





On April 12, 2018, and April 19, 2018, Ms. Archer Chattin, Environmental Investigator ("Investigator") of the Texas Commission on Environmental Quality (TCEQ), Dallas/Fort Worth (DFW) Region office, conducted an Air Quality Complaint (AIR-CMPL) investigation at the TXI McKinney Plant 3 ('site,' 'plant,' 'facility,' 'regulated entity') located southeast of the intersection of S McDonald St and Stuart Rd, McKinney, Collin County, Texas. The site is owned and operated by TXI Operations LP, a subsidiary of Martin Marietta Materials Inc.

The investigation was conducted in response to two citizen complaints, Incident No. 281659, received on March 27, 2018, alleging that dust from the facility was impacting their property, and Incident No. 282667, received on April 17, 2017, alleging that the facility was creating dust and was not in compliance with their authorization. The complainant specifically referenced noncompliance with a requirement that the site be bordered by dust suppressing fencing or other barrier at least 12 feet high and that each stockpile be located within a three-walled bunker that extends at least two feet above the top of the stockpile. On April 9, 2018, Ms. Chattin contacted the complainant associated with Incident No. 281659 to discuss the investigation. The complainant stated that Martin Marietta and other facilities nearby had expanded a lot recently and were creating dust issues, excessive noise, bright lights at night, and traffic problems. The complainant also expressed concerns related to water runoff and open standing water. The investigator discussed the limitations of her jurisdiction and informed the complainant that noise, lights, and traffic were not issues the TCEQ could investigate and that the water concerns would be handled through the TCEQ water section. The investigator referred the complainant to local authorities for concerns outside the TCEQ's jurisdiction. The complainant also expressed concerns about the Cowtown facility next to Martin Marietta. These concerns are addressed in Investigation No. 1484663. On April 25, 2018, Ms. Chattin left a message for the complainant associated with Incident No. 282667.

The purpose of the investigation was to determine if Martin Marietta was operating in compliance with applicable state and federal air quality regulations and to evaluate potential nuisance conditions. According to agency records, the operation is registered under two Regulated Entity Numbers (RN) and Customer Numbers (CN). Permit by Rule Registration No. 76159 for 106.144 Bulk Mineral Handling authorizes a cement silo owned by Martin Marietta Materials and operated by TXI Operations located at 2005 S McDonald St (RN10270736; TXI McKinney Ready Mix Cement Silo). Standard Exemption (SE) 71, claimed under registration No. 39376 for Concrete Batch Plants, authorizes a concrete batch plant owned and operated by TXI Operations at 2105 S McDonald Street as part of Martin Marietta Materials. A property search determined that no street number appeared to be assigned to the property by Collin County Appraisal District. Mr. Jesse Martindale, Environmental Manager for Martin Marietta, was the regulated entity contact for this investigation. Mr. Chris Markcum, Batch Man for Martin Marietta, participated on the onsite investigation.

#### Daily Narrative

On April 12, 2018, the investigator arrived in the vicinity of the regulated entity at 9:20 am and took weather readings using an anemometer. The temperature was 66 degrees Fahrenheit with 56% humidity and wind from the south at an average of 25 miles per hour. Ms. Chattin met with the complainants associated with Incident No. 281659, discussed the investigation, did a walkthrough of their property and took pictures. The investigator observed dust on the property but was unable to determine the source or composition.

Ms. Chattin attempted to make contact with the complainant associated with Incident No. 282667 at their property, but was unsuccessful. Ms. Chattin left the complainants and arrived near the Martin Marietta entrance at 12:30 pm. Upon entering the facility Ms. Chattin observed material from stockpiles and traffic areas on the Martin Marietta property being blown offsite continuously. Ms. Chattin made contact with Mr. Markcum, presented credentials and discussed the purpose of the investigation. Ms. Chattin asked to see a copy of the facility's authorization, and all applicable records. Mr. Markcum provided a copy of the Standard Exemption, facility throughput records, facility cleaning and watering logs. Ms. Chattin noted that the facility's authorization did not have any requirements related to dust suppressant fencing or barriers at least 12 feet high, nor did it have requirements for stockpiles to be located within three-walled bunkers that extend at least two feet above the top of the stockpile. The investigator determined that these requirements were part of the Standard Permit for Concrete Batch Plants, not the authorization Martin Marietta is operating under, and thus are not applicable requirements to this site. Ms. Chattin reviewed the watering logs for the site and asked for additional information about dust control practices. Mr. Markcum stated that the facility watered the stockpiles that were being used for production as necessary, up to daily, with a portable sprinkler and that the stockpiles that were not being currently used for production were not watered regularly. Ms. Chattin noted that there were no sprinklers operating at the time of the investigation despite the presence of visible emissions leaving the property. The investigator also noted that the watering logs showed that watering did not occur daily and never occurred on weekends. Based on the water logs and the investigator's observations Ms. Chattin determined that Martin Marietta was not watering or using



## MCKINNEY PLANT 3 - MCKINNEY

4/12/2018 to 4/19/2018 Inv. # - 1484771

Page 3 of 6

dust suppressant chemicals on stockpiles as necessary to achieve maximum control of dust emissions as required in SE 71. Ms. Chattin provided Mr. Markeum with an Exit Interview Form noting one violation and left the facility. While exiting the facility Ms. Chattin observed that some of the paved traffic areas at the site were not maintained in-tact and cohesive according to the TCEQ definition of cohesive as required in SE 71 (see Attachment 1: Photographs).

On April 16, 2018, Ms. Chattin contacted Mr. Martindale to discuss the investigation and provide an updated Exit Interview Form (see Attachment 2: Exit Interview Forms). Two violations of 30 TAC 116.110 (a) were noted as category B18.g.1. according to the Enforcement Initiation Criteria, Revision 15 and classified as moderate.

On April 19, 2018, Ms. Chattin arrived in the vicinity of the complainant's property associated with Incident No. 281659 at approximately 11:40 am. The investigator met with the complainants and conducted a walkthrough of their property, during which Ms. Chattin observed heavier coatings of dust on surfaces than had been present on April 12, 2018. Ms. Chattin observed that some of the dust was composed of pollen but could not determine what other materials were present. Ms. Chattin collected tape lift samples at the complainant's property for additional analysis. Ms. Chattin arrived in the vicinity of Martin Marietta at approximately 12:05 pm. Ms. Chattin observed the property for ten minutes and observed little visible emissions leaving the property during that time, however visible emissions were seen being emitted from the stockpiles when disturbed and visible emissions were seen when trucks entered and exited the site using a driveway shared with the Cowtown and Lhoist facilities. The Martin Marietta facility should ensure that appropriate responsibility be taken to put in place measures to mitigate emissions coming from shared traffic areas.

Ms. Chattin left the area at 12:15 pm. The results from tape lift samples collected on April 19, 2018, have not been received by the investigator as of the date of this report and will be addressed in a follow-up investigation when available.

On April 20, 2018, Mr. Martindale submitted additional information concerning the alleged violations noted during the investigation on April 12, 2018, (see Attachment 3: Facility Correspondence). The investigator reviewed the additional information and determined, though it contains some corrective action descriptions, it is not sufficient to resolve the violations at the time of this report and further action is needed.

### Exit Interview

On April 16, 2018, Ms. Chattin informed Mr. Martindale of the results of the investigation.

### GENERAL FACILITY AND PROCESS INFORMATION

#### Process Description

McKinney Plant 3 is a permanent concrete batch plant. Washed raw aggregate materials are hauled to site in covered trucks. Aggregates are loaded into aggregate bins using front-end loaders. Cement and fly ash are pumped to pigs from delivery trucks using a closed air hose pumping system. Cement is moved via air hose from pig to cement silo. Fly ash is moved from pig to fly ash silo via air hose. Aggregate bins and silos feed to discharge point. Emissions for aggregates, cement, and fly ash are handled by the central dust collection system and the silo collectors.

### BACKGROUND

#### Compliance History

RE Name: McKinney Plant 3 RN: RN102171238  
Classification: Unclassified Rating: 0 Publication Date: November 15, 2017  
Customer Name: TXI Operations LP CN: CN600125157  
Classification: Satisfactory Rating: 0.52 Publication Date: May 22, 2018

#### Agreed Orders, Court Orders, and other Compliance Agreements

No agreed orders, court orders, or other compliance agreements exist regarding this facility in the last five years.

#### Prior Enforcement Issues

There have been no prior enforcement issues for this facility in the last five years.

#### Complaints

The TCEQ DFW Region office has received one other air quality related complaint regarding this facility in the last five years. Incident No. 278932 was received on February 19, 2018. The complainant alleged that the facility was



creating excessive dust and operating a concrete recycling facility that was not authorized. This complaint was addressed in Investigation No. 1473108 and resulted in no violations.

**ADDITIONAL INFORMATION**

**Conclusions, Recommendations, and Current Enforcement Actions**

Two violations were noted as a result of this investigation. A notice of violation will be sent to the facility and a copy of the report will be sent to the complainants. Nuisance conditions could not be substantiated based on the preponderance of evidence available at this time. Tape lift sample analysis and results will be evaluated in a follow-up investigation when the data are available. Close Incident No. 282667 and Incident No. 281659.

**Additional Issues.**

On April 19, 2018, the investigator noted that visible emissions were seen when Martin Marietta trucks entered and exited the site using a driveway shared with the Cowtown and Lhoist facilities. The Martin Marietta facility should ensure that appropriate responsibility be taken to put in place measures that mitigate emissions coming from shared traffic areas.

NOV Date	06/14/2018	Method	WRITTEN
OUTSTANDING ALLEGED VIOLATION(S) ASSOCIATED TO A NOTICE OF VIOLATION			

**Track Number:** 677421

**Compliance Due Date:** 07/14/2018

**Violation Start Date:** 4/12/2018

**30 TAC Chapter 116.110(a)**

**5C THSC Chapter 382.085(b)**

**REG 39376, Standard Exemption 71(3)**

...All batch and material delivery trucks shall remain on a paved surface when entering, conducting primary functions, and leaving the property. Other areas on the property subject to vehicle traffic shall be watered, treated with dust-suppressant chemicals, oiled, or paved as necessary to achieve maximum control of dust emissions.

**REG 39376, Standard Exemption 71(1)**

All stockpiles shall be sprinkled with water and/or dust-suppressant chemicals as necessary to achieve maximum control of dust emissions. The stockpile sprinkler system shall be operable at all times.

**Alleged Violation:**

**Investigation:** 1484771

**Comment Date:** 06/08/2018

Failure to achieve maximum control of dust emissions from stockpiles and vehicle traffic areas. During an investigation on April 12, 2018, the investigator observed the Martin Marietta facility for approximately 40 minutes. During that time, the investigator observed near continuous visible emissions from stockpiles and traffic areas leave the property. Ms. Chattin reviewed the watering logs for the McKinney Plant 3 site and asked for additional information about dust control practices. Mr. Chris Markcum stated that the facility watered the stockpiles that were being used for production as necessary, up to daily, with a portable sprinkler and that the stockpiles that were not being currently used for production were not watered regularly, and estimated that they were watered on average once a week. Ms. Chattin noted that there were no sprinklers operating at the time of the investigation despite the presence of visible emissions leaving the property. The investigator also noted that the watering logs showed that watering did not occur daily and did not occur on weekends. Based on the water logs and the investigator's observations, Ms. Chattin determined that Martin Marietta was not watering or using dust suppressant chemicals on stockpiles and traffic areas as necessary to achieve maximum control of dust emissions.

**Recommended Corrective Action:** Provide a written description of corrective actions taken to address this violation within 30 days of the Notice of Violation letter.





**Attachments: (in order of final report submittal)**

Enforcement Action Request (EAR)

Letter to Facility (specify type) : NOV

Investigation Report

Sample Analysis Results

Manifests

Notice of Registration

Maps, Plans, Sketches

Photographs

Correspondence from the facility

Other (specify) :

2: Exit Interview Forms

---