

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.:** 2006-1130-AIR-E    **TCEQ ID:** RN100215508    **CASE NO.:** 30591  
**RESPONDENT NAME:** Tekni-Plex, Inc. dba Dolco Packaging

**ORDER TYPE:**

<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> EMERGENCY ORDER	

**CASE TYPE:**

<input type="checkbox"/> AGRICULTURE	<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE	<input type="checkbox"/> MUNICIPAL SOLID WASTE
<input type="checkbox"/> OCCUPATIONAL CERTIFICATION	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> RADIOACTIVE WASTE
<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL	<input type="checkbox"/> USED OIL
<input type="checkbox"/> USED OIL FILTER	<input type="checkbox"/> WATER QUALITY		

**SITE WHERE VIOLATION(S) OCCURRED:** Dolco Packaging, 4700 South Westmoreland Road, Dallas, Dallas County

**TYPE OF OPERATION:** Shaped polystyrene foam products manufacturing plant

**SMALL BUSINESS:**     Yes     No

**OTHER SIGNIFICANT MATTERS:** There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.

**INTERESTED PARTIES:** No one other than the ED and the Respondent has expressed an interest in this matter.

**COMMENTS RECEIVED:** The *Texas Register* comment period expired on January 22, 2007. No comments were received.

**CONTACTS AND MAILING LIST:**

**TCEQ Attorney/SEP Coordinator:** None

**TCEQ Enforcement Coordinator:** Ms. Roshondra Lowe, Enforcement Division, Enforcement Section III, MC R-12, (713) 767-3553; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896

**Local Program Investigator:** Mr. Chuck Palmer, City of Dallas Air Pollution Control Program, 320 East Jefferson, Room LL13, Dallas, Texas 75203

**Respondent:** Mr. Russ Martin, Plant Manager, Tekni-Plex, Inc. dba Dolco Packaging, 4700 South Westmoreland Road, Dallas, Texas 75237  
Corporation Service Company dba CSC-Lawyers Incorporating Service Company, Registered Agent, Tekni-Plex, Inc., 701 Brazos Street, Suite 1050, Austin, Texas 78701  
Mr. W. Bryant Foster, General Manager, Tekni-Plex, Inc. dba Dolco Packaging, 4700 South Westmoreland Road, Dallas, Texas 75237

**Respondent's Attorney:** Not represented by counsel on this enforcement matter

**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 of Complaint Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: June 14, 2006</p> <p>Date of NOE Relating to this Case: July 13, 2006 (NOE)</p> <p>Background Facts: This was a routine investigation. One violation was documented.</p> <p><b>AIR</b></p> <p>Failed to renew TCEQ Air Permit No. 17990 prior to expiration. Specifically, TCEQ Air Permit No. 17990 expired on April 22, 2006, and Dolco has been operating the Plant without authorization [30 TEX. ADMIN. CODE § 116.110(a)(1) and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p>	<p>Total Assessed: \$12,700</p> <p>Total Deferred: \$0  <input type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$12,700</p> <p>Site Compliance History Classification: <input type="checkbox"/> High <input checked="" type="checkbox"/> Avg. <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification: <input type="checkbox"/> High <input checked="" type="checkbox"/> Avg. <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p><b>Ordering Provisions:</b></p> <p>The Order will require the Respondent to:</p> <p>a. Immediately upon the effective date of this Agreed Order, until such time authorization to operate is obtained or until 180 days after the effective date of this Agreed Order, which ever is earlier, comply with the provisions in expired TCEQ Air Permit No. 17990;</p> <p>b. Within 15 days after the effective date of this Agreed Order, submit an administratively complete permit application in accordance with 30 TEX. ADMIN. CODE § 116.110(a);</p> <p>c. 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>d. Within 15 days after authorization to operate is obtained, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision a.</p>



Policy Revision 2 (September 2002)

# Penalty Calculation Worksheet (PCW)

PCW Revision May 19, 2005

DATES	Assigned	17-Jul-2006	Screening	01-Aug-2006	EPA Due	
	PCW	25-Aug-2006				

## RESPONDENT/FACILITY INFORMATION

Respondent	Tekni-Plex, Inc. dba Dolco Packaging		
Reg. Ent. Ref. No.	RN100215508		
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Major Source

## CASE INFORMATION

Enf./Case ID No.	30591	No. of Violations	1
Docket No.	2006-1130-AIR-E	Order Type	1660
Media Program(s)	Air Quality	Enf. Coordinator	Kimberly Morales
Multi-Media		EC's Team	Enforcement Team 6
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)**

Subtotal 1 **\$10,000**

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

**Compliance History** 2% Enhancement Subtotals 2, 3, & 7 **\$200**

Notes: Penalty enhancement for one NOV for an unrelated violation.

**Culpability** Yes 25% Enhancement Subtotal 4 **\$2,500**

Notes: The Respondent was mailed a notice dated April 26, 2005 that TCEQ Air Permit No. 17990 was going to expire on April 22, 2006.

**Good Faith Effort to Comply** 0% Reduction Subtotal 5 **\$0**

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with a small x)

Notes: The Respondent is not yet in compliance.

**Economic Benefit** 0% Enhancement\* Subtotal 6 **\$0**

Total EB Amounts	\$139	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$2,000	

**SUM OF SUBTOTALS 1-7**

Final Subtotal **\$12,700**

**OTHER FACTORS AS JUSTICE MAY REQUIRE**

Adjustment **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes:

Final Penalty Amount **\$12,700**

**STATUTORY LIMIT ADJUSTMENT**

Final Assessed Penalty **\$12,700**

**DEFERRAL**

0% Reduction Adjustment **\$0**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: No deferral is recommended due to culpability.

**PAYABLE PENALTY**

**\$12,700**

**Screening Date** 01-Aug-2006      **Docket No.** 2006-1130-AIR-E      **PCW**  
**Respondent** Tekni-Plex, Inc. dba Dolco Packaging      *Policy Revision 2 (September 2002)*  
**Case ID No.** 30591      *PCW Revision May 19, 2005*  
**Reg. Ent. Reference No.** RN100215508  
**Media [Statute]** Air Quality  
**Enf. Coordinator** Kimberly Morales

**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 ( <i>number of NOVs meeting criteria</i> )	0	0%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgements or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were</i>	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

**Adjustment Percentage (Subtotal 2)** 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**

Penalty enhancement for one NOV for an unrelated violation.

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

Screening Date 01-Aug-2006

Docket No. 2006-1130-AIR-E

PCW

Respondent Tekni-Plex, Inc. dba Dolco Packaging

Policy Revision 2 (September 2002)

Case ID No. 30591

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN100215508

Media [Statute] Air Quality

Enf. Coordinator Kimberly Morales

Violation Number 1

Primary Rule Cite(s) 30 Tex. Admin. Code § 116.110(a)(1)

Secondary Rule Cite(s) Tex. Health & Safety Code § 382.085(b)

Violation Description Failure to renew TCEQ Air Permit No. 17990 prior to expiration. Specifically, TCEQ Air Permit No. 17990 expired on April 22, 2006, and the Respondent has been operating a shaped polystyrene foam products manufacturing plant without authorization.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

		Harm			
		Major	Moderate	Minor	
OR	Release				Percent
	Actual				
	Potential				

>> Programmatic Matrix

		Falsification			
		Major	Moderate	Minor	
		x			Percent 25%

Matrix Notes The Respondent failed to comply with 100% of the rule requirement.

Adjustment -\$7,500

Base Penalty Subtotal \$2,500

Violation Events

Number of Violation Events 4

mark only one use a small x	daily	
	monthly	x
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$10,000

Four monthly events are recommended based on the permit expiration date of April 22, 2006 to the screening date of August 1, 2006.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$139

Violation Final Penalty Total \$12,700

This violation Final Assessed Penalty (adjusted for limits) \$12,700

### Economic Benefit Worksheet

Respondent Tekni-Plex, Inc. dba Dolco Packaging  
 Case ID No. 30591  
 Reg. Ent. Reference No. RN100215508  
 Media [Statute] 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
<b>Delayed Costs</b>							
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	\$2,000	22-Apr-2006	10-Sep-2007	1.4	\$139	n/a	\$139
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost to obtain a new permit. Date required is the permit expiration date. Final date is the projected date of compliance.

Item	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Avoided Costs</b>				
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 **\$2,000** TOTAL **\$139**

## Compliance History

Customer/Respondent/Owner-Operator:	CN601571128    Tekni-Plex, Inc.	Classification: AVERAGE	Rating: 0.43
Regulated Entity:	RN100215508    DOLCO PACKAGING	Classification: AVERAGE	Site Rating: 0.43
ID Number(s):	AIR OPERATING PERMITS AIR OPERATING PERMITS	ACCOUNT NUMBER PERMIT	DB1276U 2097
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXR000020743
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR) PERMIT	38053  17990
	AIR NEW SOURCE PERMITS AIR NEW SOURCE PERMITS	AFS NUM	0748
Location:	4700 S WESTMORELAND RD, DALLAS, TX, 75237	Rating Date: 9/1/2005	Repeat Violator: NO
TCEQ Region:	REGION 04 - DFW METROPLEX		
Date Compliance History Prepared:	July 25, 2006		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	July 25, 2001 to July 25, 2006		

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Kimberly Morales Phone: (713) 422-8938

### 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?    | No         |
| 3. If Yes, who is the current owner?   | <u>N/A</u> |
| 4. If Yes, who was/were the prior owner(s)?  | N/A        |
| 5. When did the change(s) in ownership occur?  | N/A        |

#### 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 | 12/29/2005 | (450673) |
| 2 | 02/24/2003 | (24143)  |
| 3 | 02/18/2004 | (261289) |
| 4 | 05/30/2006 | (464144) |
| 5 | 07/13/2006 | (482766) |
| 6 | 01/20/2005 | (347332) |
| 7 | 11/30/2001 | (99607)  |

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

Date: 01/26/2005    (347332)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.146(2)

Description: Failure of a facility, subject to Chapter 122 Federal Operating Permits, to submit to the executive director and the EPA administrator its annual compliance certification form no later than 30 days after the end of the certification period.

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  
TEKNI-PLEX, INC. DBA DOLCO  
PACKAGING  
RN100215508**

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**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2006-1130-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 Tekni-Plex, Inc. dba Dolco Packaging ("Dolco") 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 Dolco appear before the Commission and together stipulate that:

1. Dolco owns and operates a shaped polystyrene foam products manufacturing plant at 4700 South Westmoreland Road in Dallas, Dallas 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 Dolco agree that the Commission has jurisdiction to enter this Agreed Order, and that Dolco is subject to the Commission's jurisdiction.
4. Dolco received notice of the violations alleged in Section II ("Allegations") on or about July 18, 2006.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Dolco of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Twelve Thousand Seven Hundred Dollars (\$12,700) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Dolco has paid the Twelve Thousand Seven Hundred Dollar (\$12,700) administrative 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 Dolco have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. 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 Dolco has not complied with one or more of the terms or conditions in this Agreed Order.
10. 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.
11. 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, Dolco is alleged to have failed to renew TCEQ Air Permit No. 17990 prior to expiration, in violation of 30 TEX. ADMIN. CODE § 116.110(a)(1) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on June 14, 2006. Specifically, TCEQ Air Permit No. 17990 expired on April 22, 2006, and Dolco has been operating the Plant without authorization.

## III. DENIALS

Dolco generally denies each allegation in Section II ("Allegations").

## IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Dolco pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Dolco'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: Tekni-Plex, Inc. dba Dolco Packaging, Docket No. 2006-1130-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 Dolco shall undertake the following technical requirements:
- a. Immediately upon the effective date of this Agreed Order, until such time authorization to operate is obtained or until 180 days after the effective date of this Agreed Order, which ever is earlier, comply with the provisions in expired TCEQ Air Permit No. 17990; and
  - b. Within 15 days after the effective date of this Agreed Order, submit an administratively complete permit application in accordance with 30 TEX. ADMIN. CODE § 116.110(a) to:  

Air Permits Division, MC 163  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087
  - c. 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
  - d. Within 15 days after authorization to operate is obtained, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.

The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, 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:

Manager, Air Section  
Dallas 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 Dolco. Dolco 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 Dolco 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, Dolco's failure to comply is not a violation of this Agreed Order. Dolco shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Dolco shall notify the Executive Director within seven days after Dolco 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 Dolco shall be made in writing to the Executive Director. Extensions are not effective until Dolco 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 Dolco 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 Dolco, or three days after the date on which the Commission mails notice of the Order to Dolco, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

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## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

\_\_\_\_\_  
For the Executive Director

2/8/07  
\_\_\_\_\_  
Date

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.

W. Bryant Foster  
\_\_\_\_\_  
Signature

10/31/2006  
\_\_\_\_\_  
Date

W. BRYANT FOSTER  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
Tekni-Plex, Inc. dba Dolco Packaging

GENERAL MANAGER  
\_\_\_\_\_  
Title

**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.

0/1/10

(10/10)

Department of Education

Department of Education