

**Executive Summary – Enforcement Matter – Case No. 63234  
Holcim (US) Inc.  
RN100219286  
Docket No. 2022-1408-AIR-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

AIR

**Small Business:**

No

**Location(s) Where Violation(s) Occurred:**

Holcim - Midlothian Cement Plant, 1800 Dove Lane, Midlothian, Ellis County

**Type of Operation:**

Cement plant

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** February 10, 2023

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$93,267

**Amount Deferred for Expedited Settlement:** \$18,653

**Total Paid to General Revenue:** \$37,307

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**Supplemental Environmental Project (“SEP”) Conditional Offset:** \$37,307

Name of SEP: North Central Texas Council of Governments (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:** July 6, 2022

**Date(s) of NOE(s):** September 1, 2022

**Executive Summary – Enforcement Matter – Case No. 63234**  
**Holcim (US) Inc.**  
**RN100219286**  
**Docket No. 2022-1408-AIR-E**

***Violation Information***

1. Failed to comply with the total hydrocarbons ("THC") emissions limit. Specifically, the Respondent exceeded the established THC emissions limit of 19.75 parts per million by volume wet ("ppmvw") based on a rolling 30-day average by a range from 2.97 ppmvw to 3.87 ppmvw for 93 days from December 14, 2021 through March 22, 2022 for Kiln Line 1, Emissions Point Number ("EPN") 7. Also, the Respondent exceeded the established THC emissions limit of 22.92 ppmvw based on a rolling 30-day average by a range from 0.08 ppmvw to 5.65 ppmvw for 64 days from April 17, 2022 to June 19, 2022 for Kiln Line 1, EPN 7 [30 TEX. ADMIN. CODE §§ 101.20(2) and (3), 113.690, 116.115(c), and 122.143(4), 40 CODE OF FEDERAL REGULATIONS ("CFR") § 63.1343(b), New Source Review ("NSR") Permit Nos. 8996 and PSDTX454M5, Special Conditions ("SC") No. 4, Federal Operating Permit ("FOP") No. O1046, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") Nos. 1.E and 13, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

2. Failed to maintain the records that demonstrated the corrective actions were initiated within one hour of the observed visible emissions. Specifically, the Respondent observed visible emissions from Finish Mills 1 and 2 on July 4, 2020 at 1:51 p.m. and maintenance personnel were contacted on the same day to inspect the baghouse and isolate the affected compartments, and the Respondent observed visible emissions from Finish Mill 1 on August 1, 2020 at 8:19 a.m. and the mill was shut down on August 2, 2020 at 7:50 a.m., but the records did not document that the corrective actions were initiated within one hour of the observed visible emissions [30 TEX. ADMIN. CODE §§ 101.20 (2) and (3), 113.690, 116.115(b)(2)(E)(i) and (c), and 122.143(4), 40 CFR §§ 63.1350(f)(3) and 63.1355(h), NSR Permit Nos. 8996 and PSDTX454M5, SC No. (2)(B)(2), FOP No. O1046, GTC and STC No. 1.E, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

3. Failed to report all instances of deviations. Specifically, the deviation report for the July 1, 2020 through December 31, 2020 reporting period did not include the deviations for failing to maintain the records that demonstrated the corrective actions were initiated within one hour of observing visible emissions from Finish Mills 1 and 2 on July 4, 2020 at 1:51 p.m. and from Finish Mill 1 on August 1, 2020 at 8:19 a.m. [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), FOP No. O1046, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

The Respondent implemented the following corrective measures:

a. By March 3, 2021, obtained Standard Permit Registration No. 164238 that authorized the installation and operation of multiple temporary regenerative thermal oxidizer units and the construction and operation of an in-kind replacement selective catalytic

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**Holcim (US) Inc.**

**RN100219286**

**Docket No. 2022-1408-AIR-E**

reduction unit for the THC and organic hazardous air pollutants emissions control;  
and

b. By September 10, 2022, demonstrated compliance with the established THC emissions limit for Kiln Line 1, EPN 7.

**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. Implement measures and/or procedures designed to ensure that the corrective actions required to be initiated within one hour of the observed visible emissions are recorded and maintained;

ii. Submit a revised deviation report for the July 1, 2020 through December 31, 2020 reporting period to report the deviations for failing to maintain the records that demonstrated the corrective actions were initiated within one hour of observing visible emissions from Finish Mills 1 and 2 on July 4, 2020 at 1:51 p.m. and from Finish Mill 1 on August 1, 2020 at 8:19 a.m.; and

iii. Implement measures and/or procedures designed to ensure that all instances of deviations are reported in a timely manner.

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

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Johnnie Wu, Enforcement Division, Enforcement Team 2, MC 219, (512) 239-2524; 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:** NCTCOG, P.O. Box 5888, Arlington, Texas 76005-5888

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

**Respondent's Attorney:** Derek R. McDonald, Baker Botts L.L.P., 401 S 1st Street, Suite 1300, Austin, Texas 78704



# Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

<b>DATES</b>	<b>Assigned</b>	6-Sep-2022	<b>Screening</b>	20-Sep-2022	<b>EPA Due</b>	
	<b>PCW</b>	12-Dec-2022				

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

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	63234	<b>No. of Violations</b>	3
<b>Docket No.</b>	2022-1408-AIR-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Air	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Johnnie Wu
		<b>EC's Team</b>	Enforcement Team 2
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	<b>\$62,750</b>
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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.

<b>Compliance History</b>	<b>57.0%</b> Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	<b>\$35,767</b>
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Notes: Enhancement for one NOV with dissimilar violations and three orders containing a denial of liability. Reduction for three notices of intent to conduct an audit and one disclosure of violations.

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

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	<b>-\$5,250</b>
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<b>Economic Benefit</b>	<b>0.0%</b> Enhancement*	<b>Subtotal 6</b>	<b>\$0</b>
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Total EB Amounts: \$505  
 Estimated Cost of Compliance: \$4,750  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$93,267</b>
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	<b>0.0%</b> Adjustment	<b>\$0</b>
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	<b>\$93,267</b>
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$93,267</b>
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<b>DEFERRAL</b>	<b>20.0%</b> Reduction	<b>Adjustment</b>	<b>-\$18,653</b>
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	<b>\$74,614</b>
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**Screening Date** 20-Sep-2022

**Docket No.** 2022-1408-AIR-E

**PCW**

**Respondent** Holcim (US) Inc.

*Policy Revision 5 (January 28, 2021)*

**Case ID No.** 63234

*PCW Revision February 11, 2021*

**Reg. Ent. Reference No.** RN100219286

**Media** Air

**Enf. Coordinator** Johnnie Wu

### Compliance History Worksheet

#### >> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	0	0%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	3	60%
	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)** 57%

#### >> 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 dissimilar violations and three 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)** 57%

#### >> Final Compliance History Adjustment

**Final Adjustment Percentage \*capped at 100%** 57%

**Screening Date** 20-Sep-2022  
**Respondent** Holcim (US) Inc.  
**Case ID No.** 63234  
**Reg. Ent. Reference No.** RN100219286  
**Media** Air  
**Enf. Coordinator** Johnnie Wu

**Docket No.** 2022-1408-AIR-E

**PCW**

*Policy Revision 5 (January 28, 2021)  
 PCW Revision February 11, 2021*

**Violation Number** 1

**Rule Cite(s)** 30 Tex. Admin. Code §§ 101.20(2) and (3), 113.690, 116.115(c), and 122.143(4), 40 Code of Federal Regulations ("CFR") § 63.1343(b)(1), New Source Review ("NSR") Permit Nos. 8996 and PSDTX454M5, Special Conditions ("SC") No. 4, Federal Operating Permit ("FOP") No. O1046, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") Nos. 1.E and 13, and Tex. Health & Safety Code § 382.085(b)

**Violation Description** Failed to comply with the total hydrocarbons ("THC") emissions limit. Specifically, the Respondent exceeded the established THC emissions limit of 19.75 parts per million by volume wet ("ppmvw") based on a rolling 30-day average by a range from 2.97 ppmvw to 3.87 ppmvw for 93 days from December 14, 2021 through March 22, 2022 for Kiln Line 1, Emissions Point Number ("EPN") 7. Also, the Respondent exceeded the established THC emissions limit of 22.92 ppmvw based on a rolling 30-day average by a range from 0.08 ppmvw to 5.65 ppmvw for 64 days from April 17, 2022 to June 19, 2022 for Kiln Line 1, EPN 7.

**Base Penalty** \$25,000

**>> Environmental, Property and Human Health Matrix**

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual			X	30.0%
	Potential				

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
					0.0%

**Matrix Notes** Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

**Adjustment** \$17,500

\$7,500

**Violation Events**

Number of Violation Events 7 157 Number of violation days

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

**Violation Base Penalty** \$52,500

Seven monthly events are recommended for the instances of non-compliance that occurred from December 14, 2021 to June 19, 2022.

**Good Faith Efforts to Comply**

10.0%

Reduction \$5,250

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

**Notes** The Respondent completed the corrective measures by September 10, 2022, after the Notice of Enforcement dated September 1, 2022.

**Violation Subtotal** \$47,250

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount** \$55

**Violation Final Penalty Total** \$77,175

**This violation Final Assessed Penalty (adjusted for limits)** \$77,175

# Economic Benefit Worksheet

**Respondent** Holcim (US) Inc.  
**Case ID No.** 63234  
**Reg. Ent. Reference No.** RN100219286  
**Media** Air  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				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)	\$1,500	14-Dec-2021	10-Sep-2022	0.74	\$55	n/a	\$55

**Notes for DELAYED costs**

Estimated cost to demonstrate compliance with the established THC emissions limit for Kiln Line 1, EPN 7. The Date Required is the initial date of non-compliance and the Final Date is the date of compliance.

### Avoided Costs

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

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

**Notes for AVOIDED costs**

Approx. Cost of Compliance \$1,500

**TOTAL** \$55

**Screening Date** 20-Sep-2022  
**Respondent** Holcim (US) Inc.  
**Case ID No.** 63234  
**Reg. Ent. Reference No.** RN100219286  
**Media** Air  
**Enf. Coordinator** Johnnie Wu

**Docket No.** 2022-1408-AIR-E

**PCW**

*Policy Revision 5 (January 28, 2021)*  
*PCW Revision February 11, 2021*

**Violation Number**

**Rule Cite(s)** 30 Tex. Admin. Code §§ 101.20(2) and (3), 113.690, 116.115(b)(2)(E)(i) and (c), and 122.143(4), 40 CFR §§ 63.1350(f)(3) and 63.1355(h), NSR Permit Nos. 8996 and PSDTX454M5, SC No. (2)(B)(2), FOP No. O1046, GTC and STC No. 1.E, and Tex. Health & Safety Code § 382.085(b)

**Violation Description** Failed to maintain the records that demonstrated the corrective actions were initiated within one hour of the observed visible emissions. Specifically, the Respondent observed visible emissions from Finish Mills 1 and 2 on July 4, 2020 at 1:51 p.m. and maintenance personnel were contacted on the same day to inspect the baghouse and isolate the affected compartments, and the Respondent observed visible emissions from Finish Mill 1 on August 1, 2020 at 8:19 a.m. and the mill was shut down on August 2, 2020 at 7:50 a.m., but the records did not document that the corrective actions were initiated within one hour of the observed visible emissions.

**Base Penalty**

**>> Environmental, Property and Human Health Matrix**

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

**>> Programmatic Matrix**

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="20.0%"/>

100% of the rule requirements were not met.

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input checked="" type="text" value="x"/>

**Violation Base Penalty**

Two single events are recommended (one event for each observed visible emissions).

**Good Faith Efforts to Comply**

Reduction

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="text" value="x"/>	<input type="text"/>

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

**Violation Subtotal**

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount**

**Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**



## Economic Benefit Worksheet

**Respondent** Holcim (US) Inc.  
**Case ID No.** 63234  
**Reg. Ent. Reference No.** RN100219286  
**Media** Air  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$1,500	4-Jul-2020	1-Aug-2023	3.08	\$231	n/a	\$231
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 implement measures and/or procedures designed to ensure that the corrective actions required to be initiated within one hour of the observed visible emissions are recorded and maintained. The Date Required is the date the initial corrective action was required to be recorded 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** \$231

**Screening Date** 20-Sep-2022 **Docket No.** 2022-1408-AIR-E **PCW**  
**Respondent** Holcim (US) Inc. *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 63234 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN100219286  
**Media** Air  
**Enf. Coordinator** Johnnie Wu

**Violation Number** 3  
**Rule Cite(s)** 30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(A), FOP No. O1046, GTC, and Tex. Health & Safety Code § 382.085(b)  
**Violation Description** Failed to report all instances of deviations. Specifically, the deviation report for the July 1, 2020 through December 31, 2020 reporting period did not include the deviations for failing to maintain the records that demonstrated the corrective actions were initiated within one hour of observing visible emissions from Finish Mills 1 and 2 on July 4, 2020 at 1:51 p.m. and from Finish Mill 1 on August 1, 2020 at 8:19 a.m.

**Base Penalty** \$25,000

**>> Environmental, Property and Human Health Matrix**

<b>OR</b>	<b>Release</b>	<b>Harm</b>			<b>Percent</b>
		Major	Moderate	Minor	
		Actual			
Potential					

**>> Programmatic Matrix**

	<b>Falsification</b>	Major	Moderate	Minor	<b>Percent</b>
				x	

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

**Adjustment** \$24,750

\$250

**Violation Events**

Number of Violation Events 1 598 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

**Violation Base Penalty** \$250

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** \$250

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

**Estimated EB Amount** \$219 **Violation Final Penalty Total** \$393

**This violation Final Assessed Penalty (adjusted for limits)** \$393

## Economic Benefit Worksheet

**Respondent** Holcim (US) Inc.  
**Case ID No.** 63234  
**Reg. Ent. Reference No.** RN100219286  
**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
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

### 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	30-Jan-2021	1-Aug-2023	2.50	\$188	n/a	\$188
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	30-Jan-2021	1-Aug-2023	2.50	\$31	n/a	\$31

#### Notes for DELAYED costs

Estimated costs to submit a revised deviation report for the July 1, 2020 through December 31, 2020 reporting period to report the deviations for failing to maintain the records that demonstrated the corrective actions were initiated within one hour of observing visible emissions from Finish Mills 1 and 2 on July 4, 2020 at 1:51 p.m. and from Finish Mill 1 on August 1, 2020 at 8:19 a.m. (\$250) and to implement measures and/or procedures designed to ensure that all instances of deviations are reported in a timely manner (\$1,500). The Dates Required are the date the deviations should have been reported 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** \$219



# Compliance History Report

Compliance History Report for CN601505985, RN100219286, Rating Year 2022 which includes Compliance History (CH) components from September 1, 2017, through August 31, 2022.

**Customer, Respondent, or Owner/Operator:** CN601505985, Holcim (US) Inc. **Classification:** SATISFACTORY **Rating:** 4.63  
**Regulated Entity:** RN100219286, HOLCIM TEXAS **Classification:** SATISFACTORY **Rating:** 4.63  
**Complexity Points:** 27 **Repeat Violator:** NO  
**CH Group:** 10 - Cement and Concrete Product Manufacturing  
**Location:** 1800 Dove Lane, Midlothian, Ellis County, Texas  
**TCEQ Region:** REGION 04 - DFW METROPLEX

## ID Number(s):

**AIR OPERATING PERMITS** ACCOUNT NUMBER ED0099J  
**AIR NEW SOURCE PERMITS** PERMIT 8996  
**AIR NEW SOURCE PERMITS** REGISTRATION 39680  
**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX454  
**AIR NEW SOURCE PERMITS** REGISTRATION 70582  
**AIR NEW SOURCE PERMITS** REGISTRATION 76527  
**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX454M3  
**AIR NEW SOURCE PERMITS** REGISTRATION 80423  
**AIR NEW SOURCE PERMITS** REGISTRATION 96989  
**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX454M4  
**AIR NEW SOURCE PERMITS** REGISTRATION 166193  
**AIR NEW SOURCE PERMITS** REGISTRATION 169719  
**AIR NEW SOURCE PERMITS** REGISTRATION 149126  
**AIR NEW SOURCE PERMITS** REGISTRATION 159688  
**TIRES** REGISTRATION 76900  
**USED OIL** EPA ID TXD130369481  
  
**STORMWATER** PERMIT WQ0002580000  
**AIR EMISSIONS INVENTORY** ACCOUNT NUMBER ED0099J  
  
**INDUSTRIAL AND HAZARDOUS WASTE** EPA ID TXD130369481  
**TAX RELIEF** ID NUMBER 23687  
**TAX RELIEF** ID NUMBER 23691  
**TAX RELIEF** ID NUMBER 23689  
**TAX RELIEF** ID NUMBER 20598

**AIR OPERATING PERMITS** PERMIT 1046  
**AIR NEW SOURCE PERMITS** REGISTRATION 38923  
**AIR NEW SOURCE PERMITS** ACCOUNT NUMBER ED0099J  
**AIR NEW SOURCE PERMITS** AFS NUM 4813900022  
**AIR NEW SOURCE PERMITS** REGISTRATION 74694  
**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX454M2  
**AIR NEW SOURCE PERMITS** REGISTRATION 77035  
**AIR NEW SOURCE PERMITS** REGISTRATION 94642  
**AIR NEW SOURCE PERMITS** REGISTRATION 98215  
**AIR NEW SOURCE PERMITS** REGISTRATION 154829  
**AIR NEW SOURCE PERMITS** REGISTRATION 164238  
**AIR NEW SOURCE PERMITS** REGISTRATION 151431  
**AIR NEW SOURCE PERMITS** REGISTRATION 155338  
**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX454M5  
**USED OIL** REGISTRATION A85867  
**PETROLEUM STORAGE TANK REGISTRATION** REGISTRATION 48390  
**STORMWATER** EPA ID TX0090425  
**POLLUTION PREVENTION PLANNING** ID NUMBER P06708  
**INDUSTRIAL AND HAZARDOUS WASTE** SOLID WASTE REGISTRATION # (SWR) 32439  
**TAX RELIEF** ID NUMBER 23688  
**TAX RELIEF** ID NUMBER 23690  
**TAX RELIEF** ID NUMBER 20396  
**TAX RELIEF** ID NUMBER 20394

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

**Date Compliance History Report Prepared:** September 20, 2022

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** September 20, 2017 to September 20, 2022

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

**Name:** Johnnie Wu

**Phone:** (512) 239-2524

## Site and Owner/Operator History:

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

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

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

- 1 Effective Date: 01/15/2019 ADMINORDER 2018-0454-AIR-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT LLL 63.1343(b)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: Special Condition 4 PERMIT  
Description: Failure to comply with the 30-day rolling average 55 lb mercury (Hg)/million tons of clinker emissions limit for Kiln 2  
Classification: Minor  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT LLL 63.1350(f)(3)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: Special Condition 9 OP  
Description: Failure to initiate corrective actions within one hour of when visible emissions are observed during daily visible emissions evaluations for the finish mills  
Classification: Minor  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: Special Condition 34 PERMIT  
Description: Failure to report mercury (Hg) exceedances for Kiln 2 in quarterly excess emissions reports  
Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
5C THSC Chapter 382 382.085(b)  
Description: Failure to report all instances of deviations of the Title V permit in the deviation report covering the January 1, 2016 through June 30, 2016 period that was submitted on July 29, 2016  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT LLL 63.1346(a)  
5C THSC Chapter 382 382.085(b)  
Description: Failure to operate Kiln 2 such that the baghouse inlet temperature does not exceed the established limit in bypass mode
- 2 Effective Date: 11/17/2020 ADMINORDER 2020-0613-AIR-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: Special Condition 1 PERMIT  
Description: Failure to prevent unauthorized emissions to the atmosphere during an emissions event that was discovered on November 21, 2019.  
Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(G)  
30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: FOP No. O1046, GTC and STC No. 2.F OP  
Description: Failure to submit an accurate final record associated with an emissions event, TCEQ/STEERS Incident No. 325391. Specifically, Holcim failed to report the total quantities of all individual compounds or mixtures of air contaminants listed in the definition of RQ in 30 TAC 101.1 from all emission points involved in the emissions event.
- 3 Effective Date: 08/15/2022 ADMINORDER 2021-1222-AIR-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 113, SubChapter C 113.690  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT LLL 63.1343(b)

5C THSC Chapter 382 382.085(b)  
Rqmt Prov: GTC and STC Nos. 1.E and 11 OP  
SC 4 PERMIT  
Special Condition 4 PERMIT

Description: Failed to comply with the total hydrocarbons ("THC") emissions limit or alternative oHAP emissions limit.

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

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

Item 1	October 10, 2017	(1457224)
Item 2	November 14, 2017	(1462672)
Item 3	December 05, 2017	(1469073)
Item 4	January 08, 2018	(1475778)
Item 5	February 01, 2018	(1487953)
Item 6	February 20, 2018	(1465099)
Item 7	March 22, 2018	(1471219)
Item 8	April 12, 2018	(1494889)
Item 9	May 16, 2018	(1501842)
Item 10	May 29, 2018	(1481927)
Item 11	May 30, 2018	(1483089)
Item 12	May 31, 2018	(1483314)
Item 13	June 19, 2018	(1508951)
Item 14	July 11, 2018	(1515268)
Item 15	August 07, 2018	(1500214)
Item 16	August 08, 2018	(1504631)
Item 17	August 09, 2018	(1504632)
Item 18	August 17, 2018	(1521318)
Item 19	September 19, 2018	(1528500)
Item 20	October 19, 2018	(1534837)
Item 21	December 04, 2018	(1546433)
Item 22	January 11, 2019	(1563383)
Item 23	February 05, 2019	(1543225)
Item 24	February 13, 2019	(1563381)
Item 25	March 14, 2019	(1563382)
Item 26	May 07, 2019	(1552503)
Item 27	May 20, 2019	(1569348)
Item 28	June 18, 2019	(1585715)
Item 29	August 01, 2019	(1600706)
Item 30	August 20, 2019	(1575668)
Item 31	September 04, 2019	(1579569)
Item 32	September 09, 2019	(1607621)
Item 33	October 15, 2019	(1614491)
Item 34	October 17, 2019	(1591492)
Item 35	November 11, 2019	(1620280)
Item 36	December 09, 2019	(1627629)
Item 37	January 02, 2020	(1635260)
Item 38	February 10, 2020	(1641875)
Item 39	April 20, 2020	(1654741)
Item 40	May 20, 2020	(1661307)
Item 41	June 28, 2020	(1667834)
Item 42	July 20, 2020	(1674782)
Item 43	August 07, 2020	(1681552)
Item 44	September 09, 2020	(1663983)
Item 45	September 10, 2020	(1688130)
Item 46	October 06, 2020	(1694486)

Item 47	November 05, 2020	(1716066)
Item 48	November 19, 2020	(1691005)
Item 49	December 08, 2020	(1716067)
Item 50	January 04, 2021	(1716068)
Item 51	February 02, 2021	(1729139)
Item 52	March 10, 2021	(1729140)
Item 53	March 18, 2021	(1702080)
Item 54	April 07, 2021	(1729141)
Item 55	May 21, 2021	(1741865)
Item 56	July 02, 2021	(1752902)
Item 57	July 28, 2021	(1724440)
Item 58	August 02, 2021	(1723893)
Item 59	August 12, 2021	(1758310)
Item 60	September 17, 2021	(1767583)
Item 61	October 11, 2021	(1778097)
Item 62	October 19, 2021	(1760921)
Item 63	November 11, 2021	(1784828)
Item 64	December 10, 2021	(1791860)
Item 65	January 17, 2022	(1799710)
Item 66	February 01, 2022	(1807545)
Item 67	February 22, 2022	(1772538)
Item 68	March 15, 2022	(1814586)
Item 69	March 28, 2022	(1794840)
Item 70	April 05, 2022	(1821154)
Item 71	April 06, 2022	(1738533)
Item 72	May 03, 2022	(1829991)
Item 73	June 28, 2022	(1836301)
Item 74	July 11, 2022	(1843487)
Item 75	August 12, 2022	(1824190)

**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: 11/19/2021 (1763721)
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 319, SubChapter A 319.7(c)  
TX0090425 PERMIT  
WQ0002580-000 PERMIT
- Description: Failure to maintain all monitoring and reporting records at the facility. Specifically, pH meter calibration records for the June 2019 and March 2020 review periods were not being maintained. All records and information resulting from the required monitoring activities, including calibration, shall be retained for a minimum of three years.
- Self Report? NO Classification: Minor
- Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TX0090425 PERMIT  
WQ0002580-000 PERMIT
- Description: Failure to provide notification of any effluent violation which deviates from the permitted effluent limitations by more than 40%. Specifically, during the record review period of February 2017 to August 2021, one violation which exceeded the permitted limit by more than 40% was noted: June 2019 TSS mg/l (daily maximum). Noncompliance notifications shall be reported by the permittee in writing to the Regional Office and the Enforcement Division within five working days of becoming aware of the n

**F. Environmental audits:**

- Notice of Intent Date: 11/14/2017 (1454020)
- Disclosure Date: 08/17/2018
- Viol. Classification: Moderate
- Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT 000 60.670(d)(1)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT 000 60.676(a)(3)(i)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT 000 60.676(a)(3)(ii)

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

Viol. Classification: Moderate

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

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

Viol. Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter K 106.264

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

Viol. Classification: Moderate

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

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

Viol. Classification: Moderate

Citation: 40 CFR Chapter 279, SubChapter I, PT 279, SubPT E 279.65(a)(3)

40 CFR Chapter 279, SubChapter I, PT 279, SubPT E 279.65(a)(4)

30 TAC Chapter 324, SubChapter A 324.13

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

Viol. Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter A 335.6

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

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

No DOV Associated

Notice of Intent Date: 07/06/2022 (1832153)

No DOV Associated

**G. Type of environmental management systems (EMSs):**

N/A

**H. Voluntary on-site compliance assessment dates:**

N/A

**I. Participation in a voluntary pollution reduction program:**

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



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

§  
§  
§  
§  
§

BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

## AGREED ORDER DOCKET NO. 2022-1408-AIR-E

### I. JURISDICTION AND STIPULATIONS

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Holcim (US) Inc. (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent, represented by Derek R. McDonald of the law firm of Baker Botts L.L.P., together stipulate that:

1. The Respondent owns and operates a cement plant located at 1800 Dove Lane in Midlothian, Ellis County, Texas (the "Plant"). The Plant consists or consisted of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 382 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$93,267 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$37,307 of the penalty and \$18,653 of the penalty is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order and shall be waived only upon full compliance with all the terms and conditions of this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms and conditions contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.

Pursuant to TEX. WATER CODE § 7.067, \$37,307 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.
9. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Plant:
  - a. By March 3, 2021, obtained Standard Permit Registration No. 164238 that authorized the installation and operation of multiple temporary regenerative thermal oxidizer units and the construction and operation of an in-kind replacement selective catalytic reduction unit for the total hydrocarbons ("THC") and organic hazardous air pollutants ("o-HAP") emissions control; and
  - b. By September 10, 2022, demonstrated compliance with the established THC emissions limit for Kiln Line 1, Emissions Point Number ("EPN") 7.

## II. ALLEGATIONS

During an investigation at the Plant conducted on July 6, 2022, an investigator documented that the Respondent:

1. Failed to comply with the total hydrocarbons ("THC") emissions limit, in violation of 30 TEX. ADMIN. CODE §§ 101.20(2) and (3), 113.690, 116.115(c), and 122.143(4), 40 CODE OF FEDERAL REGULATIONS ("CFR") § 63.1343(b), New Source Review ("NSR") Permit Nos. 8996 and PSDTX454M5, Special Conditions ("SC") No. 4, Federal Operating Permit ("FOP") No. O1046, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") Nos. 1.E and 13, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent exceeded the established THC emissions limit of 19.75 parts per million by volume wet ("ppmvw") based on a rolling 30-day average by a range from 2.97 ppmvw to 3.87 ppmvw for 93 days from December 14, 2021 through March 22, 2022 for Kiln Line 1, Emissions Point Number ("EPN") 7. Also, the Respondent exceeded the established THC emissions limit of 22.92 ppmvw based on a rolling 30-day average by a range from 0.08 ppmvw to 5.65 ppmvw for 64 days from April 17, 2022 to June 19, 2022 for Kiln Line 1, EPN 7.

2. Failed to maintain the records that demonstrated the corrective actions were initiated within one hour of the observed visible emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20 (2) and (3), 113.690, 116.115(b)(2)(E)(i) and (c), and 122.143(4), 40 CFR §§ 63.1350(f)(3) and 63.1355(h), NSR Permit Nos. 8996 and PSDTX454M5, SC No. (2)(B)(2), FOP No. O1046, GTC and STC No. 1.E, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent observed visible emissions from Finish Mills 1 and 2 on July 4, 2020 at 1:51 p.m. and maintenance personnel were contacted on the same day to inspect the baghouse and isolate the affected compartments, and the Respondent observed visible emissions from Finish Mill 1 on August 1, 2020 at 8:19 a.m. and the mill was shut down on August 2, 2020 at 7:50 a.m., but the records did not document that the corrective actions were initiated within one hour of the observed visible emissions.
3. Failed to report all instances of deviations, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), FOP No. O1046, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the deviation report for the July 1, 2020 through December 31, 2020 reporting period did not include the deviations for failing to maintain the records that demonstrated the corrective actions were initiated within one hour of observing visible emissions from Finish Mills 1 and 2 on July 4, 2020 at 1:51 p.m. and from Finish Mill 1 on August 1, 2020 at 8:19 a.m.

### III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

### IV. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Holcim (US) Inc., Docket No. 2022-1408-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 implement and complete the SEP as set forth in Section I, Paragraph No. 4. The amount of \$37,307 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. Implement measures and/or procedures designed to ensure that the corrective actions required to be initiated within one hour of the observed visible emissions are recorded and maintained;
  - ii. Submit a revised deviation report for the July 1, 2020 through December 31, 2020 reporting period to report the deviations for failing to maintain the records that demonstrated the corrective actions were initiated within one hour of observing visible emissions from Finish Mills 1 and 2 on July 4, 2020 at 1:51 p.m. and from Finish Mill 1 on August 1, 2020 at 8:19 a.m.; and
  - iii. Implement measures and/or procedures designed to ensure that all instances of deviations are reported in a timely manner.
- 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

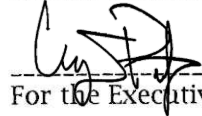
4. All relief not expressly granted in this Order is denied.
5. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Plant operations referenced in this Order.

6. If the Respondent fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
7. 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.
8. 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.
9. 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.
10. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

**SIGNATURE PAGE**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

-----  
For the Commission



-----  
For the Executive Director

-----  
Date

4/12/2023

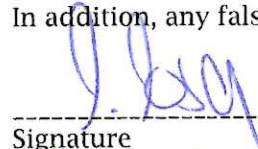
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Date


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.

  
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Signature

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

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Date

01/12/2023

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Title

PLANT MANAGER

*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: 2022-1408-AIR-E**  
**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>Holcim (US) Inc.</b>
<b>Payable Penalty Amount:</b>	<b>\$74,614</b>
<b>SEP Offset Amount:</b>	<b>\$37,307</b>
<b>Type of SEP:</b>	<b>Contribution to a Third-Party Pre-Approved SEP</b>
<b>Third-Party Administrator:</b>	<b>North Central Texas Council of Governments</b>
<b>Project Name:</b>	<b><i>North Central Texas Clean School Bus Program</i></b>
<b>Location of SEP:</b>	<b>Dallas - Fort Worth - Air Quality Control Region No. 215</b>

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 SEP Offset Amount is set forth above and such offset 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. The contribution will be to the **North Central Texas Council of Governments** for the *North Central Texas Clean School Bus Program* SEP. The contribution will be used in accordance with the SEP, the Third-Party Administrator, and the TCEQ (the “Project”). Specifically, the SEP Offset Amount will be used to reduce nitrogen oxides, volatile organic compounds, carbon monoxide, and particulate matter emissions by replacing older diesel buses with newer buses, or retrofitting them with nitrogen oxides reduction technology, that meet more stringent emission standards. The Third-Party Administrator shall use the SEP Offset Amount for up to either 100% of the purchase price of a school bus that is model year 2010 or newer, to replace a diesel school bus that is model year 2002 or older, or 100% of the cost to retrofit a diesel school bus that is model year 2002 or older, and with nitrogen oxides reduction technology. The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of 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 it 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 in any manner from this SEP.

b. Environmental Benefit

This SEP will directly benefit air quality by reducing harmful exhaust emissions which contribute to the formation of ozone and may cause or exacerbate several respiratory diseases, including asthma. In addition, by encouraging less school bus idling, this SEP contributes to public awareness of environmental matters.

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 **North Central Texas Council of Governments SEP** and shall mail the contribution with a copy of the Agreed Order to:

NCTCOG  
Attn: TCEQ NCT Clean School Bus Program, TRX1726  
Evan Paret, Transportation Department  
P.O. Box 5888  
Arlington, Texas 76005-5888

**3. Records and Reporting**

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement Division SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount due 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



Holcim (US) Inc.  
Docket No. 2022-1408-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 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 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.