

AIR CP_108711193_CP_20180419_INVESTIGATION
Texas Commission on Environmental Quality
Investigation Report

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Customer: Cowtown Redi Mix, Inc.
Customer Number: CN602718157

Regulated Entity Name: COWTOWN PLANT 5
Regulated Entity Number: RN108711193

Investigation # 1484663

Incident Numbers

281812

Investigator: ARCHER CHATTIN

Site Classification MINOR SOURCE

Conducted: 04/12/2018 -- 04/19/2018

SIC Code: 3273

Program(s): AIR NEW SOURCE PERMITS

Investigation Type: Compliance Investigation

Location: FROM THE INTERSECTION OF STEWART ROAD AND HIGHWAY 5 TRAVEL SOUTHWEST 400 FEET TO SITE ENTRANCE LOCATED ON THE SOUTH SIDE OF THE ROAD

Additional ID(s): 960815M
134697

Address: ,
, ,

Local Unit: REGION 04 - DFW METROPLEX

Activity Type(s): AIRCOMPL - AIR CMPL - AIR COMPLAINT INV

Principal(s):

Role	Name
RESPONDENT	COWTOWN REDI MIX INC

Contact(s):

Role	Title	Name	Phone
PARTICIPATED IN	PLANT MANAGER	WESLEY CARPENTER	
REGULATED ENTITY CONTACT	OWNER	MR SAM SHMAISANI	Fax (817) 759-1716 Phone (817) 759-1919

Other Staff Member(s):

Role	Name
QA Reviewer	KIMBERLI FOWLER
Supervisor	KIMBERLI FOWLER

Associated Check List

<u>Checklist Name</u>	<u>Unit Name</u>
AIR COMPLAINT INVESTIGATION	CMPL
AIR INVESTIGATION - EQUIPMENT	EQUIP
MONITORING AND SAMPLING revised 06/2013	

COWTOWN REDY MIX

Investigation Comments:**INTRODUCTION**

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 Cowtown Redi Mix Plant 5 ('Cowtown', 'site,' 'plant,' 'facility,' 'regulated entity') located at 2005 S McDonald St, McKinney, Collin County, Texas.

The investigation was conducted in response to an anonymous complaint, Incident No. 281812, received on March 27, 2018. The complainant alleged that steam and dust from the facility was impacting their property. On April 9, 2018, Ms. Chattin contacted the complainant to discuss the investigation. The complainant stated that Cowtown 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 police for issues of noise, lights, and traffic. The complainant also expressed concerns about the Martin Marietta facility next to Cowtown. These concerns are addressed in Investigation No. 1484771.

The purpose of the investigation was to determine if Cowtown was operating in compliance with applicable state and federal air quality regulations and to evaluate potential nuisance conditions. According to agency records, Cowtown is registered under Standard Permit Registration No. 134697 for Concrete Batch Plants and is operated as a permanent plant. Mr. Wesley Carpenter, Plant Manager for Cowtown Plant 5, and Mr. Sam Shmaisani, Owner of Cowtown Plant 5 participated in the 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 complainant, 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 left the complainant and arrived near the Cowtown Plant 5 entrance at 11:04. Upon entering the facility Ms. Chattin observed material from stockpiles on the Cowtown property being blown offsite continuously. Ms. Chattin made contact with Mr. Carpenter, presented credentials and discussed the purpose of the investigation. Ms. Chattin asked to see a copy of the facility's authorization, all applicable records, and proof of start of construction and start of operation. Mr. Carpenter provided a copy of the Standard Permit, facility throughput records, facility cleaning and watering logs. Mr. Carpenter could not locate a copy of the start of construction and operation notice or records of quarterly visible emissions observations. Ms. Chattin observed the property from the batch house for approximately 40 minutes and observed multiple instances of visible emissions leaving the property for more than 30 seconds. This is a violation of Permit No. 134697 condition 5(H). This is a category B18(g)(1) violation and is classified as moderate. Ms. Chattin provided Mr. Carpenter with an Exit Interview Form noting one alleged violation for failure to prevent visible emissions from leaving the property and two records requests for a copy of the start of construction and operation and records of quarterly visible emissions observations (see Attachment 2: Exit Interview Forms). Ms. Chattin left the facility at 12:23 pm.

On April 16, 2018, Mr. Shmaisani contacted the investigator to discuss the records requested. Mr. Shmaisani informed Ms. Chattin that the facility had not been conducting quarterly visible emissions observations due to a misunderstanding with their consultant and that they had not realized they were required to submit a start of construction and operation notice when the facility was constructed in October of 2016. Failure to conduct and record Quarterly Visible Emissions Observations is a violation of Permit No. 134697 condition 5(H) and is category B18(g)(1) violation classified as moderate. Failure to provide start of construction and start of operation notifications is a violation of 30 TAC 116.615(4) and (5). This is a category B9 violation and is classified as moderate. Ms. Chattin provided an updated exit interview form to Mr. Shmaisani via email on April 16, 2018 (see Attachment 2: Exit Interview Forms).

On April 19, 2018, Ms. Chattin arrived in the vicinity of the complainant's property at approximately 11:40 am. The investigator met with the complainant 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

COWTOWN PLANT 5 - MCKINNEY

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present. Ms. Chattin collected tape lift samples at the complainant's property for additional analysis. Ms. Chattin arrived in the vicinity of Cowtown Plant 5 at approximately 12:05 pm. Ms. Chattin observed the property for ten minutes and observed little to no 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 truck entered and exited the site using a driveway shared with the Martin Marietta and Lhoist facilities. The Cowtown facility should ensure that appropriate responsibility be taken to put in place measures to mitigate emissions coming from shared traffic areas. This will be noted as an additional issue. 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 so will be addressed in a follow-up investigation when available.

Exit Interview

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

GENERAL FACILITY AND PROCESS INFORMATION

Process Description

Cowtown Redi Mix Plant 5 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: Cowtown Plant 5 RN: RN108711193

Classification: Unclassified Rating: 0 Publication Date: November 15, 2017

Customer Name: Cowtown Redi Mix Inc CN: CN602718157

Classification: Satisfactory Rating: 5.00 Publication Date: November 15, 2017

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. 279013 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. 1473172 and resulted in no violations.

ADDITIONAL INFORMATION

Conclusions, Recommendations, and Current Enforcement Actions

Three 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 complainant. 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. 281812.

Additional Issues.

On April 19, 2018, the investigator noted that visible emissions were seen when Cowtown Redi Mix trucks entered and exited the site using a driveway shared with the Martin Marietta and Lhoist facilities. The Cowtown 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: 677953 Compliance Due Date: 07/14/2018

Violation Start Date: 4/16/2018

30 TAC Chapter 116.115(c)
5C THSC Chapter 382.085(b)

PERMIT , 134697, Condition 5(H)

Alleged Violation:

Investigation: 1484663

Comment Date: 05/30/2018

Failure to prevent visible emissions from leaving the property. During an investigation on April 12, 2018, the investigator observed material from stockpiles on the Cowtown property being blown off property almost continuously. According to the Standard Permit for concrete Batch Plants, there shall be no visible fugitive emissions leaving the property, thus this is a violation of the permit condition.

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

Track Number: 677959 Compliance Due Date: 07/14/2018

Violation Start Date: 10/28/2015

30 TAC Chapter 116.115(c)
5C THSC Chapter 382.085(b)

PERMIT , 134697, Condition 5(H)

Alleged Violation:

Investigation: 1484663

Comment Date: 05/30/2018

Failure to perform and record Quarterly Visible Emissions Observations. During an investigation on April 12, 2018, the investigator requested records of Quarterly Visible Emissions observations required by Permit No 134697 Condition 5(H). While trying to fulfill this request, Cowtown determined that the facility had not been conducting Visible Quarterly Emissions Observations, and therefore did not have records of any. This is violation of the permit condition.

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

Track Number: 677981 Compliance Due Date: 07/14/2018

Violation Start Date: 10/28/2015

30 TAC Chapter 116.115(b)(2)(B)(i)
30 TAC Chapter 116.115(b)(2)(E)(iv)
30 TAC Chapter 116.115(b)(2)(E)(v)
5C THSC Chapter 382.085(b)

Alleged Violation:

Investigation: 1484663

Comment Date: 05/30/2018

Failure to provide start of construction and start of operation notification to the Region Office. During an

investigation on April 12, 2018, the investigator requested records of start of construction and start of operation notifications required to have been submitted to the region office within 15 days of each event. While attempting to fulfill the request the Cowtown facility determined that the notifications had not been sent. This is a violation of the permit conditions.

Recommended Corrective Action: Please provide a written description of corrective actions taken to address this violation within 30 days of the Notice of Violation Letter.

Additional Issues

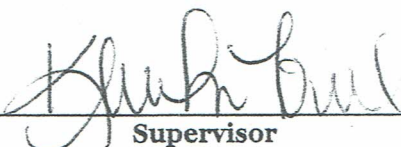
Description Item 4

Additional Comments

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

Signed 
Environmental Investigator

Date 6/8/18

Signed 
Supervisor

Date 6/8/18

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) : 1: Exit Interview Forms