

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 2
DOCKET NO.: 2007-0232-AIR-E **TCEQ ID:** RN102914033 **CASE NO.:** 32779
RESPONDENT NAME: Parker-Hannifin Corporation

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Parker-Hannifin Corporation Parflex Division, 4700 Lone Star Boulevard, Fort Worth, Tarrant County</p> <p>TYPE OF OPERATION: Fluoroplastic tubing manufacturing</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on July 23, 2007. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Cheryl Thompson, Enforcement Division, Enforcement Team 3, MC R-04, (817) 588-5886; Mr. David Van Soest, Enforcement Division, MC 219, (512) 239-0468 Respondent: CT Corporation System, Registered Agent, Parker-Hannifin Corporation, 350 North Paul Street, Dallas, Texas 75201 Mr. Thomas A. Pirano, Jr., Vice President, Parker-Hannifin Corporation, 6035 Parkland Boulevard, Cleveland, Ohio 44124-4141 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: November 15, 2006</p> <p>Date of NOE Relating to this Case: January 14, 2007 (NOE)</p> <p>Background Facts: This was a routine investigation. Three violations were documented.</p> <p>AIR</p> <p>1) Failed to maintain or have readily available the monthly reports of average daily and rolling twelve month emissions for the catalytic oxidizer. Specifically, the Respondent failed to provide a monthly report of emissions in pounds per hour (lbs/hr) as a daily average and tons per year over the previous 12 consecutive months for the catalytic oxidizer [30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH & SAFETY CODE § 382.085(b) and Air New Source Permit No. 46721, Special Conditions No. 8D].</p> <p>2) Failed to maintain the temperature monitor in good working order. Specifically, the temperature chart recorder was recording temperatures at approximately 100 degrees Fahrenheit less than the actual temperature within the catalytic oxidizer [30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH & SAFETY CODE § 382.085(b) and Air New Source Permit No. 46721, Special Condition No. 7B].</p> <p>3) Failed to obtain authorization for a source of emissions. Specifically, the Respondent failed to obtain authorization for the construction of a sixth extrusion line currently in operation at the Plant. [30 TEX. ADMIN. CODE § 116.110(a) and TEX. HEALTH & SAFETY CODE §§ 382.085(b) and 382.0518(a)].</p>	<p>Total Assessed: \$3,672</p> <p>Total Deferred: \$734 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$2,938</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>1) The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:</p> <p>a. On November 29, 2006, submitted the monthly report of daily average and tons per year for the emissions from the catalytic oxidizer; and</p> <p>b. On December 14, 2006, submitted documentation showing that the catalytic oxidizer's temperature recorder had been recalibrated to reflect the correct operating temperature.</p> <p>Ordering Provisions:</p> <p>2) The Order will require the Respondent to:</p> <p>a. Within 15 days after the effective date of this Agreed Order, submit an administratively complete permit or permit amendment application to include the sixth extrusion line;</p> <p>b. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit application within 30 days after the date of such requests, or by any other deadline specified in writing; and</p> <p>c. Within 180 days after the effective date of this Agreed Order, submit written certification that either authorization to construct and operate the sixth extrusion line has been obtained or that construction/operation of the line has ceased until such time that appropriate authorization is obtained. The certification shall include detailed supporting documentation including receipts and/or other records to demonstrate compliance.</p>



Penalty Calculation Worksheet (PCW)

DATES	Assigned	22-Jan-2007	Screening	5-Feb-2007	EPA Due	
	PCW	20-Feb-2007				

RESPONDENT/FACILITY INFORMATION			
Respondent	Parker-Hannifin Corporation		
Reg. Ent. Ref. No.	RN102914033		
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Minor

CASE INFORMATION				
Enf./Case ID No.	32779	No. of Violations	3	
Docket No.	2007-0232-AIR-E	Order Type	1660	
Media Program(s)	Air Quality	Enf. Coordinator	Cheryl Thompson	
Multi-Media		EC's Team	Enforcement Team 4	
Admin. Penalty \$	Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section		
TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1 <input type="text" value="\$3,600"/>	
ADJUSTMENTS (+/-) TO SUBTOTAL 1		
<small>Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.</small>		
Compliance History	Subtotals 2, 3, & 7 <input type="text" value="\$72"/>	
Notes	The Respondent received a previous NOV for a non-same or similar violation.	
Culpability	Subtotal 4 <input type="text" value="\$0"/>	
Notes	Respondent does not meet the culpability criteria.	
Good Faith Effort to Comply	Subtotal 5 <input type="text" value="\$0"/>	
Extraordinary	Before NOV	NOV to EDPRP/Settlement Offer
Ordinary		
N/A	X	(mark with x)
Notes	The Respondent does not meet the good faith criteria.	
Total EB Amounts	<input type="text" value="\$173"/>	0% Enhancement*
Approx. Cost of Compliance	<input type="text" value="\$2,900"/>	<i>*Capped at the Total EB \$ Amount</i>
SUM OF SUBTOTALS 1-7	Final Subtotal <input type="text" value="\$3,672"/>	
OTHER FACTORS AS JUSTICE MAY REQUIRE	Adjustment <input type="text" value="\$0"/>	
Notes		
	Final Penalty Amount <input type="text" value="\$3,672"/>	
STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty <input type="text" value="\$3,672"/>	
DEFERRAL	Adjustment <input type="text" value="-734"/>	
Notes	Deferral offered for expedited settlement.	
PAYABLE PENALTY	<input type="text" value="\$2,938"/>	

Screening Date 5-Feb-2007

Docket No. 2007-0232-AIR-E

PCW

Respondent Parker-Hannifin Corporation

Policy Revision 2 (September 2002)

Case ID No. 32779

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN102914033

Media [Statute] Air Quality

Enf. Coordinator Cheryl Thompson

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	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 (number of judgments or consent decrees meeting criteria)	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 (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	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 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
<i>Please Enter Yes or No</i>			
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) 2%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

The Respondent received a previous NOV for a non-same or similar violation.

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

Screening Date 5-Feb-2007

Docket No. 2007-0232-AIR-E

PCW

Respondent Parker-Hannifin Corporation

Policy Revision 2 (September 2002)

Case ID No. 32779

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN102914033

Media [Statute] Air Quality

Enf. Coordinator Cheryl Thompson

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 116.115(c), Tex. Health & Safety Code § 382.085(b) and Air New Source Permit No. 46721, Special Condition No. 8D

Violation Description Failed to maintain or have readily available the monthly reports of average daily and rolling twelve month emissions for the catalytic oxidizer. Specifically, the Respondent failed to provide a monthly report of emissions in pound per hour (lbs/hr) as a daily average and tons per year over the previous 12 consecutive months for the catalytic oxidizer.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
			x	1%

Matrix Notes

10% of the rule requirement was not met.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 1 Number of violation days 1

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$100

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$102

This violation Final Assessed Penalty (adjusted for limits) \$102

Economic Benefit Worksheet

Respondent Parker-Hannifin Corporation
Case ID No. 32779
Reg. Ent. Reference No. RN102914033
Media Air Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$200	15-Nov-2006	29-Nov-2006	0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to provide a monthly report of daily average and tons per year for emissions from the catalytic oxidizer. Date required is the inspection date and the final date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance	\$200	TOTAL	\$0
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Screening Date 5-Feb-2007

Docket No. 2007-0232-AIR-E

PCW

Respondent Parker-Hannifin Corporation

Policy Revision 2 (September 2002)

Case ID No. 32779

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN102914033

Media [Statute] Air Quality

Enf. Coordinator Cheryl Thompson

Violation Number 2

Rule Cite(s) 30 Tex. Admin Code § 116.115(c), Tex. Health & Safety Code § 382.085(b) and Air New Source Permit No. 46721, Special Condition No. 7B

Violation Description

Failed to maintain the temperature monitor in good working order. Specifically, the temperature chart recorder was recording temperatures at approximately 100 degrees Fahrenheit less than the actual temperature within the catalytic oxidizer.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			X

Percent 5%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to maintain the temperature monitor in good working order could expose human health or the environment to insignificant amounts of pollutants which would not exceed levels that are protective of human health or the environment.

Adjustment \$9,500

\$500

Violation Events

Number of Violation Events 1

30 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	X

Violation Base Penalty \$500

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$510

This violation Final Assessed Penalty (adjusted for limits) \$510

Economic Benefit Worksheet

Respondent Parker-Hannifin Corporation
Case ID No. 32779
Reg. Ent. Reference No. RN102914033
Media Air Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<small>No commas or \$.</small>							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$200	15-Nov-2006	14-Dec-2006	0.1	\$1	n/a	\$1

Notes for DELAYED costs

Estimated to cost calibrate the temperature monitor. Date required is the date of inspection and the final date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$200

TOTAL

\$1

Screening Date 5-Feb-2007

Docket No. 2007-0232-AIR-E

PCW

Respondent Parker-Hannifin Corporation

Policy Revision 2 (September 2002)

Case ID No. 32779

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN102914033

Media [Statute] Air Quality

Enf. Coordinator Cheryl Thompson

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 116.110(a) and Tex. Health & Safety Code §§ 382.085(b) and 382.051(8)(a) and Air New Source Permit No. 46721

Violation Description Failed to obtain authorization for a source of emissions. Specifically, the Respondent failed to obtain authorization prior to the construction of a sixth extrusion line currently in operation at the Plant.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	X		

Percent 10%

Matrix Notes

100 % of the rule requirement was not met.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 3

83 Number of violation days

mark only one with an x	daily	
	monthly	X
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$3,000

Three monthly events are recommended from the investigation date (11/15/06) to the screening date (2/5/07).

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$172

Violation Final Penalty Total \$3,060

This violation Final Assessed Penalty (adjusted for limits) \$3,060

Economic Benefit Worksheet

Respondent Parker-Hannifin Corporation
Case ID No. 32779
Reg. Ent. Reference No. RN102914033
Media Air Quality
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs	\$2,500	15-Nov-2006	31-Mar-2008	1.4	\$172	n/a	\$172
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs
 Estimated cost to obtain authorization for the construction of a sixth extrusion line. Date required is the inspection date and the final date is the projected date of compliance.

Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs
 (This section is currently blank.)

Approx. Cost of Compliance \$2,500 **TOTAL** \$172

Compliance History

Customer/Respondent/Owner-Operator:	CN600312169 Parker-Hannifin Corporation	Classification: AVERAGE	Rating: 3.84
Regulated Entity:	RN102914033 PARKER HANNIFIN CORPORATION PARFLEX DIVISION	Classification: AVERAGE BY DEFAULT	Site Rating: 3.01
	AIR NEW SOURCE PERMITS	PERMIT	10763
	AIR NEW SOURCE PERMITS	PERMIT	46721
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	TA0700H
	STORMWATER	PERMIT	TXRNET226
ID Number(s):			
Location:	4700 LONE STAR BLVD, FORT WORTH, TX, 76106	Rating Date: 9/1/2006 Repeat Violator: NO	
TCEQ Region:	REGION 04 - DFW METROPLEX		
Date Compliance History Prepared:	February 07, 2007		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	February 07, 2002 to February 07, 2007		
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History			
Name:	<u>Cheryl Thompson</u>	Phone:	<u>(817)925-9336</u>

Site Compliance History Components

- | | |
|--|------------------------------|
| 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 of the site during the compliance period? | Yes |
| 3. If Yes, who is the current owner? | PARKER-HANNIFIN CORPORATION |
| 4. If Yes, who was/were the prior owner(s)? | TEXLOC HOSE & COUPLING, INC. |
| 5. When did the change(s) in ownership occur? | 12/31/2005 |

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
N/A
- B. Any criminal convictions of the state of Texas and the federal government.
N/A
- C. Chronic excessive emissions events.
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
- | | | | |
|---|------------|----------|--|
| 1 | 01/31/2007 | (634309) | |
| 2 | 11/21/2006 | (517322) | |
| 3 | 01/12/2007 | (519241) | |
| 4 | 12/19/2006 | (532409) | |
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
- | | | | |
|--------------|---|-----------------|----------|
| Date: | 01/31/2007 | (534309) | |
| Self Report? | NO | Classification: | Moderate |
| Citation: | 30 TAC Chapter 116, SubChapter B 116.115(c) | | |
| Rqmt Prov: | PERMIT No. 46721, Special Condition 9(A)(1)(a) | | |
| Description: | Failure to comply with all the special conditions contained in the permit document. | | |
- F. Environmental audits.
N/A
- 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
PARKER-HANNIFIN CORPORATION
RN102914033**

**§ BEFORE THE
§ TEXAS COMMISSION ON
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2007-0232-AIR-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Parker-Hannifin Corporation ("Parker-Hannifin") 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 Parker-Hannifin appear before the Commission and together stipulate that:

1. Parker-Hannifin owns and operates a fluoroplastic tubing manufacturing plant at 4700 Lone Star Boulevard in Fort Worth, Tarrant County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and Parker-Hannifin agree that the Commission has jurisdiction to enter this Agreed Order, and that Parker-Hannifin is subject to the Commission's jurisdiction.
4. Parker-Hannifin received notice of the violations alleged in Section II ("Allegations") on or about January 19, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Parker-Hannifin of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Three Thousand Six Hundred Seventy-Two Dollars (\$3,672) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Parker-Hannifin has paid Two Thousand Nine Hundred Thirty-Eight Dollars (\$2,938) of the administrative penalty and Seven Hundred Thirty-Four Dollars (\$734) is deferred

contingent upon Parker-Hannifin's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If Parker-Hannifin fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Parker-Hannifin to pay all or part of the deferred penalty.

7. 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.
8. The Executive Director of the TCEQ and Parker-Hannifin have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that Parker-Hannifin has implemented the following corrective measures at the Plant:
 - a. On November 29, 2006, submitted the monthly report of daily average and tons per year for the emissions from the catalytic oxidizer; and
 - b. On December 14, 2006, submitted documentation showing that the catalytic oxidizer's temperature recorder had been recalibrated to reflect the correct operating temperature.
10. 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 Parker-Hannifin has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, Parker-Hannifin is alleged to have:

1. Failed to maintain or have readily available the monthly reports of average daily and rolling twelve month emissions for the catalytic oxidizer, in violation of 30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH & SAFETY CODE § 382.085(b) and Air New Source Permit No. 46721, Special Conditions No. 8D, as documented during an investigation conducted on November 15, 2006. Specifically, Parker-Hannifin failed to provide a monthly report of emissions in pounds per hour (lbs/hr) as a daily average and tons per year over the previous 12 consecutive months for the catalytic oxidizer.
2. Failed to maintain the temperature monitor in good working order, in violation of 30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH & SAFETY CODE § 382.085(b) and Air New Source Permit No. 46721, Special Condition No. 7B, as documented during an investigation conducted

on November 15, 2006. Specifically, the temperature chart recorder was recording temperatures at approximately 100 degrees Fahrenheit less than the actual temperature within the catalytic oxidizer.

3. Failed to obtain authorization for a source of emissions, in violation of 30 TEX. ADMIN. CODE § 116.110(a) and TEX. HEALTH & SAFETY CODE §§ 382.085(b) and 382.0518(a), as documented during an investigation conducted on November 15, 2006. Specifically, Parker-Hannifin failed to obtain authorization for the construction of a sixth extrusion line currently in operation at the Plant.

III. DENIALS

Parker-Hannifin generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Parker-Hannifin pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Parker-Hannifin's compliance with all the terms and conditions set forth in this Agreed 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. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Parker-Hannifin Corporation, Docket No. 2007-0232-AIR-E" to:

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

2. It is further ordered that Parker-Hannifin shall undertake the following technical requirements:
 - a. Within 15 days after the effective date of this Agreed Order, submit an administratively complete permit or permit amendment application to include the sixth extrusion line, in accordance with 30 TEX. ADMIN. CODE § 116.110 to:

Air Permits Division, MC 162
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

- b. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit application within 30 days after the date of such requests, or by any other deadline specified in writing; and
 - c. Within 180 days after the effective date of this Agreed Order, submit written certification that either authorization to construct and operate the sixth extrusion line has been obtained

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or that construction/operation of the line has ceased until such time that appropriate authorization is obtained. The certification shall include detailed supporting documentation including receipts and/or other records to demonstrate compliance, be notarized by a State of Texas Notary Public, and 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 fine and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

Air Section, Manager
Dallas-Fort Worth Regional Office
Texas Commission on Environmental Quality
2309 Gravel Drive
Fort Worth, Texas 76118-6951

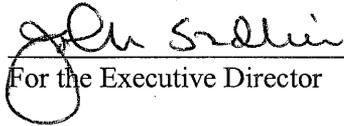
3. The provisions of this Agreed Order shall apply to and be binding upon Parker-Hannifin. Parker-Hannifin is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If Parker-Hannifin fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Parker-Hannifin's failure to comply is not a violation of this Agreed Order. Parker-Hannifin shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Parker-Hannifin shall notify the Executive Director within seven days after Parker-Hannifin becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Parker-Hannifin shall be made in writing to the Executive Director. Extensions are not effective until Parker-Hannifin receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

6. This Agreed Order, issued by the Commission, shall not be admissible against Parker-Hannifin in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed 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 agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Parker-Hannifin, or three days after the date on which the Commission mails notice of the Order to Parker-Hannifin, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

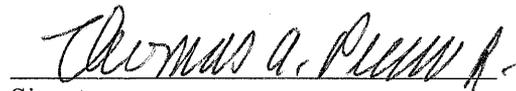
Date 9/7/07

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, 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 my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by me;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions against me;
- Automatic referral to the Attorney General's Office of any future enforcement actions against me;
- and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature

Date 17 MAY 07

THOMAS A. PIRAINO, JR.

Name (Printed or typed)
Authorized Representative of
Parker-Hannifin Corporation

Title Vice President

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

