19, 2019	(1588701)
Item 6	July 31, 2019	(1595984)
Item 7	August 19, 2019	(1602180)
Item 8	October 07, 2019	(1609103)
Item 9	October 16, 2019	(1615959)
Item 10	November 20, 2019	(1621764)
Item 11	December 30, 2019	(1629103)
Item 12	January 15, 2020	(1636737)
Item 13	March 02, 2020	(1643335)

Item 14	March 17, 2020	(1649841)
Item 15	April 08, 2020	(1656238)
Item 16	May 19, 2020	(1662757)
Item 17	June 19, 2020	(1669321)
Item 18	July 20, 2020	(1676277)
Item 19	August 19, 2020	(1683074)
Item 20	September 28, 2020	(1689601)
Item 21	November 19, 2020	(1695961)
Item 22	January 11, 2021	(1720506)
Item 23	January 22, 2021	(1720507)
Item 24	February 23, 2021	(1733587)
Item 25	March 24, 2021	(1733588)
Item 26	May 03, 2021	(1733589)
Item 27	May 26, 2021	(1744079)
Item 28	June 09, 2021	(1744080)
Item 29	July 07, 2021	(1754386)
Item 30	August 24, 2021	(1759706)
Item 31	September 03, 2021	(1769177)
Item 32	October 14, 2021	(1780334)
Item 33	November 18, 2021	(1786457)
Item 34	December 06, 2021	(1793346)
Item 35	January 13, 2022	(1801179)
Item 36	February 16, 2022	(1809031)
Item 37	March 11, 2022	(1816163)
Item 38	June 29, 2022	(1838410)
Item 39	July 18, 2022	(1845496)
Item 40	August 25, 2022	(1852027)
Item 41	September 27, 2022	(1859438)
Item 42	October 28, 2022	(1865775)
Item 43	November 28, 2022	(1872661)
Item 44	January 02, 2023	(1878534)
Item 45	February 20, 2023	(1893172)
Item 46	March 06, 2023	(1901746)
Item 47	April 20, 2023	(1908525)
Item 48	May 10, 2023	(1915654)
Item 49	June 26, 2023	(1922302)
Item 50	August 02, 2023	(1929266)
Item 51	September 07, 2023	(1942384)
Item 52	October 18, 2023	(1949148)
Item 53	November 20, 2023	(1954815)

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

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

N/A

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
TEXAS CONCRETE PARTNERS, L.P.
RN102597135

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

AGREED ORDER DOCKET NO. 2021-1516-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 Texas Concrete Partners, L.P. (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 specialty concrete batch plant located at 4702 North Vine Street in Victoria, Victoria 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 \$13,875 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$11,100 of the penalty and \$2,775 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.

II. ALLEGATIONS

1. During an investigation conducted at the Plant on May 7, 2021, an investigator documented that the Respondent:
 - a. Failed to prevent nuisance dust conditions, in violation of 30 TEX. ADMIN. CODE § 101.4 and TEX. HEALTH & SAFETY CODE § 382.085(a) and (b). Specifically, on May 7, 2021, TCEQ staff observed a dust plume emanating from a truck as it departed the non-paved access area of the Plant, observed heavy accumulation of particulate matter that appeared similar in color to the Plant's access road base material and stockpiles at the intersection of the Plant's non-paved access area and Wagner Way, observed particulate matter on the complainant's windows and patio door and on the property vegetation, and took tape-lift samples from these areas. Laboratory analysis of the tape-lift samples that were collected from the off-site property indicated that cement and fly ash particles had diameters and x-ray spectra consistent with the reference samples taken from the Plant's concrete batch mixer, resulting in the confirmation of nuisance dust conditions.
 - b. Failed to control emissions from in-plant roads and traffic areas at all times by watering them, treating them with dust-suppressant chemicals, covering them with a material, or paving them with a cohesive hard surface that is maintained intact and cleaned, in violation of 30 TEX. ADMIN. CODE §§ 106.144(2), 116.115(b), and 116.615(2), Permits by Rule Registration No. 74730, Standard Permit Registration No. 108757, Air Quality Standard Permit for Concrete Batch Plants, General Requirements No. (E), and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, on May 7, 2021, TCEQ staff observed a dust plume leaving the Plant's in-plant road as a truck departed the Plant and crossed North Vine Street in Victoria, Texas and observed heavy accumulation of particulate matter on the in-plant roads.
2. During an investigation conducted at the Plant on February 27, 2023, an investigator documented that the Respondent failed to prevent nuisance dust conditions, in violation of 30 TEX. ADMIN. CODE § 101.4 and TEX. HEALTH & SAFETY CODE § 382.085(a) and (b). Specifically, on February 27, 2023, TCEQ staff observed deposits of concrete dust from the Plant on the complainant's property, resulting in the confirmation of nuisance dust conditions.

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: Texas Concrete Partners, L.P., Docket No. 2021-1516-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 at the Plant:
 - a. Within 30 days after the effective date of this Order:
 - i. Implement procedures designed to minimize dust emissions at the Plant from leaving the Plant and causing nuisance dust conditions that impact off-site receptors; and
 - ii. Control the emissions from the in-plant roads and traffic areas at all times by watering them; treating them with dust-suppressant chemicals as described in the application of aqueous detergents, surfactants, and other cleaning solutions in the de minimis list; covering them with a material such as, but not limited to, roofing shingles or tire chips and used in combination with watering them or treating them with dust-suppressant chemicals; or paving them with a cohesive hard surface that is maintained intact and cleaned, in accordance with the Air Quality Standard Permit for Concrete Batch Plants.
 - b. Within 45 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 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:

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

with a copy to:

Air Section Manager
Corpus Christi Regional Office
Texas Commission on Environmental Quality
500 North Shoreline, Suite 500
Corpus Christi, Texas 78401

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. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Enforcement Division at the address listed above.
6. 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.
7. 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.

8. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date


For the Executive Director

3/14/2024


Date

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

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

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

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


Signature

Date

01/30/2024

JAMES A. CANNON IV

GENERAL MANAGER

Name (Printed or typed)
Authorized Representative of
Texas Concrete Partners, L.P.

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.