

Executive Summary – Enforcement Matter – Case No. 63420
GCC PERMIAN, LLC
RN100213305
Docket No. 2022-1685-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Odessa Cement Plant, 16501 West Murphy Street, Odessa, Ector 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: July 19, 2024

Comments Received: No

Penalty Information

Total Penalty Assessed: \$28,375

Amount Deferred for Expedited Settlement: \$5,675

Total Paid to General Revenue: \$22,700

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: July 5, 2022 through August 4, 2022 and October 10, 2022

Date(s) of NOE(s): November 18, 2022 and July 27, 2023

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Docket No. 2022-1685-AIR-E

Violation Information

1. Failed to prevent unauthorized emissions. Specifically, the Respondent released 15,539.00 pounds of ammonia from the Kiln No. 1 Baghouse, Emissions Point Number GBH-01, during an emissions event (Incident No. 380407) that began on May 11, 2022 and lasted 483 hours [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), New Source Review ("NSR") Permit Nos. 5296, PSDTX24M2, and GHGPSDTX110, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O1125, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 9, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
2. Failed to maintain records for the monthly Method 22 visible emissions observations. Specifically, the Respondent did not maintain the monthly Method 22 visible emissions observations for the Clinker Belt Transfer Baghouse and CKD Bin Baghouse for the months of March 2022 and June 2022 [30 TEX. ADMIN. CODE §§ 101.20(2) and (3), 113.1060, 116.115(c), and 122.143(4), 40 CODE OF FEDERAL REGULATIONS § 63.1350(f)(1)(i), NSR Permit Nos. 5296, PSDTX24M2, and GHGPSDTX110, SC No. 14, FOP No. O1125, GTC and STC Nos. 1.A., 1.E., and 9, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

By July 25, 2023, the Respondent conducted training for the Operations Team, updated the process control system alarms, replaced the ammonia valve and lances, and updated the work practices to include more frequent testing and changing of the Selective Non-Catalytic Reduction lances and nozzles in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 380407.

Technical Requirements:

The Order will require the Respondent to:

- a. Within 30 days, implement measures designed to ensure that the records for the monthly Method 22 visible emissions observations are maintained for the Clinker Belt Transfer Baghouse and CKD Bin Baghouse; and
- b. Within 45 days, submit written certification to demonstrate compliance with a.

Executive Summary – Enforcement Matter – Case No. 63420
GCC PERMIAN, LLC
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Docket No. 2022-1685-AIR-E

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Rajesh Acharya, Enforcement Division, Enforcement Team 2, MC 219, (512) 239-0577; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Giuliocostadino Pautana, Plant Manager, GCC PERMIAN, LLC, P.O. Box 1547, Odessa, Texas 79760

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	21-Nov-2022		
	PCW	30-May-2024	Screening	1-Dec-2022
			EPA Due	

RESPONDENT/FACILITY INFORMATION				
Respondent	GCC PERMIAN, LLC			
Reg. Ent. Ref. No.	RN100213305			
Facility/Site Region	7-Midland	Major/Minor Source	Major	

CASE INFORMATION				
Enf./Case ID No.	63420	No. of Violations	2	
Docket No.	2022-1685-AIR-E	Order Type	1660	
Media Program(s)	Air	Government/Non-Profit	No	
Multi-Media		Enf. Coordinator	Rajesh Acharya	
		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	\$37,750
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	0.0%	Adjustment	Subtotals 2, 3, & 7	\$0
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Notes	No adjustment for Compliance History.
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Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes	The Respondent does not meet the culpability criteria.
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Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$9,375
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$1,720	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$26,500	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$28,375
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	
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Final Penalty Amount	\$28,375
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$28,375
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DEFERRAL	20.0%	Reduction	Adjustment	-\$5,675
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes	Deferral offered for expedited settlement.
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PAYABLE PENALTY	\$22,700
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Screening Date

1-Dec-2022

Docket No.

2022-1685-AIR-E

PCW

Respondent

GCC PERMIAN, LLC

Case ID No.

63420

Reg. Ent. Reference No.

RN100213305

Media

Air

Enf. Coordinator

Rajesh Acharya

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

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

Adjustment Percentage (Subtotal 2) 0%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

No adjustment for Compliance History.

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

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 0%

Screening Date

Respondent

Case ID No.

Reg. Ent. Reference No.

Media

Enf. Coordinator

1-Dec-2022

GCC PERMIAN, LLC

63420

RN100213305

Air

Rajesh Acharya

Docket No.

2022-1685-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(3), 116.115(c), and 122.143(4), New Source Review ("NSR") Permit Nos. 5296, PSDTX24M2, and GHGPSDTX110, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O1125, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 9, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 15,539.00 pounds of ammonia from the Kiln No. 1 Baghouse, Emissions Point Number ("EPN") GBH-01, during an emissions event (Incident No. 380407) that began on May 11, 2022 and lasted 483 hours.

Base Penalty

\$25,000

>> Environmental, Property and Human Health Matrix

OR

Release

Major

Moderate

Minor

Actual

x

Potential

Percent

50.0%

>>Programmatic Matrix

Falsification

Major

Moderate

Minor

Percent

0.0%

Matrix Notes

Human health or the environment has been exposed to significant amounts of pollutants that did not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment

\$12,500

\$12,500

Violation Events

Number of Violation Events

3

21

Number of violation days

daily

weekly

x

monthly

quarterly

semiannual

annual

single event

Violation Base Penalty

\$37,500

Three weekly events are recommended.

Good Faith Efforts to Comply

25.0%

Reduction

\$9,375

Before NOE/NOV

NOE/NOV to EDPRP/Settlement Offer

Extraordinary

Ordinary

x

N/A

Notes

The Respondent completed the corrective measures by July 25, 2023, prior to the Notice of Enforcement dated July 27, 2023.

Violation Subtotal

\$28,125

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

\$1,507

Violation Final Penalty Total

\$28,125

This violation Final Assessed Penalty (adjusted for limits)

\$28,125

Economic Benefit Worksheet

Respondent Case ID No. Reg. Ent. Reference No. Media Violation No. GCC PERMIAN, LLC 63420 RN100213305 Air 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$25,000	11-May-2022	25-Jul-2023	1.21	\$1,507	n/a	\$1,507

Notes for DELAYED costs

Estimated cost to conduct training for the Operations Team, update the process control system alarms, replace the ammonia valve and lances, and update the work practices to include more frequent testing and changing of the Selective Non-Catalytic Reduction lances and nozzles in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 380407. The Date Required is the date the emissions event began 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	\$25,000	TOTAL	\$1,507
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Screening Date 1-Dec-2022		Docket No. 2022-1685-AIR-E		PCW	
Respondent GCC PERMIAN, LLC		<i>Policy Revision 5 (January 28, 2021)</i>			
Case ID No. 63420		<i>PCW Revision February 11, 2021</i>			
Reg. Ent. Reference No. RN100213305					
Media Air					
Enf. Coordinator Rajesh Acharya					
Violation Number 2					
Rule Cite(s)		30 Tex. Admin. Code §§ 101.20(2) and (3), 113.1060, 116.115(c), and 122.143(4), 40 Code of Federal Regulations § 63.1350(f)(1)(i), NSR Permit Nos. 5296, PSDTX24M2, and GHGPSDTX110, SC No. 14, FOP No. O1125, GTC and STC Nos. 1.A., 1.E., and 9, and Tex. Health & Safety Code § 382.085(b)			
Violation Description		Failed to maintain records for the monthly Method 22 visible emissions observations. Specifically, the Respondent did not maintain the monthly Method 22 visible emissions observations for the Clunker Belt Transfer Baghouse and CKD Bin Baghouse for the months of March 2022 and June 2022.			
		Base Penalty		\$25,000	
>> Environmental, Property and Human Health Matrix					
OR	Release		Harm		
		Major	Moderate	Minor	
	Actual				
	Potential				Percent 0.0%
>> Programmatic Matrix					
	Falsification	Major	Moderate	Minor	
				x	Percent 1.0%
Matrix Notes	Less than 30% of the rule requirements were not met.				
Adjustment					\$24,750
					\$250
>> Violation Events					
Number of Violation Events		1	429	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	
	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		\$213		Violation Final Penalty Total \$250	
This violation Final Assessed Penalty (adjusted for limits)					\$250

Economic Benefit Worksheet

Respondent Case ID No. Reg. Ent. Reference No. Media Violation No. GCC PERMIAN, LLC 63420 RN100213305 Air 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-2022	1-Feb-2025	2.84	\$213	n/a	\$213
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 records for the monthly Method 22 visible emissions observations are maintained for the Clinker Belt Transfer Baghouse and CKD Bin Baghouse. The Date Required is the last day of the first month that the monthly Method 22 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				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs							

Approx. Cost of Compliance	\$1,500	TOTAL	\$213
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Compliance History Report

Compliance History Report for CN605260686, RN100213305, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

Customer, Respondent, or Owner/Operator: CN605260686, GCC PERMIAN, LLC **Classification:** SATISFACTORY **Rating:** 0.19

Regulated Entity: RN100213305, ODESSA CEMENT PLANT **Classification:** SATISFACTORY **Rating:** 0.20

Complexity Points: 19 **Repeat Violator:** NO

CH Group: 10 - Cement and Concrete Product Manufacturing

Location: 16501 W MURPHY ST ODESSA, TX 79763-7880, ECTOR COUNTY

TCEQ Region: REGION 07 - MIDLAND

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER EB0121R

AIR NEW SOURCE PERMITS PERMIT 5296

AIR NEW SOURCE PERMITS REGISTRATION 29952

AIR NEW SOURCE PERMITS AFS NUM 4813500023

AIR NEW SOURCE PERMITS REGISTRATION 94809

AIR NEW SOURCE PERMITS REGISTRATION 132051

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX024

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX024M2

AIR NEW SOURCE PERMITS REGISTRATION 152724

AIR NEW SOURCE PERMITS REGISTRATION 166656

AIR NEW SOURCE PERMITS REGISTRATION 156314

AIR NEW SOURCE PERMITS REGISTRATION 171472

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX024M3

PETROLEUM STORAGE TANK REGISTRATION

REGISTRATION 3777

POLLUTION PREVENTION PLANNING ID NUMBER P01634

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 74630

TAX RELIEF ID NUMBER 21156

TAX RELIEF ID NUMBER 21492

TAX RELIEF ID NUMBER 23953

TAX RELIEF ID NUMBER 23954

TAX RELIEF ID NUMBER 24553

TAX RELIEF ID NUMBER 16514

TAX RELIEF ID NUMBER 17978

TAX RELIEF ID NUMBER 22566

TAX RELIEF ID NUMBER 22568

TAX RELIEF ID NUMBER 25870

AIR OPERATING PERMITS PERMIT 1125

AIR NEW SOURCE PERMITS REGISTRATION 29653

AIR NEW SOURCE PERMITS ACCOUNT NUMBER EB0121R

AIR NEW SOURCE PERMITS REGISTRATION 87635

AIR NEW SOURCE PERMITS REGISTRATION 111752

AIR NEW SOURCE PERMITS EPA PERMIT GHGPSDTX110

AIR NEW SOURCE PERMITS REGISTRATION 111750

AIR NEW SOURCE PERMITS REGISTRATION 135699

AIR NEW SOURCE PERMITS PERMIT 164864

AIR NEW SOURCE PERMITS REGISTRATION 151535

AIR NEW SOURCE PERMITS REGISTRATION 152108

AIR NEW SOURCE PERMITS REGISTRATION 174521

AIR NEW SOURCE PERMITS EPA PERMIT GHGPSDTX110M1

AIR EMISSIONS INVENTORY ACCOUNT NUMBER EB0121R

INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD982293151

TAX RELIEF ID NUMBER 17202

TAX RELIEF ID NUMBER 21231

TAX RELIEF ID NUMBER 24552

TAX RELIEF ID NUMBER 23952

TAX RELIEF ID NUMBER 24551

TAX RELIEF ID NUMBER 23951

TAX RELIEF ID NUMBER 16515

TAX RELIEF ID NUMBER 17179

TAX RELIEF ID NUMBER 22567

TAX RELIEF ID NUMBER 24554

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

Date Compliance History Report Prepared: May 01, 2024

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: May 01, 2019 to May 01, 2024

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

Name: Rajesh Acharya

Phone: (512) 239-0577

Site and Owner/Operator History:

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

Components (Multimedia) for the Site Are Listed in Sections A - J**A. Final Orders, court judgments, and consent decrees:**

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	May 31, 2019	(1570943)
Item 2	August 16, 2019	(1590464)
Item 3	March 02, 2020	(1624173)

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

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

N/A

F. Environmental audits:**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
GCC PERMIAN, LLC
RN100213305

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§
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BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2022-1685-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 GCC PERMIAN, 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 a cement plant located at 16501 West Murphy Street in Odessa, Ector 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 \$28,375 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$22,700 of the penalty and \$5,675 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order. The deferred amount shall be waived only upon full compliance with all the terms and conditions contained in this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms or requirements contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.
5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.

6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that by July 25, 2023, the Respondent conducted training for the Operations Team, updated the process control system alarms, replaced the ammonia valve and lances, and updated the work practices to include more frequent testing and changing of the Selective Non-Catalytic Reduction lances and nozzles in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 380407.

II. ALLEGATIONS

1. During a record review for the Plant conducted from July 5, 2022 through August 4, 2022, an investigator documented that the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), New Source Review ("NSR") Permit Nos. 5296, PSDTX24M2, and GHGPSDTX110, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O1125, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 9, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 15,539.00 pounds of ammonia from the Kiln No. 1 Baghouse, Emissions Point Number ("EPN") GBH-01, during an emissions event (Incident No. 380407) that began on May 11, 2022 and lasted 483 hours.
2. During a record review for the Plant conducted on October 10, 2022, an investigator documented that the Respondent failed to maintain records for the monthly Method 22 visible emissions observations, in violation of 30 TEX. ADMIN. CODE §§ 101.20(2) and (3), 113.1060, 116.115(c), and 122.143(4), 40 CODE OF FEDERAL REGULATIONS § 63.1350(f)(1)(i), NSR Permit Nos. 5296, PSDTX24M2, and GHGPSDTX110, SC No. 14, FOP No. O1125, GTC and STC Nos. 1.A., 1.E., and 9, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent did not maintain the monthly Method 22 visible emissions observations for the Clinker Belt Transfer Baghouse and CKD Bin Baghouse for the months of March 2022 and June 2022.

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: GCC PERMIAN, LLC, Docket No. 2022-1685-AIR-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The Respondent shall undertake the following technical requirements at the Plant:
 - a. Within 30 days after the effective date of this Order, implement measures designed to ensure that the records for the monthly Method 22 visible emissions observations are maintained for the Clinker Belt Transfer Baghouse and CKD Bin Baghouse.
 - b. Within 45 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be signed by the Respondent and shall include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

Air Section Manager
Midland Regional Office
Texas Commission on Environmental Quality
10 Desta Drive, Suite 350E
Midland, Texas 79705

3. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Plant operations referenced in this Order.
5. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Enforcement Division at the address listed above.
6. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
8. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



For the Executive Director

7/16/2024

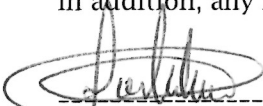
Date

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

06/18/24

Date

Ginko Costadino Fantasia.

Name (Printed or typed)
Authorized Representative of
GCC PERMIAN, LLC

Plant Manager

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.