



STATE OF WISCONSIN
DEPARTMENT OF JUSTICE

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December 16, 2013

Ms. Cindy Joosten
Clerk of Circuit Court
Wood County Courthouse
P.O. Box 8905
Wisconsin Rapids, WI 54495-8095

Re: *State v. Completion Industrial Minerals, LLC*

Dear Ms. Joosten:

Enclosed are an original and two copies of a Summons and Complaint in the above-entitled case. Please file the original and authenticate the copies and return those copies of the Summons and Complaint to me in the self-addressed, stamped envelope enclosed.

Also enclosed are the original and two copies of a Stipulation and Order for Judgment and an original and two copies of a Judgment. Please arrange to have a circuit court judge assigned to this case to consider this matter and to review the Stipulation and Order for Judgment and the Judgment. If the assigned judge finds that all is in order, I request that the judge sign the Order and that the Judgment be signed and entered as well. Please return conformed copies of the Stipulation and Order for Judgment and of the Judgment in the self-addressed, stamped envelope with the Summons and Complaint. I will then send a copy to opposing counsel.

This is a civil action for forfeitures using the classification code of Complex Forfeiture 30109, and no filing fee is required.

Thank you for your assistance in this matter.

Sincerely,

Bradley J. Motl
Assistant Attorney General

BJM:lil
Enclosure
c w/encl.:

Attorney Charles V. Sweeney
Bob Sloan, DNR (via email)
Don Grasser, DNR (via email)
Mike Szabo, DNR (via email)

STATE OF WISCONSIN

CIRCUIT COURT
BRANCH _____

WOOD COUNTY

STATE OF WISCONSIN
17 West Main Street
Post Office Box 7857
Madison, Wisconsin 53707-7857,

Plaintiff,

v.

Case No. 13-CX-_____
Complex Forfeiture: 30109

COMPLETION INDUSTRIAL
MINERALS, LLC
2100 North Main Street, Suite 212
Fort Worth, Texas 76164,
a foreign limited liability
company,

Defendant.

THE AMOUNT CLAIMED IS
GREATER THAN THE
AMOUNT CLAIMED UNDER
WIS. STAT. § 799.01(1)(d).

SUMMONS

THE STATE OF WISCONSIN,

To each person named above as a defendant:

You are hereby notified that the plaintiff named above has filed a lawsuit or other legal action against you. The complaint, which is attached states the nature and basis of the legal action.

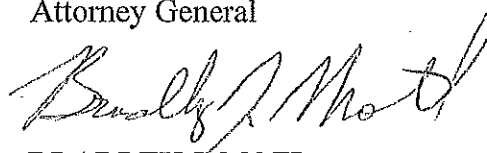
Within 20 days of receiving this summons, you must respond with a written answer, as that term is used in chapter 802 of the Wisconsin Statutes, to the complaint.

The Court may reject or disregard an answer that does not follow the requirements of the statutes. The answer must be sent or delivered to the Court, whose address is Wood County Circuit Court, 400 Market Street, P.O. Box 8905, Wisconsin Rapids, WI 54495-8905, and to Bradley J. Motl, plaintiff's attorney, whose address is Wisconsin Department of Justice, Environmental Protection Unit, 17 West Main Street, Post Office Box 7857, Madison, WI 53707-7857. You may have an attorney help or represent you.

If you do not provide a proper answer within 20 days, the Court may grant judgment against you for the award of money or other legal action requested in the complaint, and you may lose your right to object to anything that is or may be incorrect in the complaint. A judgment may be enforced as provided by law. A judgment awarding money may become a lien against any real estate you own now or in the future, and may also be enforced by garnishment or seizure of property.

Dated this 16th day of December, 2013.

J.B. VAN HOLLEN
Attorney General



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Assistant Attorney General
State Bar #1074743

Attorneys for Plaintiff State of Wisconsin

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STATE OF WISCONSIN

CIRCUIT COURT
BRANCH _____

WOOD COUNTY

STATE OF WISCONSIN
17 West Main Street
Post Office Box 7857
Madison, Wisconsin 53707-7857,

Plaintiff,

v.

Case No. _____
Complex Forfeiture: 30109

COMPLETION INDUSTRIAL
MINERALS, LLC
2100 North Main Street, Suite 212
Fort Worth, Texas 76164,
a foreign limited liability
company,

Defendant.

THE AMOUNT CLAIMED IS
GREATER THAN THE
AMOUNT CLAIMED UNDER
WIS. STAT. § 799.01(1)(d).

COMPLAINT

The State of Wisconsin by its attorneys, Attorney General J.B. Van Hollen and Assistant Attorney General Bradley J. Motl, brings this complaint against the above-named defendant at the request of the Wisconsin Department of Natural Resources (WDNR) pursuant to Wis. Stat. ch. 285, which protects the public from air pollution. The WDNR administers regulations and issues permits authorized by these statutes.

1. Plaintiff State of Wisconsin is a sovereign state of the United States of America with its principal offices at the State Capitol in Madison, Dane County, Wisconsin.

2. Defendant Completion Industrial Minerals, LLC (CIM) is a foreign limited liability company with its principal office at 2100 North Main Street, Suite 212, Fort Worth, Texas 76164. Its registered agent is C T Corporation System, 8040 Excelsior Drive, Suite 200, Madison, Wisconsin 53717.

3. CIM owns and operates a hydraulic fracturing sand processing facility located at 3015 South Mallard Avenue, Marshfield, Wood County, Wisconsin (Facility).

4. The Facility consists of a Wet Plant and Dry Plant. The Wet Plant is designed to break up the incoming raw material, remove fine material, and preliminarily size the sand. The Dry Plant is designed to remove moisture from the sand and size the sand according to product specifications.

5. The Facility consists of the following processes: P01, the fluidized bed dryer; P02, the five enclosed bulk dry sand conveyors and stackers; P03, the three bulk sand belt conveyors and elevators to the silos; P04, the loading spouts from the 3 product storage silos; F01, the thirteen bulk wet sand belt conveyors and stackers; F02, the surge piles of bulk material; F03, the fugitive duct from truck traffic; F04, the truck receiving stations; F05, the wet plant crusher; and F06, wet plant screens.

6. The Wet Plant became operational no later than October 7, 2011.

7. The Dry Plant became operational on December 2, 2011.

WISCONSIN'S AIR POLLUTION LAWS

8. Wisconsin Stat. § 285.60(1)(a)1. states that "no person may commence construction, reconstruction, replacement, or modification of a stationary source unless the person has a construction permit from [WDNR]."

9. "Person" is defined in Wis. Stat. § 285.01(33) as "an individual, owner, operator, corporation, limited liability company"

10. "Stationary source" is defined in Wis. Stat. § 285.01(41) as "any facility, building, structure or installation that directly or indirectly emits or may emit an air contaminant only from a fixed location."

11. Wisconsin Stat. § 285.65 states that WDNR "may prescribe conditions for an air pollution control permit to ensure compliance with [Wis. Stat. ch. 285] and s. 299.15 and rules promulgated under [Wis. Stat. ch. 285] and s. 299.15 and to ensure compliance with the federal clean air act if each condition is one of the following and if each condition is applicable to the source"

12. Wisconsin Stat. § 285.66(1) states that "[u]nless otherwise specified in a construction permit, the authorization to construct, reconstruct, replace, or modify a stationary source is valid for 18 months from the date of issuance . . . [WDNR] may only extend the term of the authorization in the permit for up to 18 additional months . . . [i]f construction, reconstruction, replacement, or modification is not completed within the term specified in the permit or any extension granted by [WDNR], the applicant shall apply for a new construction permit. Notwithstanding the fact that authorization to construct, reconstruct, replace, or modify a source expires under this subsection, all

conditions in a construction permit are permanent unless the conditions are revised through a revision of the construction permit or through the issuance of a new construction permit."

13. Wisconsin Stat. § 285.60(7) states that "[a] person who obtains a permit under this section shall comply with all terms and conditions of the permit."

FACTS

14. At all times relevant to this Complaint, CIM has been a person, as that term is defined in Wis. Stat. § 285.01(33).

15. At all times relevant to this Complaint, the Facility has been a stationary source, as that term is defined in Wis. Stat. § 285.01(41).

16. On March 17, 2009, WDNR issued CIM Air Pollution Control Construction Permit No. 08-RAF-288 (2009 Construction Permit).

17. On September 15, 2010, WDNR granted CIM, pursuant to Wis. Stat. § 285.66(1), an 18-month extension to the original expiration date of the 2009 Construction Permit.

18. The 2009 Construction Permit expired on March 17, 2012.

19. On January 18, 2012, WDNR received a complaint regarding sand and dust blowing off of waste sand stockpiles at the Facility.

20. On January 24, 2012, WDNR Air Management Engineers Don Grasser and Marty Sellers, along with Wood County Environmental Health Specialist Greg Kolodziej, conducted an inspection of the Facility (January 24, 2012 Inspection).

21. On March 2, 2012, WDNR issued CIM a Notice of Violation resulting from the January 24, 2012 inspection. The Notice of Violation alleged 41 violations of either the 2009 Construction Permit and/or state law.

22. On March 21, 2012, CIM attended a WDNR Enforcement Conference (Enforcement Conference).

23. On April 10, 2012, CIM submitted to WDNR, via email, a table summarizing the violations alleged in the March 2, 2012 Notice of Violation and indicating what actions CIM had taken to gain compliance. The April 10, 2012 email also included a calculation of particulate matter emissions during the period of operation when some processes required by the 2009 Construction Permit to have controls were not controlled.

24. On August 20, 2012, WDNR issued CIM a Notice of Violation regarding alleged violations that occurred after the 2009 Construction Permit expired on March 17, 2012.

25. On August 22, 2012 CIM applied for new air pollution control construction and operation permits.

26. On October 18, 2012, CIM submitted to WDNR a document that documented the changes made to the Facility that were not permitted under the 2009 Construction Permit.

27. On November 8, 2012, CIM submitted to WDNR a revision of the table it submitted to WDNR on April 10, 2012. The revised table indicated what actions CIM

had taken to come into compliance with state law, along with specific dates on which the actions were taken (CIM Enforcement Summary).

28. On November 8, 2012, CIM submitted to WDNR a revision of the document it submitted to WDNR on October 18, 2012. The revised document indicated the changes made to the Facility that were not permitted under the 2009 Construction Permit, along with the specific dates the changes were made (Summary of Changes with Dates).

29. On May 16, 2013, WDNR issued CIM Air Pollution Control Construction Permit No. 12-POY-178.

30. On October 24, 2013, WDNR issued CIM a Letter of Noncompliance as a result of stack testing conducted on August 27 and 28, 2013.

VIOLATION 1: CONSTRUCTING A STATIONARY SOURCE AFTER PERMIT EXPIRATION

31. Wisconsin Stat. § 285.60(1)(a)1. states that "no person may commence construction, reconstruction, replacement, or modification of a stationary source unless the person has a construction permit from [WDNR]."

32. Wisconsin Stat. § 285.66(1) states that "[u]nless otherwise specified in a construction permit, the authorization to construct, reconstruct, replace, or modify a stationary source is valid for 18 months from the date of issuance . . . [WDNR] may only extend the term of the authorization in the permit for up to 18 additional months . . . [i]f construction . . . is not completed within the term specified in the permit or any extension granted by [WDNR], the applicant shall apply for a new construction permit."

33. The 2009 Construction Permit expired on March 17, 2012.
34. A continuous monitoring system was installed on Stack S01 to monitor opacity on or around March 19, 2012.
35. A paved road that intersects with the raw feed stockpile (SP01) was constructed at the Facility on or around April 11, 2012.
36. Ductwork was installed to collect emission at the Facility produced from the displacement of air in the railcars or haul trucks on or around June 30, 2012.
37. On May 16, 2013, WDNR issued CIM Air Pollution Control Construction Permit No. 12-POY-178, which gave CIM authority to commence the construction outlined in paragraphs 33-35.
38. CMI violated Wis. Stat. §§ 285.60(1)(a)1. and 285.66(1) from March 19, 2012 until May 16, 2013 for constructing, reconstructing, replacing, or modifying the Facility after the 2009 Construction Permit expired.

VIOLATION 2: FAILURE TO UPDATE PERMIT APPLICATION

39. Condition I.ZZZ.6.a.(6) of the 2009 Construction Permit states that "[t]he permittee shall update the permit application if any changes occur which are not specified or described in the plans and specifications approved under" the 2009 Construction Permit.
40. On or around October 8, 2011, the Wet Plant was reconfigured, such that the originally planned sludge conveyors were not installed and as a result material was stored under a filter press.

41. The 2009 Construction Permit specified that sludge conveyors would be installed.
42. On or around November 28, 2011, a vertical shaft impact crusher was installed at the Facility.
43. The 2009 Construction Permit did not specify a vertical shaft impact crusher.
44. On or around November 28, 2011, the product silos were completed, however, the third product silo and associated load out spout, baghouse, conveyors, and bucket elevator were never constructed.
45. The 2009 Construction Permit specified a third product silo and associated load out spout, baghouse, conveyors, and bucket elevator.
46. On or around November 28, 2011, the stack associated with the silo bin vents was constructed to be circular with a diameter of 0.667 feet.
47. The 2009 Construction Permit specified that the stack associated with the silo vent be rectangular in shape and 2 feet by 1 foot in size.
48. On or around February 15, 2012, a dust collector (BHC04) and associated stack (S04) were constructed at the Facility.
49. The 2009 Construction Permit did not specify a dust collector (BHC04) and associated stack (S04).
50. On or around April 11, 2012, a paved road that intersects with the raw feed stockpile (SP01) was constructed at the Facility.

51. The 2009 Construction Permit did not specify the design of the paved road that was constructed.

52. On or around June 30, 2012, ductwork was installed to collect emission at the Facility produced from the displacement of air in the railcars or haul trucks.

53. The 2009 Construction Permit did not specify ductwork to collect emissions produced from the displacement of air in the railcars or haul trucks.

54. CIM has never updated the 2009 Construction Permit application or the operation permit application submitted at the same time as the 2009 Construction Permit application.

55. CIM violated condition I.ZZZ.6.a.(6) of the 2009 Construction Permit and Wis. Stat. § 285.60(7) on or around October 8, 2011; November 28, 2011; February 15, 2012; April 11, 2012; and June 30, 2012 for failing to update the 2009 Construction Permit application to reflect changes that occurred that were not specified or described in the plans and specifications approved under the 2009 Construction Permit.

VIOLATION 3: FAILURE TO OPERATE A FABRIC FILTER CONTROL DEVICE

56. Concerning processes B01, P01, and P02, condition I.A.1.a.(3) of the 2009 Construction Permit states that "[t]he permittee shall operate a fabric filter control device to control particulate matter emissions, whenever the drying process or conveyors are in operation."

57. Concerning process P03, condition I.B.1.a.(3) of the 2009 Construction Permit states that "[t]he permittee shall operate a fabric filter control device [to] control particulate matter emissions, whenever the conveyors or elevators are in operation."

58. A baghouse is a fabric filter control device.

59. At the January 24, 2012 Inspection, WDNR determined that CIM had not operated a fabric filter control device to control particulate matter emissions whenever the drying process, conveyors or elevators were in operation.

60. On January 24, 2012, baghouse C01 was not controlling emissions from two of the four process P02 enclosed bulk sand conveyors and stackers.

61. On January 24, 2012, there was no baghouse controlling emissions from the conveyors and elevators associated with process P03.

62. On or after March 31, 2012, CIM came into compliance with conditions I.A.1.a.(3) and I.B.1.a.(3) of the 2009 Construction Permit.

63. CIM violated conditions I.A.1.a.(3) and I.B.1.a.(3) of the 2009 Construction Permit and Wis. Stat. § 285.60(7) from at least December 2, 2011 to March 31, 2012 for failing to operate a fabric filter control device to control particulate matter emissions whenever processes P02 and P03 were in operation.

VIOLATION 4: FAILURE TO CONSTRUCT STACK TO REQUIRED DIMENSIONS

64. Condition I.A.1.b.(3) of the 2009 Construction Permit states that "[t]he stack parameters for S01 shall be maintained as follows: (a) stack height of at least 51.0

feet above ground level; (b) inside stack diameter less than or equal to 4.0 feet. (c) the stack shall have a vertical unobstructed discharge."

65. At the January 24, 2012 Inspection, WDNR determined that CIM had not maintained a stack height of at least 51.0 feet above ground level for stack S01.

66. CIM stated in the CIM Enforcement Summary that "[t]he blue prints for stack show a finished height of 51.0 ft. As built the stack was 49' 6". An 18" extension was added to the stack in February to bring it up to the specified height."

67. CIM stated in the CIM Enforcement Summary that it complied with S01 stack height requirement on February 23, 2012.

68. CIM violated condition I.A.1.b.(3) of the 2009 Construction Permit and Wis. Stat. § 285.60(7) from January 24, 2012 to February 23, 2012 for failing to maintain a stack height of at least 51.0 feet above ground level for stack S01.

VIOLATION 5: FAILURE TO INFORM WDNR OF CONSTRUCTION/OPERATION

69. Condition I.ZZZ.6.a.(1) of the 2009 Construction Permit states that "[t]he permittee shall inform [WDNR] of the following dates: (a) The date construction commences on any new emission unit(s) addressed in Permit 08-RAF-288. (b) The date new emission unit(s) (P01 through P04, and F01 through F06) becomes operational. For purposes of this permit, 'operational' shall be defined as the first time of any process related air contaminant is emitted into the ambient air."

70. Condition I.ZZZ.6.b.(1) of the 2009 Construction Permit states that "[t]he permittee shall submit to [WDNR] . . . in writing, within 15 days of the date the event,

the following: (a) The date construction commences on the new or modified emission unit(s) addressed in Permit 08-RAF-288. (b) The date new emission unit(s) (P01 through P04, and F01 through F06) becomes operational."

71. Wet Plant processes F01, F05, and F06 became operational no later than October 7, 2011.

72. Dry Plant processes P01, P02, P03, and P04 became operational on December 2, 2011.

73. The bulk piles (F02), truck traffic (F03), and truck receiving (F04) processes became operational no later than October 7, 2011.

74. CIM did not provide WDNR notification within 15 days of when CIM commenced construction of emission units P01 through P04 and F01 through F06.

75. CIM did not provide WDNR notification within 15 days of when emission units P01 through P04 and F01 through F06 became operational.

76. CIM violated conditions I.ZZZ.6.a.(1) and I.ZZZ.6.b.(1) of the 2009 Construction Permit and Wis. Stat. § 285.60(7) for failing to inform the WDNR within 15 days of when CIM commenced construction of emission units P01 through P04 and F01 through F06, and when emission units P01 through P04 and F01 through F06 became operational.

VIOLATION 6: FAILURE TO NOTIFY WDNR OF PHASED/STAGED CONSTRUCTION

77. Condition I.ZZZ.6.a.(7) of the 2009 Construction Permit states that "[p]hased/[s]tagged construction refers to construction/modification of an operation that

occurs in separate/distinct phases or stages. Separate notification of commencing construction of each stage/phase of construction shall be submitted to [WDNR]."

78. A dust collector (BHC04) and associated stack (S04) were constructed at the Facility on or around February 15, 2012.

79. A continuous monitoring system was installed on Stack S01 to monitor opacity on or around March 19, 2012.

80. A paved road that intersects with the raw feed stockpile (SP01) was constructed at the Facility on or around April 11, 2012.

81. Ductwork was installed to collect emission at the Facility produced from the displacement of air in the railcars or haul trucks on or around June 30, 2012.

82. CIM stated on the CIM Enforcement Summary that "[t]here was no notice of phased construction because the project was not completed in phases."

83. CIM violated condition I.ZZZ.6.a.(7) of the 2009 Construction Permit and Wis. Stat. § 285.60(7) on or around February 15, 2012, March 19, 2012, April 11, 2012, and June 30, 2012 for failing to notify WDNR of phased/staged construction at the Facility.

VIOLATION 7: FAILURE TO PREPARE AND SUBMIT A FUGITIVE DUST PLAN WITHIN 60 DAYS OF PERMIT ISSUANCE

84. Condition I.ZZZ.1.b.(1) of the 2009 Construction Permit states that "[t]he permittee shall prepare a Fugitive Dust Plan within 60 days of issuance of this permit. The plan shall identify the specific measures to be taken to prevent fugitive dust and the

frequency of these measures. The site manager's name and phone number shall be provided with the plan."

85. Condition I.ZZZ.1.c.(2) of the 2009 Construction Permit states that "[t]he permittee shall submit the fugitive dust plan required under I.ZZZ.1.b.(1) to [WDNR] within 60 days of permit issuance."

86. CIM was required to submit a fugitive dust plan to WDNR by May 17, 2009.

87. At the January 24, 2012 Inspection, WDNR determined that CIM had not developed or submitted to WDNR a fugitive dust plan.

88. On March 21, 2012, CIM submitted its Fugitive Dust Plan to WDNR.

89. CIM violated Conditions I.ZZZ.1.b.(1) and I.ZZZ.1.c.(2) of the 2009 Construction Permit and Wis. Stat. § 285.60(7) from May 17, 2009 until March 21, 2012, for failing to prepare and submit a fugitive dust plan to WDNR within 60 days of permit issuance.

VIOLATION 8: FAILURE TO KEEP DAILY RECORDS OF PRECAUTIONS TAKEN UNDER THE FUGITIVE DUST PLAN

90. Wisconsin Admin. Code § NR 439.04(1)(d) states that "[t]he owner or operator of an air contaminant source to which chs. NR 400 to 499 apply shall maintain the following records: . . . (d) Any other records relating to the emission of air contaminants which may be requested in writing by [WDNR]."

91. For Process F01, condition I.C.1.c.(1) of the 2009 Construction Permit states that "[t]he permittee shall keep daily records of all precautions taken to prevent fugitive dust under the Fugitive Dust Plan required under I.ZZZ.1."

92. For Process F02, condition I.D.1.c.(1) of the 2009 Construction Permit states that "[t]he permittee shall keep daily records of all precautions taken to prevent fugitive dust under the Fugitive Dust Plan required under I.ZZZ.1."

93. For Process F04, condition I.F.1.c.(1) of the 2009 Construction Permit states that "[t]he permittee shall keep daily records of all precautions taken to prevent fugitive dust under the Fugitive Dust Plan required under I.ZZZ.1."

94. For Process F05, condition I.G.1.c.(1) of the 2009 Construction Permit states that "[t]he permittee shall keep daily records of all precautions taken to prevent fugitive dust under the Fugitive Dust Plan required under I.ZZZ.1."

95. For Process F06, condition I.H.1.c.(1) of the 2009 Construction Permit states that "[t]he permittee shall keep daily records of all precautions taken to prevent fugitive dust under the Fugitive Dust Plan required under I.ZZZ.1."

96. For Process P04, Control Devices C05, C06, and C07, and Stack F07, Condition I.I.1.c.(1) of the 2009 Construction Permit states that "[t]he permittee shall keep daily records of all precautions taken to prevent fugitive dust under I.I.1.b.(1) and under the Fugitive Dust Plan required under I.ZZZ.1."

97. CIM was required to submit a fugitive dust plan to WDNR by May 17, 2009. CIM did not submit its fugitive dust plan to WDNR until March 21, 2012.

98. At the January 24, 2012 Inspection, WDNR determined that CIM failed to keep daily records of all precautions taken to prevent fugitive dust under the Fugitive Dust Plan required under condition I.ZZZ.1. of the 2009 Construction Permit.

99. CIM started keeping daily record of precautions taken to prevent fugitive dust under the Fugitive Dust Plan required under I.ZZZ.1. of the 2009 Construction Permit on March 21, 2012.

100. CIM violated conditions I.C.1.c.(1), I.D.1.c.(1), I.F.1.c.(1), I.G.1.c.(1), I.H.1.c.(1), and I.I.1.c.(1) of the 2009 Construction Permit and Wis. Stat. § 285.60(7) from May 17, 2009 to March 21, 2012 when it failed to keep daily records of precautions taken to prevent fugitive dust under the Fugitive Dust Plan required under I.ZZZ.1. of the 2009 Construction Permit.

**VIOLATION 9: FAILURE TO USE FUGITIVE DUST PLAN TO ENSURE
COMPLIANCE WITH OPACITY LIMIT**

101. Condition I.C.2.b.(1) of the 2009 Construction Permit states "[c]ompliance with the Fugitive Dust Plan under I.ZZZ.1. shall be used to ensure compliance with the opacity limit" of condition I.C.2.a.(1) of the 2009 Construction Permit.

102. Condition I.G.2.b.(1) of the 2009 Construction Permit states "[c]ompliance with the Fugitive Dust Plan under I.ZZZ.1. shall be used to ensure compliance with the opacity limit" of condition I.G.2.a.(1) of the 2009 Construction Permit.

103. Condition I.H.2.b.(1) of the 2009 Construction Permit states "[c]ompliance with the Fugitive Dust Plan under I.ZZZ.1. shall be used to ensure compliance with the opacity limit" of condition I.H.2.a.(1) of the 2009 Construction Permit.

104. At the January 24, 2012 Inspection, WDNR determined that CIM had not developed a fugitive dust plan under Condition I.ZZZ.1. of the 2009 Construction Permit.

105. At the January 24, 2012 Inspection, WDNR determined that CIM did not use a fugitive dust plan created under condition I.ZZZ.1. of the 2009 Construction Permit to ensure compliance the opacity limits of the 2009 Construction Permit.

106. On March 21, 2012, CIM submitted its Fugitive Dust Plan to WDNR.

107. CIM violated conditions I.C.2.b.(1), I.G.2.b.(1), and I.H.2.b.(1) of the 2009 Construction Permit and Wis. Stat. § 285.60(7) from October 8, 2011 to March 21, 2012 when it did not use a fugitive dust plan created under condition I.ZZZ.1. of the 2009 Construction Permit to ensure compliance with opacity limits contained in the 2009 Construction Permit.

VIOLATION 10: FAILURE TO CALIBRATE PRESSURE DROP DEVICE

108. With regard to processes P01 and P02, condition I.A.1.b.(1) of the 2009 Construction Permit states that "[a] device capable of measuring the pressure drop across the fabric filter shall be . . . calibrated"

109. Dry Plant processes P01 and P02 became operational on December 2, 2011.

110. At the January 24, 2012 Inspection, WDNR determined that CIM had not calibrated a device capable of measuring pressure drop across the fabric filter baghouse associated with P01 and P02.

111. On February 7, 2013, CIM submitted to WDNR a Certification of Calibration for a device capable of measuring pressure drop across the fabric filter baghouse associated with P01 and P02, which was dated January 16, 2013.

112. CIM violated condition I.A.1.b.(1) of the 2009 Construction Permit and Wis. Stat. § 285.60(7) from December 2, 2011 to January 16, 2013 when it failed to calibrate a device capable of measuring pressure drop across the fabric filter baghouse associated with P01 and P02.

VIOLATION 11: FAILURE TO DETERMINE AND RECORD PRESSURE DROP

113. With regard to processes P01 and P02, condition I.A.1.b.(2) of the 2009 Construction Permit states that "[t]he permittee shall determine the pressure drop range for the fabric filter during the initial operation period for the dryer system. The pressure drop across the fabric filter shall be maintained between [*the range established during the initial operation period*] inches of water column."

114. With regard to processes P01 and P02, condition I.A.1.c.(2) of the 2009 Construction Permit states that "[t]he permittee shall record the pressure drop across the fabric filter once every 8 hours of operation or once per day the source is operated whichever yields the greater number of measurements."

115. Dry Plant processes P01 and P02 became operational on December 2, 2011.

116. At the January 24, 2012 Inspection, WDNR determined that CIM did not determine the pressure drop range for the fabric filter during the initial operation period

for the dryer system, and that CIM did not record the pressure drop across the fabric filter once every 8 hours of operation or once per day the source is operated.

117. The CIM Enforcement Summary states that "[t]he baghouse pressure drops were not being recorded as of the inspection (1/24/2012). The dryer system (including baghouse C01) were only operated 243 hours spread out over 45 shifts. Since the inspection the pressure drops have been recorded with an average of 3.3" [water column] and a range of 1.5" – 4.5" [water column]. The bags are new with minimal production and we are proposing an operating range of 1.0 to 10.0" [water column]."

118. The fabric filter is one component of the baghouse referenced in the CIM Enforcement Summary.

119. The CIM Enforcement Summary states that the compliance date for determining pressure drop ranges and recording the pressure drop across the fabric filter was February 1, 2012.

120. CIM violated conditions I.A.1.b.(2) and I.A.1.c.(2) of the 2009 Construction Permit and Wis. Stat. § 285.60(7) from December 2, 2011 to February 1, 2012 when it failed to determine the pressure drop ranges for the fabric filter during the initial operation period and when it failed to record the pressure drop across the fabric filter once every 8 hours of operation or once per day the source is operated.

VIOLATION 12: FAILURE TO INSTALL, CALIBRATE, MAINTAIN, AND OPERATE A CONTINUOUS EMISSION MONITOR

121. Condition I.A.2.b.(1) of the 2009 Construction Permit states that "[e]xcept as provided under (3), the permittee shall install, calibrate, maintain, and operate a

continuous monitoring system (COMS) to measure and record the opacity of emissions from each stack."

122. Condition I.A.2.b.(2) of the 2009 Construction Permit states that "[t]he permittee shall calibrate, maintain, and operate the continuous emission monitor in accordance with Performance Specification 1 in 40 CFR part 60, Appendix B."

123. Performance Specification 1, 40 C.F.R. pt. 60, App. B requires an initial certification of the COM.

124. Performance Specification 1 in 40 CFR part 60, Appendix B, § 2.3 states that "[a]fter the COMS is installed and calibrated, the owner or operator must test the COMS for conformance with the field performance specifications in [Performance Specification 1]."

125. Condition I.A.2.b.(3) of the 2009 Construction Permit states that "[i]n lieu of COMS, the permittee may have a certified visible emissions observer measure and record three 6-minute averages of the opacity of visible emissions to the atmosphere each day of operation in accordance with Method 9 of Appendix A of 40 CFR part 60."

126. Condition I.A.2.c.(3) states that "[t]he permittee shall maintain records of the opacity observations required under Conditions b.(1) and b.(3)."

127. Operation of the Dry Plant began on December 2, 2011.

128. At the January 24, 2012 Inspection, WDNR determined that CIM had not installed a continuous monitoring system.

129. Sometime after the January 24, 2012 Inspection, CIM installed a continuous monitoring system.

130. CIM's continuous monitoring system became operational on March 19, 2012.

131. CIM's continuous monitoring system was calibrated on March 26, 2012.

132. CIM's continuous monitoring system was certified on May 1, 2012.

133. Between December 2, 2011 and May 1, 2012, no CIM personnel were certified as visible emissions observers.

134. Between December 2, 2011 and May 1, 2012, CIM did not conduct any Method 9 visible emission observations.

135. CIM violated conditions I.A.2.b.(1), I.A.2.b.(2), and I.A.2.b.(3) of the 2009 Construction Permit and Wis. Stat. § 285.60(7) from December 2, 2011 to May 1, 2012 for failing to install, calibrate, maintain, and operate a continuous monitoring system or have a certified visible emissions observer measure and record the opacity of visible emissions.

VIOLATION 13: FAILURE TO CONDUCT PERFORMANCE TESTING WITHIN 60 DAYS OF STARTUP

136. Condition I.ZZZ.6.a.(4) of the 2009 Construction Permit states: "*Performance Testing.* The permittee shall conduct a compliance emission stack test of new stack (S01) for particulate matter emissions and shall conduct a performance test of new emission unit(s) (S01/P01-P02, P03, F01 and F05) for visible emissions within 60 days of the date these units become operational."

137. For processes P01 and P02, condition I.A.2.c.(1) of the 2009 Construction Permit states: "[w]henver compliance emission testing is required, US EPA Method 9 in

40 CFR part 60, Appendix A and the procedures in s. NR 440.11, Wis. Adm. Code, shall be used to demonstrate compliance."

138. For process P03, condition I.B.2.c.(1) of the 2009 Construction Permit states: "[w]henver compliance emission testing is required, US EPA Method 9 in 40 CFR part 60, Appendix A and the procedures in s. NR 440.11, Wis. Adm. Code, shall be used to demonstrate compliance."

139. For process F01, condition I.C.2.c.(1) of the 2009 Construction Permit states: "[w]henver compliance emission testing is required, US EPA Method 9 in 40 CFR part 60, Appendix A and the procedures in s. NR 440.11, Wis. Adm. Code . . . shall be used to demonstrate compliance"

140. For process F05, condition I.G.2.c.(1) of the 2009 Construction Permit states: "[w]henver compliance emission testing is required, US EPA Method 9 in 40 CFR part 60, Appendix A and the procedures in s. NR 440.11, Wis. Adm. Code . . . shall be used to demonstrate compliance"

141. Condition I.C.2.b.(2) of the 2009 Construction Permit states that CIM must "[r]efer to I.ZZZ.6.a.(4) for initial performance test requirements under s. NR 440.11(5), Wis. Adm. Code. As provided under s. NR 440.688(6)(h), Wis. Adm. Code, initial Method 9 performance tests under s. NR 440.11 are not required for wet screening operations and subsequent screening operations, bucket elevators and belt conveyors that process saturated material in the production line up to, but not including, the next crusher, grinding mill or storage bin."

142. At all times relevant to this complaint, the raw material processed at the Facility was not saturated material.

143. Wet Plant processes F01 and F05 became operational no later than October 7, 2011.

144. The visible emissions performance testing for processes F01 and F05 were due on December 6, 2011.

145. Dry Plant processes S01/P01-P02 and P03 became operational on December 2, 2011.

146. The visible emissions performance testing for processes S01/P01-P02 and P03 were due on January 31, 2012.

147. The particulate matter emissions performance testing stack test for processes S01/P01-P02 was due on January 31, 2012, but WDNR extended the deadline to May 2, 2012.

148. At the January 24, 2012 Inspection, WDNR determined that CIM had not conducted a compliance emission stack test of stack S01 for particulate matter emissions within 60 days of stack S01, and its associated processes, becoming operational.

149. At the January 24, 2012 Inspection, WDNR determined that CIM did not conduct the required Method 9 visible emissions performance tests within 60 days of processes P01, P02, P03, F01, and F05 becoming operational.

150. On April 5, 2012, CIM conducted a Method 9 visible emissions performance tests for process F05.

151. CIM has never conducted the particulate matter emissions performance testing stack test for processes S01/P01-P02.

152. CIM has never conducted Method 9 visible emissions performance tests for processes P01, P02, P03, and F01.

153. CIM has continually violated condition I.ZZZ.6.a.(4) of the 2009 Construction Permit and Wis. Stat. § 285.60(7) from December 6, 2011 until present for failing to perform performance testing within 60 days of processes P01, P02, P03, F01, and F05 becoming operational.

VIOLATION 14: FAILURE TO KEEP AND MAINTAIN STACK S01 DOCUMENTS ON SITE

154. Condition I.A.1.c.(3) of the 2009 Construction Permit states that "[t]echnical drawings, blueprints, or equivalent documents that demonstrate the stack height and diameter of S01 shall be kept and maintained on site."

155. At the January 24, 2012 Inspection, CIM did not have available, on site, technical drawings, blueprints, or equivalent documents that demonstrate the stack height and diameter of S01.

156. CIM violated condition I.A.1.c.(3) of the 2009 Construction Permit and Wis. Stat. § 285.60(7) on January 24, 2012 for failing to maintain stack S01 documents on site.

VIOLATION 15: FAILURE TO KEEP RECORDS OF METEOROLOGICAL
CONDITIONS

157. Condition I.E.1.c.(2) of the 2009 Construction Permit states that "[w]hen weather conditions adequately control fugitive dust, as allowed under condition b.(1)(f), the permittee shall keep records of meteorological conditions including wind speed and direction, amount and type of precipitation, ambient temperature, cloud cover, and other pertinent data."

158. At the January 24, 2012 Inspection, WDNR determined that CIM had never kept records of meteorological conditions at the Facility.

159. The CIM Enforcement Summary states that "[r]ecord keeping for weather conditions was not done at the time of the inspection. All record keeping for weather is now part of the record keeping for fugitive dust control and was implemented after the Inspection in January."

160. On March 1, 2012, CIM came into compliance with condition I.E.1.c.(2) of the 2009 Construction Permit.

161. CIM violated condition I.E.1.c.(2) of the 2009 Construction Permit and Wis. Stat. § 285.60(7) from October 7, 2011 to March 1, 2012 for failing to keep records of meteorological conditions at the Facility.

VIOLATION 16: FAILURE TO PREPARE, IMPLEMENT, UPDATE, AND SUBMIT
TO WDNR A MALFUNCTION PREVENTION AND ABATEMENT PLAN FOR
FACILITY PROCESSES P01 THROUGH P04 AND F01 THROUGH F06

162. Condition I.ZZZ.3.a.(1) of the 2009 Construction Permit states that "[a] malfunction prevention and abatement plan shall be prepared and followed for the plant.

The owner or operator shall update the facility's Malfunction Prevention and Abatement Plan to include the new emission unit (P01 through P04, and F01 through F06) within 60 days of the date each unit becomes operational."

163. Concerning processes P01 and P02, condition I.A.1.c.(4) of the 2009 Construction Permit states that "[t]he permittee shall maintain and implement a Malfunction Prevention and Abatement Plan for the fabric filter control device."

164. Condition I.ZZZ.3.a.(3) of the 2009 Construction Permit states that CIM must submit the updated Malfunction Prevention and Abatement Plan to WDNR "for review, whenever the plan is updated."

165. At the January 24, 2012 Inspection, WDNR determined that CIM did not update and submit to WDNR its Malfunction Prevention and Abatement Plan within 60 days of the date units P01 through P04 and F01 through F06 became operational.

166. The Wet Plant processes F01, F05, and F06 became operational no later than October 7, 2011. The updated Malfunction Prevention and Abatement Plans for these processes were due on December 5, 2011.

167. The Dry Plant processes P01, P02, P03, and P04 became operational on December 2, 2011. The updated Malfunction Prevention and Abatement Plans for these processes were due on February 2, 2012.

168. The Bulk Piles (F02), Truck Traffic (F03), and Truck Receiving (F04) processes became operational no later than October 7, 2011. The updated Malfunction Prevention and Abatement Plans for these processes were due on December 5, 2011.

169. CIM submitted to WDNR the updated Malfunction and Prevention and Abatement Plans for processes P01 through P04 and F01 through F06 at the March 21, 2012 Enforcement Conference.

170. CIM violated conditions I.ZZZ.3.a.(1), I.ZZZ.3.a.(3), and I.A.1.c.(4) of the 2009 Construction Permit and Wis. Stat. § 285.60(7) from December 5, 2011 to March 21, 2012 for failing to prepare, maintain, implement, update, and submit to WDNR the Facility's Malfunction Prevention and Abatement Plan within 60 days of new emission units becoming operational.

PENALTY PROVISIONS

171. Wisconsin Stat. § 299.95 authorizes the attorney general to enforce Wis. Stat. ch. 285 and all rules promulgated and permits issued under that chapter, subject to exceptions not applicable to this case. Under Wis. Stat. § 299.95, the circuit court for Dane County or the county where the violation occurred has jurisdiction to enforce Wis. Stat. ch. 285 and all rules promulgated and permits issued under that chapter "by injunctive and other relief appropriate for enforcement."

172. Wisconsin Stat. § 285.87(1) states that any person who violates Wis. Stat. ch. 285 or any rule promulgated under this chapter or any permit issued under this chapter shall forfeit not less than \$10 nor more than \$25,000 for each violation. Each day of continued violation is a separate offense.

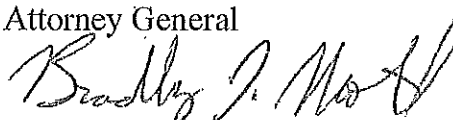
RELIEF REQUESTED

WHEREFORE, plaintiff asks the Court to enter judgment as follows:

1. Forfeitures as provided in Wis. Stat. § 285.87(1);
2. The 26% penalty surcharge pursuant to Wis. Stat. § 814.75(18), the 20% environmental surcharge pursuant to Wis. Stat. § 814.75(12), the 1% jail surcharge pursuant to Wis. Stat. § 814.75(14), \$25.00 in court costs pursuant to Wis. Stat. § 814.63(1), the \$13.00 crime laboratories and drug law enforcement surcharge pursuant to Wis. Stat. § 814.75(3), the \$68.00 court support services surcharge under Wis. Stat. § 814.75(2), and the \$21.50 justice information system surcharge under Wis. Stat. § 814.75(15);
3. An injunction, pursuant to Wis. Stat. § 299.95, requiring CIM to operate in compliance with its Wisconsin air pollution control permit; and
4. Any other relief the Court deems just and appropriate.

Dated this 16th day of December, 2013.

J.B. VAN HOLLEN,
Attorney General



BRADLEY J. MOTL
Assistant Attorney General
State Bar #1074743

Attorneys for Plaintiff State of Wisconsin

Wisconsin Department of Justice
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(608) 267-0505
(608) 266-2250 (fax)
motlbg@doj.state.wi.us

STATE OF WISCONSIN

CIRCUIT COURT
BRANCH _____

WOOD COUNTY

STATE OF WISCONSIN,

Plaintiff,

v.

Case No. _____
Complex Forfeiture: 30109

COMPLETION INDUSTRIAL
MINERALS, LLC,

Defendant.

STIPULATION AND ORDER FOR JUDGMENT

Plaintiff State of Wisconsin brought this civil action against defendant Completion Industrial Minerals, LLC, regarding its sand processing facility located at 3015 South Mallard Avenue, Marshfield, Wood County, Wisconsin. The Complaint alleges violations of the defendant's Wisconsin air pollution control permit and the State of Wisconsin's air pollution control laws. The parties now wish to settle this matter by agreement and avoid further litigation and, therefore, enter into this stipulation.

IT IS STIPULATED AND AGREED by the State of Wisconsin and Completion Industrial Minerals, LLC that this case shall be settled on the merits, with prejudice, on the following terms and conditions:

1. The parties to this Stipulation are the plaintiff State of Wisconsin and the defendant Completion Industrial Minerals, LLC.

2. The Circuit Court for Wood County, Wisconsin (the "Court") has jurisdiction over the parties and the subject matter of this action.

3. This Stipulation and Order for Judgment as approved by the Court shall apply to and be binding on the parties and on the successors and assignees of the parties. No change in ownership or corporate or partnership status shall in any way alter the responsibilities of the defendant Completion Industrial Minerals, LLC under this Stipulation and Order for Judgment.

4. Judgment shall be entered in favor of the plaintiff State of Wisconsin and against the defendant Completion Industrial Minerals, LLC in the amount of \$80,000.00. This sum is comprised of forfeitures, statutory surcharges, and costs as follows: forfeitures of \$54,335.03 under Wis. Stat. § 285.87(1), a 26% penalty surcharge of \$14,127.11 under Wis. Stat. § 814.75(18), a 20% environmental surcharge of \$10,867.01 under Wis. Stat. § 814.75(12), \$25.00 in court costs under Wis. Stat. § 814.63(1), a \$13.00 crime laboratories and drug law enforcement surcharge under Wis. Stat. § 814.75(3), a \$68.00 court support services surcharge under Wis. Stat. § 814.75(2), a 1% jail surcharge of \$543.35 under Wis. Stat. § 814.75(14), and a \$21.50 justice information system surcharge under Wis. Stat. § 814.75(15).

5. Defendant Completion Industrial Minerals, LLC will pay a total of \$80,000.00 by checks payable to the Wood County Circuit Court and delivered to the Clerk of Court, P.O. Box 8095, Wisconsin Rapids, Wisconsin 54495-8095, along with a

cover letter to the Court identifying the case by name and number. A copy of the checks and cover letters shall be simultaneously mailed as proof of payment to Assistant Attorney General Bradley J. Motl at the Wisconsin Department of Justice, Post Office Box 7857, Madison, Wisconsin 53707-7857. Payments will be made in accordance with the following schedule:

- a. \$2,500 by each of the following dates: March 31, 2014, June 30, 2014, September 30, 2014, and December 31, 2014;
- b. \$2,500 by each of the following dates: March 31, 2015, June 30, 2015, September 30, 2015, and December 31, 2015;
- c. \$3,750 by each of the following dates: March 31, 2016, June 30, 2016, September 30, 2016, and December 31, 2016;
- d. \$3,750 by each of the following dates: March 31, 2017, June 30, 2017, September 30, 2017, and December 31, 2017;
- e. \$3,750 by each of the following dates: March 31, 2018, June 30, 2018, September 30, 2018, and December 31, 2018; and
- f. \$3,750 by each of the following dates: March 31, 2019, June 30, 2019, September 30, 2019, and December 31, 2019.

6. If defendant Completion Industrial Minerals, LLC fails to comply with any provision or deadline in this Stipulation, the defendant shall be in default of the stipulated judgment, and all financial obligations remaining or outstanding under this Stipulation shall be accelerated and shall be immediately due and payable. In addition, if the defendant is held to be in default, the defendant shall reimburse the State of Wisconsin

for all its costs and fees, including all its attorney fees, incurred in connection with enforcing this Stipulation. There shall be a ten-day grace period for any payment violations.

7. In the event of default under the terms of this Stipulation, the terms of the Stipulation relating to payment of money shall be deemed null and void, and interest shall be added to the balance due, pursuant to Wis. Stat. § 815.05(8), from the date of entry of judgment.

8. The parties acknowledge that this Stipulation and Order for Judgment sets forth the entire understanding of the parties with respect to the subject matter hereto.

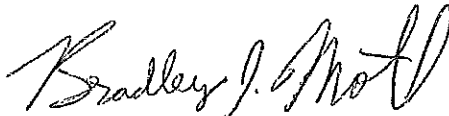
9. Defendant Completion Industrial Minerals, LLC waives the requirement for formal service of the authenticated summons and complaint.

10. The Order for Judgment accompanying this Stipulation will be a final and appealable Order. However, the parties hereby waive their right to appeal the Order.

11. The Order for Judgment and Judgment may be entered incorporating the terms of this Stipulation without further notice, and the Judgment may be docketed, pursuant to Wis. Stat. § 806.10(1).

Dated this 16th day of ~~November~~ ^{December} 2013.

J.B. VAN HOLLEN
Attorney General



BRADLEY J. MOTL
Assistant Attorney General
State Bar #1074743

Attorneys for plaintiff State of Wisconsin

Wisconsin Department of Justice
Post Office Box 7857
Madison, Wisconsin 53707-7857
(608) 267-0505
(608) 266-2250 (fax)
motlbj@doj.state.wi.us

Dated this 17th ^{December} day of ~~November~~ 2013.

AXLEY BRYNELSON, LLP



CHARLES V. SWEENEY

State Bar #: 1019039

Attorneys for defendant Completion Industrial Minerals, LLC

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Post Office Box 1767
Madison, Wisconsin 53701-1767
(608) 283-6743
(608) 257-5444 (fax)
csweeney@axley.com

Dated this 27th day of November 2013.

COMPLETION INDUSTRIAL MINERALS,
LLC

By: Thomas Giordani

Printed Name: Thomas Giordani

Title: President and CEO

ORDER FOR JUDGMENT

The Court approves the terms of the foregoing settlement Stipulation in *State of Wisconsin v. Completion Industrial Minerals, LLC*, Wood County Case No. 13-CX-_____, pursuant to which the defendant will pay \$80,000.00 in forfeitures, surcharges, and costs. The Court therefore directs the clerk to enter and docket the Judgment accordingly.

This is a final order that disposes of the entire matter in litigation between the State of Wisconsin and Completion Industrial Minerals, LLC and is intended by the Court to be an appealable order within the meaning of Wis. Stat. § 808.03(1).

Dated this _____ day of December 2013.

BY THE COURT:

WOOD COUNTY CIRCUIT COURT

STATE OF WISCONSIN

CIRCUIT COURT
BRANCH _____

WOOD COUNTY

STATE OF WISCONSIN
17 West Main Street
Post Office Box 7857
Madison, Wisconsin 53707-7857,

Plaintiff,

v.

Case No. _____
Complex Forfeiture: 30109

COMPLETION INDUSTRIAL
MINERALS, LLC
1220 North Main Street, Suite 200
Fort Worth, Texas 76164,
a foreign limited liability
company,

Defendant.

JUDGMENT

Based on the Stipulation between the plaintiff State of Wisconsin and the defendant Completion Industrial Minerals, LLC and on the Court's Order, the terms of which are incorporated into this Judgment in their entirety, judgment is granted in favor of the plaintiff State of Wisconsin and against the defendant Completion Industrial Minerals, LLC in the amount of \$80,000.00. This sum is comprised of forfeitures, statutory surcharges, and costs as follows: forfeitures of \$54,335.03 under Wis. Stat. § 285.87(1), a 26% penalty surcharge of \$14,127.11 under Wis. Stat. § 814.75(18), a 20% environmental surcharge of \$10,867.01 under Wis. Stat. § 814.75(12), \$25.00 in court costs under Wis. Stat. § 814.63(1), a \$13.00 crime laboratories and drug law

enforcement surcharge under Wis. Stat. § 814.75(3), a \$68.00 court support services surcharge under Wis. Stat. § 814.75(2), a 1% jail surcharge of \$543.35 under Wis. Stat. § 814.75(14), and a \$21.50 justice information system surcharge under Wis. Stat. § 814.75(15).

Defendant Completion Industrial Minerals, LLC will pay a total of \$80,000.00 by checks payable to the Wood County Circuit Court and delivered to the Clerk of Court, P.O. Box 8095, Wisconsin Rapids, Wisconsin 54495-8095, along with a cover letter to the Court identifying the case by name and number. A copy of the checks and cover letters shall be simultaneously mailed as proof of payment to Assistant Attorney General Bradley J. Motl at the Wisconsin Department of Justice, Post Office Box 7857, Madison, Wisconsin 53707-7857. Payments will be made in accordance with the following schedule: \$2,500 by each of the following dates: March 31, June 30, September 30, and December 31 in calendar years 2014 and 2015; and \$3,750 by each of the following dates: March 31, June 30, September 30, and December 31 in calendar years 2016, 2017, 2018, and 2019.

This Judgment is final for purposes of appeal.

Dated this ____ day of December 2013.

BY THE COURT:

WOOD COUNTY CIRCUIT COURT