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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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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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

Statemental of	Policy Revi	Pe ision 5 (January 28, 2		alculatio	n Workst	neet (PC		vision February 11,	2021
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>>	Compliance Hist	Compliance History Worksheet ory 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 Any agreed final enforcement orders containing a denial of liability (<i>number of</i>	0	0%	
		orders meeting criteria)	0	0%	
	Orders	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	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%	
	Decrees	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 Any criminal convictions of this state or the federal government (<i>number of</i>	0	0%	
	Convictions	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 (number of audits for which notices were submitted)	0	0%	
	Addits	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%	
		Environmental management systems in place for one year or more	No	0%	
	Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%	
	other	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%	
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monthly warterly \$3,750 semiannual annual \$3,750 one single event x x One single event is recommended for the day of the documented nuisance dust conditions. Reduction Good Faith Efforts to Comply 0.0% Reduction Before NDE/NOV NDE/NOV to EDPRP/Settlement Offer \$0 Extraordinary Ordinary \$0 N/A x \$0 Notes The Respondent does not meet the good faith criteria for this violation. \$3,750 Economic Benefit (EB) for this violation Statutory Limit Test \$3,375	Violatio		er of Violation Events	1 Number of violation days	\$3,750
quarterly wiolation Base Penalty \$3,750 semiannual annual single event x One single event is recommended for the day of the documented nuisance dust conditions. One single event is recommended for the day of the documented nuisance dust conditions. \$0 Good Faith Efforts to Comply 0.0% Reduction \$0 Before NOE/NOV to EDPRP/Settlement Offer Extraordinary \$0 Ordinary Ordinary \$0 \$0 N/A x \$0 \$0 Violation Subtotal \$3,750 \$3,750 Economic Benefit (EB) for this violation Statutory Limit Test \$3,750 Estimated EB Amount \$1,662 Violation Final Penalty Total \$3,375	Violatio			1 Number of violation days	\$3,750
semiannual annual single event	Violatio		daily weekly	1 Number of violation days	\$3,750
annual single event x One single event is recommended for the day of the documented nuisance dust conditions. Good Faith Efforts to Comply 0.0% Before NOE/NOV Reduction 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	Violatio		daily weekly monthly		
One single event is recommended for the day of the documented nuisance dust conditions. Good Faith Efforts to Comply 0.0% Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer Extraordinary 0 Ordinary 0 N/A x Violation \$3,750 Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$1,662	Violatio		daily weekly monthly quarterly		
Good Faith Efforts to Comply 0.0% Reduction \$0 Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer Extraordinary 0 Ordinary 0 0 0 0 N/A x 0 0 0 0 Violation 0 0 0 0 0 0 Notes The Respondent does not meet the good faith criteria for this violation. \$3,750 0 0 \$3,750 Economic Benefit (EB) for this violation Statutory Limit Test \$3,375 0 Estimated EB Amount \$1,662 Violation Final Penalty Total \$3,375	Violatio		daily weekly monthly quarterly semiannual		
Good Faith Efforts to Comply 0.0% Reduction \$0 Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer Extraordinary 0 Ordinary 0 0 0 0 N/A x 0 0 0 0 Violation 0 0 0 0 0 0 Notes The Respondent does not meet the good faith criteria for this violation. \$3,750 0 0 \$3,750 Economic Benefit (EB) for this violation Statutory Limit Test \$3,375 0 Estimated EB Amount \$1,662 Violation Final Penalty Total \$3,375	Violatio		daily weekly monthly quarterly semiannual annual	Violation Base Penalt	
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	Violatio		daily weekly monthly quarterly semiannual annual	Violation Base Penalt	
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	Violatio	Numb	daily weekly monthly quarterly semiannual annual single event	Violation Base Penalt	
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 Estimated EB Amount \$1,662 Violation Final Penalty Total \$3,375 Violation Final Penalty Total \$3,375		Numb	daily weekly monthly quarterly semiannual annual single event	Violation Base Penalt	y \$3,750
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		Numb	daily weekly monthly quarterly semiannual annual single event One single event is re	Violation Base Penalt x ecommended for the day of the documented nuisance dust conditions. 0.0% Reductio	y \$3,750
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		Numb	daily weekly monthly quarterly semiannual annual single event One single event is re	Image: Constraint of the day of the documented nuisance dust conditions. Image: Constraint of the document of	y \$3,750
Notes 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		Numb	daily weekly monthly quarterly semiannual annual single event One single event is re Comply	Violation Base Penalt x ecommended for the day of the documented nuisance dust conditions. 0.0% Reductio Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer	y \$3,750
Notes 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		Numb	daily weekly monthly quarterly semiannual annual single event One single event is re Comply Extraordinary Ordinary	Violation Base Penalt x ecommended for the day of the documented nuisance dust conditions. 0.0% Reductio Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer	y \$3,750
Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$1,662 Violation Final Penalty Total \$3,375		Numb	daily weekly monthly quarterly semiannual annual single event One single event is re Comply Extraordinary Ordinary N/A	Violation Base Penalt x	y \$3,750
Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$1,662 Violation Final Penalty Total \$3,375		Numb	daily weekly monthly quarterly semiannual annual single event One single event is re Comply Extraordinary Ordinary N/A	Violation Base Penalt x	y \$3,750
Estimated EB Amount \$1,662 Violation Final Penalty Total \$3,375		Numb	daily weekly monthly quarterly semiannual annual single event One single event is re Comply Extraordinary Ordinary N/A	Violation Base Penalt x	y \$3,750
	Good F	Numb	daily weekly monthly quarterly semiannual annual single event One single event is re Comply Extraordinary Ordinary N/A Notes	violation Base Penalt x ecommended for the day of the documented nuisance dust conditions. 0.0% Reductio Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer x The Respondent does not meet the good faith criteria for this violation. Violation Subtota	y \$3,750
	Good F	Numb	daily weekly monthly quarterly semiannual annual single event One single event is re Comply Extraordinary Ordinary N/A Notes	violation Base Penalt x ecommended for the day of the documented nuisance dust conditions. 0.0% Reductio Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer x The Respondent does not meet the good faith criteria for this violation. Violation Subtota	y \$3,750
inis violation Final Assessed Penalty (adjusted for limits) \$3,375	Good F	nic Benefit (EB	daily weekly monthly quarterly semiannual annual single event One single event is re Comply Extraordinary Ordinary N/A Notes 3) for this violati	Image: Statutory Limit Test	y \$3,750
	Good F	nic Benefit (EB	daily weekly monthly quarterly semiannual annual single event One single event is re Comply Extraordinary Ordinary N/A Notes 3) for this violati	Image: Statutory Limit Test	y \$3,750 1 \$3,750 1 \$3,750 1 \$3,375

Economic Benefit Worksheet							
Respondent	Texas Concret	e Partners, L.P.					
Case ID No.	61592						
Reg. Ent. Reference No.	RN102597135	(PCW No. 1 of 2))				
Media	Air					Percent Interest	Years of
Violation No.	1					Percent Interest	Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
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 Other (as needed)	\$10,000	7-May-2021	1-Sep-2024	0.00 3.32	\$0 \$1,662	n/a n/a	\$0 \$1,662
Notes for DELAYED costs	Plant and ca	using nusiance du	ist conditions that	at impa	ct off-site receptor	sions at the Plant from s. The Date Requir estimated date of c	ed is the date
Avoided Costs	ANNU	ALIZE avoided c	osts before en	tering	item (except for	one-time avoided	l 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 ¢0	\$0 \$0
Other (as needed) Notes for AVOIDED costs		JI		0.00	\$0	\$0	\$0
Approx. Cost of Compliance		\$10,000			TOTAL		\$1,662

	Sereening Date	10 Nov 2021	Dock	et No. 2021-1516-AIF		PCW
	Screening Date	Texas Concrete Partners, L.		EL NO. 2021-1516-AIF		_
	Case ID No.					evision 5 (January 28, 2021) / Revision February 11, 2021
Rea.		RN102597135 (PCW No. 1 c	of 2)		PCN	revision rebiuary 11, 2021
	Media	-	51 2)			
	Enf. Coordinator					
	Violation Number					_
	Rule Cite(s)	30 Tex. Admin. Code 8	§ 106.144(2), 11	6.115(b), and 116.615((2), Permits by Rule	
		Registration No. 74730,				
		Permit for Concrete Batch			nd Tex. Health & Safety	
			Code §	382.085(b)		
		Eailed to control omission	ac from in plant r	ade and traffic areas at	all times by watering	
		Failed to control emissior them, treating them with	•		, _	
		paying them with a cohociv		· · · ·		
	Violation Description	on May 7, 2021, TCEQ st				
		truck departed the Plant			-	
		heavy accum	ulation of particu	late matter on the in-pla	ant roads.	
					Base Penalty	\$25,000
>> Env	vironmental, Prope	rty and Human Healtl	h Matrix			
	,	Harm				
	Release		Minor			
OR	Actual		x	_		
	Potential			Percent	15.0%	
>>Pro	grammatic Matrix					
~~FIQ	Falsification	Major Moderate	Minor			
				Percent	0.0%	
	Matuix	lth or the environment has	been eveneed to i	ncignificant amounts of	nellutente thet de net	
		alth or the environment has l s that are protective of huma		-	-	
				Adjustm	ent \$21,250	
				Aujustin	επ \$21,230	
						\$3,750
Violatia	on Events					
VIOIALIO	on events					
	Number of \	/iolation Events 2		1 Number of viol	ation days	
					·	
		daily				
		weekly				
		monthly				+7 500
		quarterly			Violation Base Penalty	\$7,500
		semiannual annual	-			
		single event x				
	Two si	ngle events are recommende	ed for each instan	ce of non-compliance th	at was observed.	
Good F	aith Efforts to Com	ply 0.0%			Reduction	\$0
			NOE/NOV to EDPRE	/Settlement Offer		1 -
		Extraordinary				
		Ordinary				
		N/A x				

Notes	The Respondent does no	ot meet the good faith criteria for this violation.		
		Violation	n Subtotal	\$7,500
Economic Benefit (EB) for this violation	on	Statutory Limit Test		
Estimated EB Amount	\$1,662	Violation Final Pen	alty Total	\$6,750
	This violatio	n Final Assessed Penalty (adjusted	for limits)	\$6,750

	E	conomic	Benefit	Woi	rksheet		
Respondent Case ID No.		e Partners, L.P.					
Reg. Ent. Reference No.		(PCW No. 1 of 2))				
Media Violation No.	Air	(**************************************	,			Percent Interest	Years of Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description				-			
p							
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	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.						
	-		The Date Requ	cals; or iired is t	the date of the obs	a cohesive hard sur	ering them or face that is
Avoided Costs	maintained in	tact and cleaned.	The Date Requestimate	cals; or iired is t d date o	the date of the obsorbed of compliance.	a cohesive hard sur	ering them or face that is nal Date is the
Avoided Costs Disposal	maintained in	tact and cleaned.	The Date Requestimate	cals; or iired is t d date o	the date of the obsorbed of compliance.	a cohesive hard sur servation and the Fi	ering them or face that is nal Date is the
	maintained in	tact and cleaned.	The Date Requestimate	cals; or iired is t d date o tering	the date of the obsorbed of compliance.	a cohesive hard sur servation and the Fi one-time avoide	ering them or face that is nal Date is the d costs)
Disposal	maintained in	tact and cleaned.	The Date Requestimate	cals; or ired is t d date of tering 0.00 0.00	item (except for \$0 \$0 \$0 \$0 \$0 \$0	a cohesive hard sur servation and the Fi one-time avoided \$0 \$0 \$0	ring them or face that is nal Date is the 1 costs) \$0 \$0 \$0 \$0
Disposal Personnel	maintained in	tact and cleaned.	The Date Requestimate	tering 0.00	item (except for \$0 \$0 \$0 \$0	a cohesive hard sur servation and the Fi one-time avoided \$0 \$0 \$0 \$0 \$0 \$0	aring them or face that is nal Date is the d costs) \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling	maintained in	tact and cleaned.	The Date Requestimate	tering 0.00 0.00 0.00 0.00 0.00 0.00	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	a cohesive hard sur servation and the Fi one-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	aring them or face that is nal Date is the d costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs	maintained in	tact and cleaned.	The Date Requestimate	tering 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	a cohesive hard sur servation and the Fi one-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	aring them or face that is nal Date is the s0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance	maintained in	tact and cleaned.	The Date Requestimate	tering 0.00 0.00 0.00 0.00 0.00 0.00	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	a cohesive hard sur servation and the Fi one-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	aring them or face that is nal Date is the d costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs	maintained in	tact and cleaned.	The Date Requestimate	tering 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	a cohesive hard sur servation and the Fi one-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	aring them or face that is nal Date is the s0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

COMMISSION OF THE STREET	Policy Revi	Pe ision 5 (January 28, 2		Calculatio	n Worksł	neet (PC	,	vision February 1	11 2021
TONMENTAL			.021)						1, 2021
DATES	Assigned PCW		Screening	21-Jun-2023	EPA Due		1		
RESPO	-	TY INFORMATI Texas Concrete							
Reg		RN102597135 (I							
		14-Corpus Chris			Major/M	linor Source	Minor		
CACET	NEODMATION								
	NFORMATION f./Case ID No.	61592			No. c	of Violations	1		
		2021-1516-AIR-	E			Order Type			
Mec	lia Program(s)	Air			Government	-			
	Multi-Media				Enf.		Yuliya Dunawa Enforcement 1		
Adı	min. Penalty \$ I	Limit Minimum	\$0	Maximum	\$25,000	EC S Team	LIIIOICement		
			1 -		+/				
			Penal	ty Calcula	tion Section	on			
ΤΟΤΑ	L BASE PENA	LTY (Sum of		,			Subtotal 1	\$	53,750
		-		p	,				
ADJU	STMENTS (+	/-) TO SUBT otained by multiplying	OTAL 1	Donalty (Subtotal 1) by the indicated p	orcontago			
	Compliance Hi		g the total base	0.0%	Adjustment		tals 2, 3, & 7		\$0
	Notes		No adjustmo	ents for complia	nce history.				
							1		
	Culpability	No		0.0%	Enhancement		Subtotal 4		\$0
	Notes	The Re	snondent do	es not meet the	culpability crite	eria			
	Notes		spondent do						
				_					
	Good Faith Effe	ort to Comply T	otal Adjust	ments			Subtotal 5		\$0
	Economic Bene	efit Total EB Amounts	+0		Enhancement*	Amount	Subtotal 6		\$0
	Estimated	I Cost of Compliance		Cappe	d at the Total EB \$ /	Amount			
				_					
SUM (OF SUBTOTA	LS 1-7				F	inal Subtotal	\$	53,750
OTHE		AS JUSTICE M		TDE	0.0%		Adiustosent		\$0
		Subtotal by the indi			0.0%		Adjustment		şU
	Notes								
						Einal Per	l nalty Amount	e	53,750
						i mai Pen		4	55,750
STATI	JTORY LIMIT	ADJUSTMEN	T			Final Asse	ssed Penalty	\$	53,750
DEFE					20.0%	Reduction	Adjustment		-\$750
Reduces t	ne Final Assessed Pe	nalty by the indicate	a percentage.				1		
	Notes		Deferral offer	ed for expedite	d settlement.				
	-						J		
_		-					-		
PAYA	BLE PENALT	Y						\$	53,000

		ing Date 21-Jun-2023 Docket No. 2021-1516-AIR-E		PCV
		Spondent Texas Concrete Partners, L.P.		sion 5 (January 28, 20
R		Se ID No. 61592 ence No. RN102597135 (PCW No. 2 of 2)	PCW R	evision February 11, 2
		Media Air		
	Enf. Coc	ordinator Yuliya Dunaway		
		Compliance History Worksheet		
>>	Compliance Histo Component	ory <i>Site</i> Enhancement (Subtotal 2) 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%
		Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Orders	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	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%
	Decrees	0	0%	
	Convictions	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 (number of audits for which notices were submitted)	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</i> <i>disclosed</i>)	0	0%
		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%
	Other	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 Pere	centage (Sub	ototal 2) 0%
>>	Repeat Violator	(Subtotal 3)		
	No		centage (Sub	ototal 3) 0%
>>	-	ory Person Classification (Subtotal 7)		
~~	Satisfactory		centage (Sul	ototal 7) 0%
>>	_			1
	Compliance History Notes	No adjustments for compliance history.		
		Total Compliance History Adjustment Percentage (S	Subtotals 2,	3, & 7) 0%
>> F	inal Compliance	History Adjustment Final Adjustment Percenta	AD *connod	at 100% 00%
		rinai Aujustinent Percenta	iye ™capped	at 100% 0%

DCW

		ening Date			Do	cket No.	2021-1516-A	IR-E		PCW
		lespondent Case ID No.	Texas Concrete 61592	Partners, L.P.						<i>Revision 5 (January 28, 2021)</i> <i>V Revision February 11, 2021</i>
Reg.		erence No.	RN102597135 ((PCW No. 2 of 2	2)				101	
	Enf (Media Coordinator	Air Yuliya Dunaway							
		ation Number		Ý						
		Rule Cite(s)	30 Tex Ad	lmin Code 8 1	01 / and T	ev Health 8	& Safety Code	§ 382.085(a) a	nd (b)	
			50 Tex. Au					g 302.003(a) a	nu (b)	
	Violatio	n Description	Failed to preve observed depo	sits of concrete	e dust from	n the Plant o				
								Bas	se Penalty	\$25,000
>> En	vironme	ntal, Prope	rty and Hum	an Health M	Matrix					
		Release	Major	Harm Moderate	Minor					
OR		Actual			х]				
		Potential					Percent	15.0%		
>>Pro	ogramma	tic Matrix								
		Falsification	Major	Moderate	Minor	ז	Percent	0.0%	1	
						<u> </u>		0.070	1	
	Matrix Notes	Human healt	h or the environ	iment has beer	n exposed t the viola	-	ant amounts o	f pollutants as a	a result of	
							Adjust	ment	\$21,250	
							-		 	\$3,750
Violat	ion Event	ts								\$3,730
		Number of V	iolation Events/	1		1	Number of vio	olation days		
			daily weekly monthly quarterly semiannual annual single event					Violation Bas	se Penalty	\$3,750
		One si	ngle event is re	commended fo	r the day o	of the docun	nented nuisan	ce dust conditic	ons.	
Good	Faith Effo	orts to Com		0.0%					Reduction	\$0
			B Extraordinary	efore NOE/NOV	NOE/NOV to E	DPRP/Settlem	ent Offer			
			Ordinary							
			N/A	X					ח	
			Notes	The Respond	lent does n	violation		riteria for this		
								Violatio	n Subtotal	\$3,750
Econo	mic Bene	efit (EB) for	this violatio	on			Statutory	Limit Test		
		Estimate	ed EB Amount		\$0	1	Viola	ation Final Per	alty Total	\$3,750
						-		lty (adjusted		
					IIS VIUIALIO	on Fillal AS	sesseu rella	inty (aujusted)	isi mints)	<i>\$3,73</i> 0

Economic Benefit Worksheet							
Respondent	Texas Concret	e Partners, L.P.					
Case ID No.							
Reg. Ent. Reference No.	RN102597135	(PCW No. 2 of 2)					
Media	Air					Percent Interest	Years of
Violation No.	1					Percent Interest	Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
Delayed Costs							
Equipment		1		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 Permit Costs				0.00	\$0 ¢0	n/a	\$0
Other (as needed)				0.00	\$0 \$0	n/a n/a	\$0 \$0
Notes for DELAYED costs		See the E	Economic Benefi	t in Viol	ation No. 1 of PCV	/ No. 1 of 2.	
Avoided Costs	ANNU	ALIZE avoided c	osts before en	tering	item (except for	one-time avoided	d 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	<u>\$0</u> \$0	\$0 \$0
Other (as needed) Notes for AVOIDED costs		<u> </u>		<u> 0.00</u>	<u> \$0</u>	<u><u></u></u>	50
Approx. Cost of Compliance		\$0			TOTAL		\$0

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,	CN603123399, Texas Concrete Partr	ors Classification: HIGH	Rating: 0.00						
or Owner/Operator:	L.P.								
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 N	lanufacturing							
Location:	4702 NORTH VINE STREET, VICTOR	IA, VICTORIA COUNTY, TEXAS							
TCEQ Region:	REGION 14 - CORPUS CHRISTI	GION 14 - CORPUS CHRISTI							
ID Number(s):AIR NEW SOURCE PERMITS REGISTRATION 72019AIR NEW SOURCE PERMITS ACCOUNT NUMBER VC0028KAIR NEW SOURCE PERMITS REGISTRATION 74730AIR NEW SOURCE PERMITS REGISTRATION 108757TIRES REGISTRATION 4391PETROLEUM STORAGE TANK REGISTRATION REGISTRATION 10131WASTEWATER PERMIT TXG113142Notematical and a statematical									
Compliance History Peri	od: September 01, 2017 to August	31, 2022 Rating Year: 2022	Rating Date: 09/01/2022						
Date Compliance History	Report Prepared: April 19, 20	23							
Agency Decision Requiri	ng Compliance History: Enfor	cement							
Component Period Selec	ted: April 19, 2018 to April 19, 20	23							
TCEQ Staff Member to Co	ontact for Additional Informat	ion Regarding This Compliance	e History.						
Name: Yuliya Dunaway	,	Phone: (210) 403-4	077						
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: $_{N/A} \label{eq:N/A}$
- **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

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 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: SATISFACTO	RY 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 VC0028K			
AIR NEW SOURCE PERMITS REGISTRATION 74730 TIRES REGISTRATION 4391 AIR NEW SOURCE PERMITS REGISTRATION 108757 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 Dunawa	у	Phone: (210) 403-40	77
Site and Owner/Operator History:			

YES

NO

Has the site been in existence and/or operation for the full five year compliance period? Has there been a (known) change in ownership/operator of the site during the compliance period?

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

- A. Final Orders, court judgments, and consent decrees: $_{N/A} \label{eq:N/A}$
- B. Criminal convictions: N/A
- C. Chronic excessive emissions events:

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: $$\rm N/A$$
- I. Participation in a voluntary pollution reduction program: $$\rm N/A$$
- J. Early compliance: N/A

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Sites Outside of Texas:
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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

<u>s</u> <u>s</u> <u>s</u> <u>s</u> <u>s</u> <u>s</u>

§

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.

Texas Concrete Partners, L.P. DOCKET NO. 2021-1516-AIR-E Page 3

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 dustsuppressant 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 Texas Concrete Partners, L.P. DOCKET NO. 2021-1516-AIR-E Page 4

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.

Texas Concre	te Partners, L.P.
DOCKET NO.	2021-1516-AIR-E
Page 6	

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

AMES A. CANNON

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

01/30/ Date

ENERAL

□ 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.