

Executive Summary – Enforcement Matter – Case No. 62272

ARCOSA LWS, LLC

RN100211283

Docket No. 2022-0625-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Arcosa Lightweight Streetman, 14885 South IH-45 East, Streetman, Navarro County

Type of Operation:

Expanded shale and clay lightweight aggregate plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: July 26, 2024

Comments Received: No

Penalty Information

Total Penalty Assessed: \$36,491

Total Paid to General Revenue: \$18,246

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project (“SEP”) Conditional Offset: \$18,245

Name of SEP: American Energy Institute (Third-Party Pre-Approved)

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: January 14, 2022

Date(s) of NOE(s): April 14, 2022

Executive Summary – Enforcement Matter – Case No. 62272

ARCOSA LWS, LLC

RN100211283

Docket No. 2022-0625-AIR-E

Violation Information

1. Failed to maintain records for the quarterly visible emissions observations conducted downwind of the property line. Specifically, on January 5, 2022, TCEQ staff requested that the records for the visible emissions observations conducted downwind of the property line be provided by January 14, 2022, but the records for all four quarters of 2019, the second quarter of 2020, and the third quarter of 2020 were not provided [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), New Source Review ("NSR") Permit No. 3025A, Special Conditions ("SC") Nos. 4 and 10.D., NSR Permit No. 49047, SC Nos. 5 and 18.D., Federal Operating Permit ("FOP") No. O1117, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 10, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

2. Failed to conduct quarterly visible emissions observations. Specifically, the Respondent did not conduct quarterly visible emissions observations for the Raw Storage, No. 2 Storage Shed, and the Overflow Pile for all four quarters of 2019 [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 49047, SC Nos. 4.B.(1) and 18.D., FOP No. O1117, GTC and STC No. 10, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

3. Failed to submit a deviation report for at least each six-month period after permit issuance and failed to submit the deviation report no later than 30 days after the end of each reporting period. Specifically, the Respondent determined that no deviations occurred during the September 22, 2019 through March 21, 2020 reporting period and did not submit a deviation report for the September 22, 2019 through March 21, 2020 reporting period, but a deviation report should have been submitted by April 20, 2020 to report the deviations for failing to maintain records for the quarterly visible emissions observations conducted downwind of the property line and failing to conduct quarterly visible emissions observations for the Raw Storage, No. 2 Storage Shed, and the Overflow Pile [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(B) and (C), FOP No. O1117, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

4. Failed to submit a deviation report no later than 30 days after the end of each reporting period. Specifically, the Respondent reported no deviations in the deviation report for the March 22, 2020 through September 21, 2020 reporting period, but the deviations for failing to maintain records for the quarterly visible emissions observations conducted downwind of the property line and failing to conduct quarterly visible emissions observations for the Raw Storage, No. 2 Storage Shed, and the Overflow Pile should have been reported by October 21, 2020 [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(C), FOP No. O1117, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

5. Failed to report all instances of deviations. Specifically, the deviation report for the September 22, 2020 through March 21, 2021 reporting period did not include the deviations for failing to maintain records for the quarterly visible emissions observations conducted downwind of the property line and failing to conduct quarterly

Executive Summary – Enforcement Matter – Case No. 62272

ARCOSA LWS, LLC

RN100211283

Docket No. 2022-0625-AIR-E

visible emissions observations for the Raw Storage, No. 2 Storage Shed, and the Overflow Pile [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), FOP No. O1117, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

6. Failed to submit a deviation report no later than 30 days after the end of each reporting period. Specifically, the Respondent reported no deviations in the deviation report for the March 22, 2021 through September 21, 2021 reporting period, but the deviations for failing to maintain records for the quarterly visible emissions observations conducted downwind of the property line and failing to conduct quarterly visible emissions observations for the Raw Storage, No. 2 Storage Shed, and the Overflow Pile should have been reported by October 21, 2021 [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(C), FOP No. O1117, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

1. The Order will require the Respondent to implement and complete a SEP (see SEP Attachment A).
2. The Order will also require the Respondent to:
 - a. Within 30 days:
 - i. Begin maintaining the records for the quarterly visible emissions observations conducted downwind of the property line;
 - ii. Implement measures designed to ensure that the quarterly visible emissions observations are conducted for the Raw Storage, No. 2 Storage Shed, and the Overflow Pile;
 - iii. Submit the deviation report for the September 22, 2019 through March 21, 2020 reporting period to report the deviations for failing to maintain records for the quarterly visible emissions observations conducted downwind of the property line and failing to conduct quarterly visible emissions observations for the Raw Storage, No. 2 Storage Shed, and the Overflow Pile;
 - iv. Implement measures designed to ensure that the deviation reports are submitted in a timely manner;

Executive Summary – Enforcement Matter – Case No. 62272

ARCOSA LWS, LLC

RN100211283

Docket No. 2022-0625-AIR-E

v. Submit a revised deviation report for the March 22, 2020 through September 21, 2020 reporting period to report the deviations for failing to maintain records for the quarterly visible emissions observations conducted downwind of the property line and failing to conduct quarterly visible emissions observations for the Raw Storage, No. 2 Storage Shed, and the Overflow Pile;

vi. Submit a revised deviation report for the September 22, 2020 through March 21, 2021 reporting period to report the deviations for failing to maintain records for the quarterly visible emissions observations conducted downwind of the property line and failing to conduct quarterly visible emissions observations for the Raw Storage, No. 2 Storage Shed, and the Overflow Pile; and

vii. Submit the deviation report for the March 22, 2021 through September 21, 2021 reporting period to report the deviations for failing to maintain records for the quarterly visible emissions observations conducted downwind of the property line and failing to conduct quarterly visible emissions observations for the Raw Storage, No. 2 Storage Shed, and the Overflow Pile.

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

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Danielle Porras, Enforcement Division, Enforcement Team 2, MC R-12, (713) 767-3682; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

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

SEP Third-Party Administrator: American Energy Institute, 2315 Newfield Lane, Austin, Texas 78703

Respondent: Jeri Shull, Vice President, ARCOSA LWS, LLC, 1050 Trinity Road, Ashland City, Tennessee 37015-3908

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	18-Apr-2022	Screening	28-Apr-2022	EPA Due	
	PCW	23-May-2024				

RESPONDENT/FACILITY INFORMATION	
Respondent	ARCOSA LWS, LLC
Reg. Ent. Ref. No.	RN100211283
Facility/Site Region	4-Dallas/Fort Worth
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	62272	No. of Violations	6
Docket No.	2022-0625-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Danielle Porras
		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	\$25,250
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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	40.0%	Adjustment	Subtotals 2, 3, & 7	\$10,100
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Notes: Enhancement for one NOV with same or similar violations and two orders containing a denial of liability. Reduction for three Notices of Intent to conduct an audit and one Disclosure of Violations.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$2,347
 Estimated Cost of Compliance: \$6,519
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$35,350
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OTHER FACTORS AS JUSTICE MAY REQUIRE	3.2%	Adjustment	\$1,141
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Recommended enhancement to capture the avoided costs of compliance associated with Violation No. 2.

Final Penalty Amount	\$36,491
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$36,491
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: No deferral for orders in which the Respondent has two or more prior administrative penalty orders as set out in Tex. Water Code § 7.105(b)(2), (b)(4), and (b)(6).

PAYABLE PENALTY	\$36,491
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Screening Date 28-Apr-2022

Docket No. 2022-0625-AIR-E

PCW

Respondent ARCOSA LWS, LLC

Policy Revision 5 (January 28, 2021)

Case ID No. 62272

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN100211283

Media Air

Enf. Coordinator Danielle Porras

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	3	-3%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	1	-2%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 40%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for one NOV with same or similar violations and two orders containing a denial of liability. Reduction for three Notices of Intent to conduct an audit and one Disclosure of Violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 40%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 40%

Screening Date 28-Apr-2022 **Docket No.** 2022-0625-AIR-E **PCW**
Respondent ARCOSA LWS, LLC *Policy Revision 5 (January 28, 2021)*
Case ID No. 62272 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN100211283
Media Air
Enf. Coordinator Danielle Porras

Violation Number 1
Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), New Source Review ("NSR") Permit No. 3025A, Special Conditions ("SC") Nos. 4 and 10.D., NSR Permit No. 49047, SC Nos. 5 and 18.D., Federal Operating Permit ("FOP") No. O1117, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 10, and Tex. Health & Safety Code § 382.085(b)
Violation Description Failed to maintain records for the quarterly visible emissions observations conducted downwind of the property line. Specifically, on January 5, 2022, TCEQ staff requested that the records for the visible emissions observations conducted downwind of the property line be provided by January 14, 2022, but the records for all four quarters of 2019, the second quarter of 2020, and the third quarter of 2020 were not provided.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
				x	1.0%

Matrix Notes Less than 30% of the rule requirements were not met.

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 6 104 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$1,500

Six single events are recommended (one event for each missing visible emissions observation record).

Good Faith Efforts to Comply 0.0% Reduction \$0

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

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

Violation Subtotal \$1,500

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

Estimated EB Amount \$223 **Violation Final Penalty Total** \$2,168

This violation Final Assessed Penalty (adjusted for limits) \$2,168

Economic Benefit Worksheet

Respondent ARCOSA LWS, LLC
Case ID No. 62272
Reg. Ent. Reference No. RN100211283
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$1,500	14-Jan-2022	1-Jan-2025	2.97	\$223	n/a	\$223
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs	Estimated cost to begin maintaining the records for the quarterly visible emissions observations conducted downwind of the property line. The Date Required is the date the requested records were due and the Final Date is the estimated date of compliance.						

Avoided Costs

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

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

Approx. Cost of Compliance	\$1,500	TOTAL	\$223
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Screening Date	28-Apr-2022	Docket No.	2022-0625-AIR-E	PCW
Respondent	ARCOSA LWS, LLC			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	62272			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN100211283			
Media	Air			
Enf. Coordinator	Danielle Porras			
Violation Number	2			
Rule Cite(s)	30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), NSR Permit No. 49047, SC Nos. 4.B.(1) and 18.D., FOP No. O1117, GTC and STC No. 10, and Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failed to conduct quarterly visible emissions observations. Specifically, the Respondent did not conduct quarterly visible emissions observations for the Raw Storage, No. 2 Storage Shed, and the Overflow Pile for all four quarters of 2019.			
		Base Penalty	\$25,000	

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				
	Potential			x	Percent 7.0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

Matrix Notes: Human health or the environment will or could be exposed to insignificant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$23,250

\$1,750

Violation Events

Number of Violation Events: 4 276 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$7,000

Four single events are recommended (one event for each quarterly visible emissions observation that was missed).

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 \$7,000

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

Estimated EB Amount \$1,573 **Violation Final Penalty Total** \$10,116

This violation Final Assessed Penalty (adjusted for limits) \$10,116

Economic Benefit Worksheet

Respondent ARCOSA LWS, LLC
Case ID No. 62272
Reg. Ent. Reference No. RN100211283
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	\$1,500	31-Mar-2019	1-Jan-2025	5.76	\$432	n/a	\$432
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs
 Estimated cost to implement measures designed to ensure that the quarterly visible emissions observations are conducted for the Raw Storage, No. 2 Storage Shed, and the Overflow Pile. The Date Required is the last day of the calendar quarter a visible emissions observation could have been conducted 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	\$1,019	31-Dec-2019	28-Apr-2022	2.33	\$122	\$1,019	\$1,141
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs
 Estimated avoided costs plus accrued interest to conduct visible emissions observations of the Raw Storage, No. 2 Storage Shed, and the Overflow Pile at least once during each calendar quarter (four missed observations @\$250/observation plus \$19 interest that began accruing on March 31, 2019, June 30, 2019, and September 30, 2019 - the end dates of the first three calendar quarters when visible observations were missed). The Date Required is the last day of the last calendar quarter when the visible emissions observation could have been conducted and the Final Date is the screening date.

Approx. Cost of Compliance	\$2,519	TOTAL	\$1,573
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Screening Date 28-Apr-2022 **Docket No.** 2022-0625-AIR-E **PCW**
Respondent ARCOSA LWS, LLC *Policy Revision 5 (January 28, 2021)*
Case ID No. 62272 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN100211283
Media Air
Enf. Coordinator Danielle Porras

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(B) and (C), FOP No. O1117, GTC, and Tex. Health & Safety Code § 382.085(b)

Violation Description
 Failed to submit a deviation report for at least each six-month period after permit issuance and failed to submit the deviation report no later than 30 days after the end of each reporting period. Specifically, the Respondent determined that no deviations occurred during the September 22, 2019 through March 21, 2020 reporting period and did not submit a deviation report for the September 22, 2019 through March 21, 2020 reporting period, but a deviation report should have been submitted by April 20, 2020 to report the deviations for failing to maintain records for the quarterly visible emissions observations conducted downwind of the property line and failing to conduct quarterly visible emissions observations for the Raw Storage, No. 2 Storage Shed, and the Overflow Pile.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
		x			20.0%

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

Adjustment \$20,000

\$5,000

Violation Events

Number of Violation Events: 1 738 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$5,000

One single event is recommended.

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 \$5,000

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

Estimated EB Amount \$412 **Violation Final Penalty Total** \$7,226

This violation Final Assessed Penalty (adjusted for limits) \$7,226

Economic Benefit Worksheet

Respondent ARCOSA LWS, LLC
Case ID No. 62272
Reg. Ent. Reference No. RN100211283
Media Air
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$1,500	20-Apr-2020	1-Jan-2025	4.70	\$353	n/a	\$353
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$250	20-Apr-2020	1-Jan-2025	4.70	\$59	n/a	\$59

Notes for DELAYED costs

Estimated costs to submit the deviation report for the September 22, 2019 through March 21, 2020 reporting period to report the deviations for failing to maintain records for the quarterly visible emissions observations conducted downwind of the property line and failing to conduct quarterly visible emissions observations for the Raw Storage, No. 2 Storage Shed, and the Overflow Pile (\$250) and to implement measures designed to ensure that the deviation reports are submitted in a timely manner (\$1,500). The Dates Required is the date the deviation report was due and the Final Dates are the estimated dates of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,750

TOTAL

\$412

Screening Date 28-Apr-2022 **Docket No.** 2022-0625-AIR-E **PCW**
Respondent ARCOSA LWS, LLC *Policy Revision 5 (January 28, 2021)*
Case ID No. 62272 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN100211283
Media Air
Enf. Coordinator Danielle Porras

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(C), FOP No. 01117, GTC, and Tex. Health & Safety Code § 382.085(b)

Violation Description
 Failed to submit a deviation report no later than 30 days after the end of each reporting period. Specifically, the Respondent reported no deviations in the deviation report for the March 22, 2020 through September 21, 2020 reporting period, but the deviations for failing to maintain records for the quarterly visible emissions observations conducted downwind of the property line and failing to conduct quarterly visible emissions observations for the Raw Storage, No. 2 Storage Shed, and the Overflow Pile should have been reported by October 21, 2020.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
		x			20.0%

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

Adjustment \$20,000

\$5,000

Violation Events

Number of Violation Events 1 554 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$5,000

One single event is recommended.

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 \$5,000

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

Estimated EB Amount \$53 **Violation Final Penalty Total** \$7,226

This violation Final Assessed Penalty (adjusted for limits) \$7,226

Economic Benefit Worksheet

Respondent ARCOSA LWS, LLC
Case ID No. 62272
Reg. Ent. Reference No. RN100211283
Media Air
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$250	21-Oct-2020	1-Jan-2025	4.20	\$53	n/a	\$53

Notes for DELAYED costs

Estimated costs to submit a revised deviation report for the March 22, 2020 through September 21, 2020 reporting period to report the deviations for failing to maintain records for the quarterly visible emissions observations conducted downwind of the property line and failing to conduct quarterly visible emissions observations for the Raw Storage, No. 2 Storage Shed, and the Overflow Pile. The Date Required is the date the deviation report was due and the Final Date is the estimated date of compliance.

See the Economic Benefit in Violation No. 3 for implementing measures designed to ensure that the deviation reports are submitted in a timely manner.

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

\$250

TOTAL

\$53

Screening Date 28-Apr-2022 **Docket No.** 2022-0625-AIR-E **PCW**
Respondent ARCOSA LWS, LLC *Policy Revision 5 (January 28, 2021)*
Case ID No. 62272 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN100211283
Media Air
Enf. Coordinator Danielle Porras

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(A), FOP No. O1117, GTC, and Tex. Health & Safety Code § 382.085(b)

Violation Description
 Failed to report all instances of deviations. Specifically, the deviation report for the September 22, 2020 through March 21, 2021 reporting period did not include the deviations for failing to maintain records for the quarterly visible emissions observations conducted downwind of the property line and failing to conduct quarterly visible emissions observations for the Raw Storage, No. 2 Storage Shed, and the Overflow Pile.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
			x		7.0%

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

Adjustment \$23,250

\$1,750

Violation Events

Number of Violation Events 1 373 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$1,750

One single event is recommended.

Good Faith Efforts to Comply 0.0% Reduction \$0

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

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

Violation Subtotal \$1,750

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

Estimated EB Amount \$46 **Violation Final Penalty Total** \$2,529

This violation Final Assessed Penalty (adjusted for limits) \$2,529

Economic Benefit Worksheet

Respondent ARCOSA LWS, LLC
Case ID No. 62272
Reg. Ent. Reference No. RN100211283
Media Air
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$250	20-Apr-2021	1-Jan-2025	3.70	\$46	n/a	\$46

Notes for DELAYED costs

Estimated cost to submit a revised deviation report for the September 22, 2020 through March 21, 2021 reporting period to report the deviations for failing to maintain records for the quarterly visible emissions observations conducted downwind of the property line and failing to conduct quarterly visible emissions observations for the Raw Storage, No. 2 Storage Shed, and the Overflow Pile. The Date Required is the date the deviation report was due and the Final Date is the estimated date of compliance.

See the Economic Benefit in Violation No. 3 for implementing measures designed to ensure that the deviation reports are submitted in a timely manner.

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

\$250

TOTAL

\$46

Screening Date 28-Apr-2022 **Docket No.** 2022-0625-AIR-E **PCW**
Respondent ARCOSA LWS, LLC *Policy Revision 5 (January 28, 2021)*
Case ID No. 62272 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN100211283
Media Air
Enf. Coordinator Danielle Porras

Violation Number 6

Rule Cite(s) 30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(C), FOP No. O1117, GTC, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to submit a deviation report no later than 30 days after the end of each reporting period. Specifically, the Respondent reported no deviations in the deviation report for the March 22, 2021 through September 21, 2021 reporting period, but the deviations for failing to maintain records for the quarterly visible emissions observations conducted downwind of the property line and failing to conduct quarterly visible emissions observations for the Raw Storage, No. 2 Storage Shed, and the Overflow Pile should have been reported by October 21, 2021.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
		Actual			
Potential					

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
	x			20.0%

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

Adjustment \$20,000

\$5,000

Violation Events

Number of Violation Events 1 189 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$5,000

One single event is recommended.

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 \$5,000

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

Estimated EB Amount \$40 **Violation Final Penalty Total** \$7,226

This violation Final Assessed Penalty (adjusted for limits) \$7,226

Economic Benefit Worksheet

Respondent ARCOSA LWS, LLC
Case ID No. 62272
Reg. Ent. Reference No. RN100211283
Media Air
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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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)	\$250	21-Oct-2021	1-Jan-2025	3.20	\$40	n/a	\$40

Notes for DELAYED costs

Estimated cost to submit the deviation report for the March 22, 2021 through September 21, 2021 reporting period to report the deviations for failing to maintain records for the quarterly visible emissions observations conducted downwind of the property line and failing to conduct quarterly visible emissions observations for the Raw Storage, No. 2 Storage Shed, and the Overflow Pile. The Date Required is the date the deviation report was due and the Final Date is the estimated date of compliance.

See the Economic Benefit in Violation No. 3 for implementing measures designed to ensure that the deviation reports are submitted in a timely manner.

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

\$250

TOTAL

\$40

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 CN604295501, RN100211283, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

Customer, Respondent, or Owner/Operator: CN604295501, ARCOSA LWS, LLC **Classification:** SATISFACTORY **Rating:** 9.04
Regulated Entity: RN100211283, ARCOSA LIGHTWEIGHT STREETMAN **Classification:** SATISFACTORY **Rating:** 9.04
Complexity Points: 20 **Repeat Violator:** NO
CH Group: 14 - Other
Location: 14885 SOUTH INTERSTATE HIGHWAY 45 EAST, STREETMAN, NAVARRO COUNTY, TEXAS
TCEQ Region: REGION 04 - DFW METROPLEX

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER NB0037F

AIR NEW SOURCE PERMITS PERMIT 3025A

AIR NEW SOURCE PERMITS REGISTRATION 30729

AIR NEW SOURCE PERMITS AFS NUM 4834900011

AIR NEW SOURCE PERMITS REGISTRATION 86967

AIR NEW SOURCE PERMITS REGISTRATION 136433

AIR NEW SOURCE PERMITS REGISTRATION 175709

AIR NEW SOURCE PERMITS REGISTRATION 172601

WASTEWATER PERMIT WQ0001691000

AIR EMISSIONS INVENTORY ACCOUNT NUMBER NB0037F

AIR OPERATING PERMITS PERMIT 1117

AIR NEW SOURCE PERMITS PERMIT 5337

AIR NEW SOURCE PERMITS ACCOUNT NUMBER NB0037F

AIR NEW SOURCE PERMITS REGISTRATION 54324

AIR NEW SOURCE PERMITS PERMIT 49047

AIR NEW SOURCE PERMITS REGISTRATION 131793

AIR NEW SOURCE PERMITS REGISTRATION 171277

PETROLEUM STORAGE TANK REGISTRATION REGISTRATION 50850

WASTEWATER EPA ID TX0047791

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

Date Compliance History Report Prepared: April 24, 2024

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: April 24, 2019 to April 24, 2024

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

Name: Danielle Porras

Phone: (512) 239-2923

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO

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

A. Final Orders, court judgments, and consent decrees:

1 Effective Date: 11/18/2019 ADMINORDER 2017-1426-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(C)
5C THSC Chapter 382 382.085(b)

Description: Failure to submit a Title V deviation report for the semi-annual compliance period of September 22, 2014 to March 21, 2015, within 30 days of the end of the reporting period.

Classification: Minor

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

Rqmt Prov: Special Condition 4 PERMIT
Special Condition 5 PERMIT

Description: Failure to perform quarterly visible emissions observations on the downwind property line for at least a six-minute period. Records of visible emissions observations that were conducted at Streetman on February 27, 2015, January 5, 2016, June 3, 2016, and August 13, 2016 documented that the observation was not conducted at Streetman's downwind property line. Additionally, no visible emissions observations were documented for the third quarter of 2015.

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter K 106.261(a)(5)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 3.A PERMIT

Description: Failure to comply with the 10% visible emissions opacity limit for the six minute average opacity determined by EPA Test Method 9 visible emissions observations for EPN E6-5 (Screen System No. 4) on November 14, 2014 (15.2083 percent).

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 3.B PERMIT

Description: Failure to perform and record quarterly visible emissions observations for EPNs authorized by NSR Permit No. 3025A in the First (for 2 EPNs), Second (for 6 EPNs), and Third (for 1 EPN) quarters of 2015, and the First quarter (for 25 EPNs) of 2016.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.146(2)
5C THSC Chapter 382 382.085(b)

Description: Failure to submit the annual permit compliance certification (PCC) for the compliance period of September 22, 2016 to September 21, 2017 by October 21, 2017.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(C)
5C THSC Chapter 382 382.085(b)

Description: Failure to submit the semi-annual deviation report within 30 days of the end of the compliance period for September 22, 2016 to March 21, 2017.

2 Effective Date: 11/10/2020 ADMINORDER 2019-0684-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 7 PERMIT

Description: Failure to cover the top and sides of all conveyor belts and enclose all conveyor belt transfer points. Specifically, Conveyors C-1, C-2, C-34, and C-37 did not have covers on the tops and sides since September 22, 2016, resulting in approximately 634.2 pounds of particulate matter emissions.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP O1117 OP

Description: Failure to report all instances of deviations. Specifically, the deviation report for the September 22, 2016 through March 21, 2017 reporting period did not include the deviation for failing to cover the tops and sides of Conveyors C-1, C-2, C-34, and C-37.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP O1117 OP

Description: Failure to report all instances of deviations. Specifically, the deviation report for the March 22, 2017 through September 21, 2017 reporting period did not include the deviation for failing to cover the tops and sides of Conveyors C-1, C-2, C-34, and C-37.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
Classification: Moderate
30 TAC Chapter 122, SubChapter B 122.145(2)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP O1117 OP

Description: Failure to report all instances of deviations in a deviation report submitted no later than 30 days after the end of the reporting period of September 22, 2017 through March 21, 2018.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	May 10, 2019	(1584396)
Item 2	June 13, 2019	(1584397)
Item 3	July 15, 2019	(1593732)
Item 4	September 09, 2019	(1600060)
Item 5	September 13, 2019	(1606961)
Item 6	October 09, 2019	(1613808)
Item 7	November 13, 2019	(1619619)
Item 8	December 12, 2019	(1626973)
Item 9	January 14, 2020	(1634612)
Item 10	January 24, 2020	(1624343)
Item 11	February 18, 2020	(1641227)
Item 12	March 11, 2020	(1647742)
Item 13	April 13, 2020	(1654091)
Item 14	May 13, 2020	(1660663)
Item 15	June 11, 2020	(1667183)
Item 16	July 20, 2020	(1674135)
Item 17	August 14, 2020	(1680908)
Item 18	September 11, 2020	(1687479)
Item 19	October 12, 2020	(1693818)
Item 20	November 20, 2020	(1714143)
Item 21	December 18, 2020	(1714144)
Item 22	January 20, 2021	(1714145)
Item 23	February 10, 2021	(1727209)
Item 24	March 24, 2021	(1727210)
Item 25	April 20, 2021	(1727211)
Item 26	May 12, 2021	(1740904)
Item 27	May 19, 2021	(1722303)
Item 28	June 24, 2021	(1723622)
Item 29	July 13, 2021	(1752264)
Item 30	August 05, 2021	(1757713)
Item 31	September 20, 2021	(1766900)
Item 32	October 18, 2021	(1777394)
Item 33	November 08, 2021	(1771200)
Item 35	December 20, 2021	(1791220)
Item 36	January 18, 2022	(1799004)
Item 37	February 18, 2022	(1806881)
Item 38	March 17, 2022	(1813946)
Item 39	April 19, 2022	(1820519)
Item 40	May 20, 2022	(1829355)
Item 41	June 17, 2022	(1835649)
Item 42	July 20, 2022	(1842851)
Item 43	August 16, 2022	(1848979)
Item 44	September 14, 2022	(1856779)
Item 45	October 18, 2022	(1863138)

Item 46	November 16, 2022	(1870050)
Item 47	December 14, 2022	(1875899)
Item 48	January 13, 2023	(1882718)
Item 49	February 20, 2023	(1890532)
Item 50	March 15, 2023	(1899098)
Item 51	April 06, 2023	(1888483)
Item 52	April 19, 2023	(1905885)
Item 53	May 18, 2023	(1913060)
Item 54	June 28, 2023	(1919669)
Item 55	July 12, 2023	(1926634)
Item 56	August 04, 2023	(1933593)
Item 57	August 29, 2023	(1923731)
Item 58	September 13, 2023	(1939734)
Item 59	October 24, 2023	(1946579)
Item 60	November 14, 2023	(1952270)
Item 61	December 15, 2023	(1962042)
Item 62	January 09, 2024	(1968632)

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

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

- 1 Date: 04/27/2023 (1888227)
- Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
49047, Special Condition 4B1 PERMIT
5C THSC Chapter 382 382.085(b)
- Description: Failure to perform and record observations for visible emissions from all emission sources is in operation at the site authorized under New Source Review Permit No. 49047 quarterly
- Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
3025A, Special Condition 3B PERMIT
5C THSC Chapter 382 382.085(b)
- Description: Failure to perform and record observations for visible emissions from all emission sources is in operation at the site authorized under Permit No. 3025A quarterly
- Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01117, Special Condition 3Biii OP
- Description: Failure to perform and record observations for visible emissions from all emission sources is in operation at the site under Site Operating Permit No. O-01117 quarterly
- Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
SOP No. O0117, Special Condition 10 OP
- Description: Failure to perform and record observations for visible emissions from Emission Point Number E3-2 (Clinker Cooler Stack) weekly
- Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
SOP No. O0117, Special Condition 10 OP
- Description: Failure to conduct all periodic monitoring in continuous operation, at all times, that the Wet Scrubber (EPN 3-1) is operating

F. Environmental audits:

Notice of Intent Date: 07/31/2019 (1581884)
Disclosure Date: 11/01/2019
Viol. Moderate
Classification:
Citation: 30 TAC Chapter 335, SubChapter A 335.2
30 TAC Chapter 335, SubChapter A 335.4
Description: Failure to properly store lubricant drums and mobile fuel tanks within secondary containment.
Viol. Moderate
Classification:

Citation: 30 TAC Chapter 335, SubChapter A 335.2
30 TAC Chapter 335, SubChapter A 335.4

Description: Failure to properly dispose of empty drums and totes.
Viol. Major

Classification:
Citation: TWC Chapter 26 26.121

Description: Failure to obtain authorization for stormwater discharge from product storage piles.
Viol. Moderate

Classification:
Citation: 30 TAC Chapter 335, SubChapter C 335.70

Description: Failure to correctly record pH readings to tenth decimal place to correspond to permit range of 6.0-9.0 standard units.
Viol. Major

Classification:
Citation: 30 TAC Chapter 101, SubChapter A 101.10

Description: Failure to properly report Annual Emissions Inventory based on current operational conditions.
Viol. Major

Classification:
Citation: 30 TAC Chapter 116, SubChapter B 116.110
30 TAC Chapter 116, SubChapter B 116.111

Description: Failure to update NSR permit to reflect current operational conditions including additional source emissions points and decommissioned sources.
Viol. Major

Classification:
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

Description: Failure to update Federal Operating permit to reflect current operational conditions including additional source emissions points and decommissioned sources.
Viol. Moderate

Classification:
Citation: 30 TAC Chapter 334, SubChapter F 334.127
30 TAC Chapter 334, SubChapter F 334.127(a)(1)

Description: Failure to update above ground storage tank (AST) registrations to reflect name change and correct capacity of red #2 diesel tank.

Notice of Intent Date: 12/19/2022 (1867380)
No DOV Associated

Notice of Intent Date: 12/19/2022 (1867382)
No DOV Associated

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
ARCOSA LWS, LLC
RN100211283

§ BEFORE THE
§ TEXAS COMMISSION ON
§ ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2022-0625-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 ARCOSA LWS, LLC (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 an expanded shale and clay lightweight aggregate plant located at 14885 South Interstate Highway 45 East in Streetman, Navarro 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 \$36,491 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$18,246 of the penalty.

Pursuant to TEX. WATER CODE § 7.067, \$18,245 of the penalty shall be conditionally offset by the Respondent's timely and satisfactory completion of a Supplemental Environmental Project ("SEP") as defined in the attached SEP Agreement ("Attachment A", incorporated herein by reference). The Respondent's obligation to pay the conditionally offset portion of the penalty shall be discharged upon full compliance with all the terms and conditions of this Order, which includes the timely and satisfactory completion of all provisions of the SEP Agreement, as determined by the Executive Director.

5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or

required in this action, are waived in the interest of a more timely resolution of the matter.

6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.

II. ALLEGATIONS

During an investigation at the Plant conducted on January 14, 2022, an investigator documented that the Respondent:

1. Failed to maintain records for the quarterly visible emissions observations conducted downwind of the property line, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), New Source Review ("NSR") Permit No. 3025A, Special Conditions ("SC") Nos. 4 and 10.D., NSR Permit No. 49047, SC Nos. 5 and 18.D., Federal Operating Permit ("FOP") No. O1117, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 10, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, on January 5, 2022, TCEQ staff requested that the records for the visible emissions observations conducted downwind of the property line be provided by January 14, 2022, but the records for all four quarters of 2019, the second quarter of 2020, and the third quarter of 2020 were not provided.
2. Failed to conduct quarterly visible emissions observations, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 49047, SC Nos. 4.B.(1) and 18.D., FOP No. O1117, GTC and STC No. 10, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent did not conduct quarterly visible emissions observations for the Raw Storage, No. 2 Storage Shed, and the Overflow Pile for all four quarters of 2019.
3. Failed to submit a deviation report for at least each six-month period after permit issuance and failed to submit the deviation report no later than 30 days after the end of each reporting period, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(B) and (C), FOP No. O1117, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent determined that no deviations occurred during the September 22, 2019 through March 21, 2020 reporting period and did not submit a deviation report for the September 22, 2019 through March 21, 2020 reporting period, but a deviation report should have been submitted by April 20, 2020 to report the deviations for failing to maintain records for the quarterly visible emissions observations conducted downwind of the property line and failing to conduct quarterly visible emissions observations for the Raw Storage, No. 2 Storage Shed, and the Overflow Pile.

4. Failed to submit a deviation report no later than 30 days after the end of each reporting period, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(C), FOP No. O1117, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent reported no deviations in the deviation report for the March 22, 2020 through September 21, 2020 reporting period, but the deviations for failing to maintain records for the quarterly visible emissions observations conducted downwind of the property line and failing to conduct quarterly visible emissions observations for the Raw Storage, No. 2 Storage Shed, and the Overflow Pile should have been reported by October 21, 2020.
5. Failed to report all instances of deviations, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), FOP No. O1117, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the deviation report for the September 22, 2020 through March 21, 2021 reporting period did not include the deviations for failing to maintain records for the quarterly visible emissions observations conducted downwind of the property line and failing to conduct quarterly visible emissions observations for the Raw Storage, No. 2 Storage Shed, and the Overflow Pile.
6. Failed to submit a deviation report no later than 30 days after the end of each reporting period, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(C), FOP No. O1117, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent reported no deviations in the deviation report for the March 22, 2021 through September 21, 2021 reporting period, but the deviations for failing to maintain records for the quarterly visible emissions observations conducted downwind of the property line and failing to conduct quarterly visible emissions observations for the Raw Storage, No. 2 Storage Shed, and the Overflow Pile should have been reported by October 21, 2021.

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: ARCOSA LWS, LLC, Docket No. 2022-0625-AIR-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

2. The Respondent shall implement and complete the SEP as set forth in Section I, Paragraph No. 4. The amount of \$18,245 of the assessed penalty is conditionally offset

based on the Respondent's implementation and completion of the SEP pursuant to the terms of the SEP Agreement, as defined in Attachment A. Penalty payments for any portion of the SEP deemed by the Executive Director as not complete shall be paid within 30 days after the date the Executive Director demands payment.

3. The Respondent shall undertake the following technical requirements at the Plant:
 - a. Within 30 days after the effective date of this Order:
 - i. Begin maintaining the records for the quarterly visible emissions observations conducted downwind of the property line;
 - ii. Implement measures designed to ensure that the quarterly visible emissions observations are conducted for the Raw Storage, No. 2 Storage Shed, and the Overflow Pile;
 - iii. Submit the deviation report for the September 22, 2019 through March 21, 2020 reporting period to report the deviations for failing to maintain records for the quarterly visible emissions observations conducted downwind of the property line and failing to conduct quarterly visible emissions observations for the Raw Storage, No. 2 Storage Shed, and the Overflow Pile;
 - iv. Implement measures designed to ensure that the deviation reports are submitted in a timely manner;
 - v. Submit a revised deviation report for the March 22, 2020 through September 21, 2020 reporting period to report the deviations for failing to maintain records for the quarterly visible emissions observations conducted downwind of the property line and failing to conduct quarterly visible emissions observations for the Raw Storage, No. 2 Storage Shed, and the Overflow Pile;
 - vi. Submit a revised deviation report for the September 22, 2020 through March 21, 2021 reporting period to report the deviations for failing to maintain records for the quarterly visible emissions observations conducted downwind of the property line and failing to conduct quarterly visible emissions observations for the Raw Storage, No. 2 Storage Shed, and the Overflow Pile; and
 - vii. Submit the deviation report for the March 22, 2021 through September 21, 2021 reporting period to report the deviations for failing to maintain records for the quarterly visible emissions observations conducted downwind of the property line and failing to conduct quarterly visible emissions observations for the Raw Storage, No. 2 Storage Shed, and the Overflow Pile.
 - b. Within 45 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a. The certification shall be signed by the Respondent and shall include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

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

4. All relief not expressly granted in this Order is denied.
5. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Plant operations referenced in this Order.
6. 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.
7. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate

reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

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

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



For the Executive Director

7/22/2024

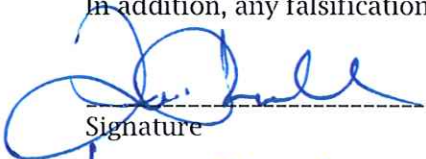
Date

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

7/17/2024

Date

Jeri Skull

Name (Printed or typed)
Authorized Representative of
ARCOSA LWS, LLC

VP - Corp. ENV

Title

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

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

Attachment A
Docket Number: 2022-0625-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	ARCOSA LWS, LLC
Payable Penalty Amount:	\$36,491
SEP Offset Amount:	\$18,245
Type of SEP:	Contribution to a Third-Party Administrator SEP
Third-Party Administrator:	American Energy Institute
Project Name:	<i>High Emission Vehicle Replacement Project</i>
Location of SEP:	TCEQ Air Quality Control Region 212 - Austin-Waco - Preference for Navarro County

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

1. Project Description

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above, **Texas Natural Gas Foundation**, for the *High Emission Vehicle Replacement Project* (the “Project”). The contribution will be used in accordance with the Supplemental Environmental Project between the Third-Party Administrator and the TCEQ, which details the terms and conditions of the Project.

Specifically, the SEP Offset Amount will be used to reimburse an eligible public entity for the total purchase price or five-year lease price of a standard base model alternative-fueled vehicle that will replace an eligible older, diesel-fueled vehicle that the public entity has decommissioned and removed from its fleet. Public entities eligible to receive assistance include state agencies, counties, municipalities, school districts, or other political subdivisions created under the constitution or any statute of this state.

Old, diesel-fueled vehicles emit large amounts of nitrogen oxides (“NOx”) and particulate matter (“PM”), as well as other harmful pollutants such as volatile organic compounds (“VOCs”) and carbon monoxide (“CO”). These pollutants contribute to serious public health problems. This Project shall reduce NOx, PM, VOCs, and CO emissions by replacing high-emission, diesel-fueled vehicles with low-emission, alternative-fueled vehicles. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

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

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

b. Environmental Benefit

This Project will directly benefit air quality by reducing harmful exhaust emissions that contribute to the formation of ozone and may cause or exacerbate a number of respiratory diseases, including asthma. For example, replacing a model year 2002 heavy-duty diesel dump truck with a model year 2010 or newer dump truck powered by natural gas or propane may reduce passengers' exposure to NOx by 95% and PM by 99.9%. Moreover, replacing a model year 1989 diesel school bus with a model year 2010 or newer school bus powered by natural gas or propane may reduce passengers' exposure to NOx by 98%, VOCs by 83%; and PM by 99%.

c. Minimum Expenditure

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

2. Performance Schedule

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

American Energy Institute
Attention: Heather Ball, Executive Director
2315 Newfield Lane
Austin, Texas 78703

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, the Respondent shall include the docket number of the attached

ARCOSA LWS, LLC
Docket No. 2022-0625-AIR-E
Agreed Order - Attachment A

Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP, shall make the check payable to "Texas Commission on Environmental Quality," and shall mail it to:

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

5. Publicity

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

6. Recognition

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

7. Other SEPs by TCEQ or Other Agencies

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