

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2006-1773-AIR-E **TCEQ ID:** RN100209618 **CASE NO.:** 31369
RESPONDENT NAME: United States Gypsum Company

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: US Gypsum Sweetwater Plant, 1 USG Road, Sweetwater, Nolan County

TYPE OF OPERATION: Gypsum product manufacturing

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 March 12, 2007. No comments were received.

CONTACTS AND MAILING LIST:

- TCEQ Attorney/SEP Coordinator:** None
- TCEQ Enforcement Coordinator:** Mr. Colin Barth, Enforcement Division, Enforcement Section IV, MC 128, (512) 239-0086; Mr. Steven Lopez, Enforcement Division, Enforcement Section I, (512) 239-1896
- TCEQ Field Investigator:** Mr. Michael Taylor, Abilene Regional Office, MC R-03, (325) 698-9674
- Respondent:** Mr. Bruce Cason, Plant Manager, United States Gypsum Company, P.O. BOX 1429, Sweetwater, Texas 79556
- 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 Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: August 21, 2006</p> <p>Date of NOE Relating to this Case: August 29, 2006 (NOE)</p> <p>Background Facts: This was a routine scheduled investigation for compliance with the air program. Three significant program violations were observed.</p> <p>AIR</p> <p>1) Failure to record the daily differential pressure readings from the Sluter Machine. Specifically, readings were not recorded for 125 days for the Sluter Machine during the period from June 16, 2005 to June 15, 2006 [30 TEX. ADMIN. CODE § 122.143(4) and Federal Operating Permit No. O-02572, Special Condition No. 6].</p> <p>2) Failure to monitor the opacity readings from the #6 Williams Mill (EPN 6B) on a monthly basis. Specifically, the respondent failed to monitor the opacity for twelve months during the period from June 16, 2005 to June 15, 2006 [30 TEX. ADMIN. CODE § 122.143(4) and Federal Operating Permit No. O-02572, Special Condition No. 6].</p> <p>3) Failure to submit a deviation report within 30 days after the end of the June 16, 2005 to December 16, 2005 reporting period in which deviation occurred. Specifically, the report was submitted on July 16, 2006, 181 days late [30 TEX. ADMIN. CODE § 122.145(2)(C) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>	<p>Total Assessed: \$18,375</p> <p>Total Deferred: \$3,675 <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: \$14,700</p> <p>Site Compliance History Classification: <input checked="" type="checkbox"/> High <input 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>Corrective Action Taken</p> <p>The Executive Director recognizes that US Gypsum submitted a deviation report on July 16, 2006. Also, US Gypsum hired a certified opacity reader on August 1, 2006 and began daily recordings of differential pressure readings from the Sluter Machine on August 24, 2006.</p>



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision April 25, 2006

DATES Assigned
 PCW Screening EPA Due

RESPONDENT/FACILITY INFORMATION

Respondent
 Reg. Ent. Ref. No.
 Facility/Site Region Major/Minor Source

CASE INFORMATION

Enf./Case ID No. No. of Violations
 Docket No. Order Type
 Media Program(s) Inf. Coordinator
 Multi-Media EC's Team
 Admin. Penalty \$ Limit Minimum Maximum

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 0% Enhancement Subtotals 2, 3, & 7

Notes

Culpability 0% Enhancement Subtotal 4

Notes

Good Faith Effort to Comply 25% Reduction Subtotal 5

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input checked="" type="checkbox"/>	<input type="checkbox"/>
N/A	<input type="text"/>	<i>(mark with a small x)</i>

Notes

Economic Benefit 0% Enhancement* Subtotal 6

Total EB Amounts	<input type="text" value="\$2,756"/>	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	<input type="text" value="\$2,750"/>	

SUM OF SUBTOTALS 1-7 Final Subtotal

OTHER FACTORS AS JUSTICE MAY REQUIRE Adjustment

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

Notes

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty

DEFERRAL 20% Reduction Adjustment

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

Notes

PAYABLE PENALTY

Screening Date 03-Oct-2006 **Docket No.** 2006-1773-AIR-E **PCW**
Respondent United States Gypsum Company *Policy Revision 2 (September 2002)*
Case ID No. 31389 *PCW Revision April 25, 2006*
Reg. Ent. Reference No. RN100209618
Media [Statute] Air Quality
Enf. Coordinator Colin Barth

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	0	0%
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	<i>Please Enter Yes or No</i>		
	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) 0%

>> **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 has no record of any previous NOVs or Orders at this site in the past five years.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 0%

Screening Date 03-Oct-2006

Docket No. 2006-1773-AIR-E

PCW

Respondent United States Gypsum Company

Policy Revision 2 (September 2002)

Case ID No. 31369

PCW Revision April 25, 2006

Reg. Ent. Reference No. RN100209618

Media [Statute] Air Quality

Enf. Coordinator Colin Barth

Violation Number 1

Primary Rule Cite(s) 30 Tex. Admin. Code § 122.143(4) and Federal Operating Permit No. O-02572, Special Condition No. 6

Secondary Rule Cite(s)

Violation Description

Failed to record the daily differential pressure readings from the Sluter Machine, as documented during an investigation conducted on August 21, 2006. Specifically, readings were not recorded for 125 days for the Sluter Machine during the period from June 16, 2005 to June 15, 2006.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
	X			25%

Matrix Notes

100% of the rule requirement was not met.

Adjustment -\$7,500

Base Penalty Subtotal \$2,500

Violation Events

Number of Violation Events 4

125 Number of violation days

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

Violation Base Penalty \$10,000

Four quarterly events are recommended based time period in which pressure readings were required, June 16, 2005 to June 16, 2006.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,375

Violation Final Penalty Total \$7,500

This violation Final Assessed Penalty (adjusted for limits) \$7,500

Economic Benefit Worksheet

Respondent United States Gypsum Company
 Case ID No. 31369
 Reg. Ent. Reference No. RN100209618
 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
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)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Item Description	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)	\$1,250	16-Jun-2005	24-Aug-2006	2.0	\$125	\$1,250	\$1,375

Notes for AVOIDED costs

Estimated cost to observe and record the differential pressure for the Sluter Machine. From the date the readings were required to the date of compliance.

Approx. Cost of Compliance \$1,250

TOTAL \$1,375

Screening Date 03-Oct-2006

Docket No. 2006-1773-AIR-E

PCW

Respondent United States Gypsum Company

Policy Revision 2 (September 2002)

Case ID No. 31369

PCW Revision April 25, 2006

Reg. Ent. Reference No. RN100209618

Media [Statute] Air Quality

Enf. Coordinator Colin Barth

Violation Number

2

Primary Rule Cite(s)
Secondary Rule Cite(s)

30 Tex. Admin. Code § 122.143(4) and Federal Operating Permit No. O-02572, Special Condition No. 6

Violation Description

Failed to monitor the opacity readings from the #6 Williams Mill (EPN 6B) on a monthly basis, as documented during an investigation conducted on August 21, 2006. Specifically, the respondent failed to monitor the opacity for twelve months during the the period of June 16, 2005 and June 15, 2006.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

		Harm			
Release		Major	Moderate	Minor	
OR	Actual				Percent 10%
	Potential			X	

>> Programmatic Matrix

		Major	Moderate	Minor	
Falsification					Percent
Matrix Notes		Human Health or the environment will or could be exposed to insignificant amounts of pollutants as a result of this violation.			

Adjustment -\$9,000

Base Penalty Subtotal \$1,000

Violation Events

Number of Violation Events 12 Number of violation days 365

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

Violation Base Penalty \$12,000

Twelve single events are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,375

Violation Final Penalty Total \$9,000

This violation Final Assessed Penalty (adjusted for limits) \$9,000

Economic Benefit Worksheet

Respondent United States Gypsum Company
 Case ID No. 31369
 Reg. Ent. Reference No. RN100209618
 Media [Statute] Air Quality
 Violation No. 2

Percent Interest 5.0
 Years of Depreciation 15

Item Description	Item Cost <small>No commas or \$</small>	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				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Item Description	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)	Date	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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)	\$1,250	16-Jun-2005	01-Aug-2006	2.0	\$125	\$1,250	\$1,375

Notes for AVOIDED costs
 Estimated cost to observe and record the opacity readings from the #6 Williams Mill (EPN 6B).
 From the date the readings were required to the date of compliance.

Approx. Cost of Compliance **\$1,250**

TOTAL \$1,375

Screening Date 03-Oct-2006

Docket No. 2006-1773-AIR-E

PCW

Respondent United States Gypsum Company

Policy Revision 2 (September 2002)

Case ID No. 31369

PCW Revision April 25, 2006

Reg. Ent. Reference No. RN100209618

Media [Statute] Air Quality

Enf. Coordinator Colin Barth

Violation Number 3

Primary Rule Cite(s) 30 Tex. Admin. Code § 122.145(2)(C)

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

Violation Description Failed to submit a deviation report within 30 days after the end of the June 16, 2005 to December 16, 2005 reporting period in which the deviation occurred, as documented during an investigation conducted on August 21, 2006. Specifically, the report was submitted on July 16, 2006, 181 days late.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
	X			25%

Matrix Notes 100% of the rule requirement was not met.

Adjustment -\$7,500

Base Penalty Subtotal \$2,500

Violation Events

Number of Violation Events 1 181 Number of violation days

daily	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$2,500

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$6

Violation Final Penalty Total \$1,875

This violation Final Assessed Penalty (adjusted for limits) \$1,875

Economic Benefit Worksheet

Respondent United States Gypsum Company
 Case ID No. 31369
 Reg. Ent. Reference No. RN100209618
 Media [Statute] 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	\$250	16-Jan-2006	16-Jul-2006	0.5	\$6	n/a	\$6
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)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost to prepare and submit a deviation report. From the date the report was required to the date the respondent submitted a deviation report.

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 \$250 TOTAL \$6

Compliance History

Customer/Respondent/Owner-Operator:	CN500124218	United States Gypsum Company	Classification: AVERAGE	Rating: 1.37
Regulated Entity:	RN100209618	US GYPSUM SWEETWATER PLANT	Classification: HIGH	Site Rating: 0.00
ID Number(s):	AIR OPERATING PERMITS ACCOUNT NUMBER ND0028H AIR OPERATING PERMITS PERMIT 2572 AIR NEW SOURCE PERMITS PERMIT 7715 AIR NEW SOURCE PERMITS PERMIT 14892 AIR NEW SOURCE PERMITS ACCOUNT NUMBER ND0028H AIR NEW SOURCE PERMITS REGISTRATION 54650 AIR NEW SOURCE PERMITS AFS NUM 0009 PETROLEUM STORAGE TANK REGISTRATION 1810 REGISTRATION INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD008019473 GENERATION INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # 30118 GENERATION (SWR) STORMWATER PERMIT TXR05N100			
Location:	1 USG RD, SWEETWATER, TX, 79556		Rating Date: 9/1/2006 Repeat Violator: NO	
TCEQ Region:	REGION 03 - ABILENE			
Date Compliance History Prepared:	October 02, 2006			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	October 02, 2001 to October 02, 2006			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History				
Name:	<u>Colin Barth</u>	Phone:	<u>512 239 0086</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? | 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 08/31/2006 (510283)
 - 2 11/17/2003 (255109)
 - 3 05/28/2004 (273192)
 - 4 05/31/2006 (466913)
 - E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
N/A
 - 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
UNITED STATES GYPSUM
COMPANY
RN100209618**

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

AGREED ORDER DOCKET NO. 2006-1773-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 United States Gypsum Company ("US Gypsum") 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 US Gypsum appear before the Commission and together stipulate that:

1. US Gypsum owns and operates a Gypsum Product Manufacturing Plant at 1 USG Road in Sweetwater, Nolan 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 US Gypsum agree that the Commission has jurisdiction to enter this Agreed Order, and that US Gypsum is subject to the Commission's jurisdiction.
4. US Gypsum received notice of the violations alleged in Section II ("Allegations") on or about September 4, 2006.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by US Gypsum of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Eighteen Thousand Three Hundred Seventy-Five Dollars (\$18,375) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). US Gypsum has paid Fourteen Thousand Seven Hundred Dollars (\$14,700) of the administrative penalty and Three Thousand Six Hundred Seventy-Five Dollars (\$3,675) is deferred contingent upon US Gypsum'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 US Gypsum fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require US Gypsum 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 US Gypsum 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 US Gypsum submitted a deviation report on July 16, 2006. Also, US Gypsum hired a certified opacity reader on August 1, 2006 and began daily recordings of differential pressure readings from the Sluter Machine on August 24, 2006.
 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 US Gypsum 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, US Gypsum is alleged to have:

1. Failed to record the daily differential pressure readings from the Sluter Machine, in violation of 30 TEX. ADMIN. CODE § 122.143(4) and Federal Operating Permit No. O-02572, Special Condition No. 6, as documented during an investigation conducted on August 21, 2006. Specifically, readings were not recorded for 125 days for the Sluter Machine during the period from June 16, 2005 to June 15, 2006.
2. Failed to monitor the opacity readings from the #6 Williams Mill (EPN 6B) on a monthly basis, in violation of 30 TEX. ADMIN. CODE § 122.143(4) and Federal Operating Permit No. O-02572, Special Condition No. 6, as documented during an investigation conducted on August 21, 2006. Specifically, the respondent failed to monitor the opacity for twelve months during the period from June 16, 2005 to June 15, 2006.
3. Failed to submit a deviation report within 30 days after the end of the June 16, 2005 to December 16, 2005 reporting period in which deviation occurred, in violation of 30 TEX. ADMIN. CODE § 122.145(2)(C) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an

The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes the need for transparency and accountability in financial reporting.

Key objectives of the system include ensuring data integrity, providing real-time access to information, and facilitating efficient decision-making processes. The system is designed to be user-friendly and scalable.

The implementation phase involves thorough testing and validation to ensure that the system meets all requirements. User training and support are provided to ensure a smooth transition to the new system.

Regular updates and maintenance are necessary to keep the system secure and up-to-date. The system is designed to be flexible and adaptable to changing business needs.

The system's success is measured by its ability to improve operational efficiency, reduce costs, and enhance the overall quality of service provided to customers.

Conclusion: The system is a valuable tool for managing business operations and financial data. It provides a comprehensive solution for all your needs.

For more information, please contact our sales team at [phone number] or visit our website at [website URL].

We look forward to helping you achieve your business goals with our system.

Thank you!

Best regards,

The system is designed to be user-friendly and scalable. It provides a comprehensive solution for all your needs. The implementation phase involves thorough testing and validation to ensure that the system meets all requirements.

Regular updates and maintenance are necessary to keep the system secure and up-to-date. The system is designed to be flexible and adaptable to changing business needs. The system's success is measured by its ability to improve operational efficiency, reduce costs, and enhance the overall quality of service provided to customers.

Conclusion: The system is a valuable tool for managing business operations and financial data. It provides a comprehensive solution for all your needs. For more information, please contact our sales team at [phone number] or visit our website at [website URL].

investigation conducted on August 21, 2006. Specifically, the report was submitted on July 16, 2006, 181 days late.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that US Gypsum pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and US Gypsum'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: United States Gypsum Company, Docket No. 2006-1773-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. The provisions of this Agreed Order shall apply to and be binding upon US Gypsum. US Gypsum 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.
3. This Agreed Order, issued by the Commission, shall not be admissible against US Gypsum 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.
4. 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.
5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to US Gypsum, or three days after the date on which the Commission mails notice of the Order to US Gypsum, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

10/10/10

Dear Sir,

I am writing to you regarding the matter of the

contract for the supply of

the goods specified in the contract. I have received your letter of the 10th inst. and in reply to inform you that the goods have been ordered and will be delivered to you as soon as possible. I am sorry that the delivery will be delayed but this is due to the fact that the manufacturer has had to increase the price of the goods. I have tried to negotiate a better price but have been unsuccessful. I am sure that you will understand the position and I am sure that you will be satisfied with the quality of the goods.

Yours faithfully,
John Smith

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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

For the Executive Director



Date

12/15/07

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

12/04/06

Bruce Cason
Name (Printed or typed)
Authorized Representative of
United States Gypsum Company

Plant 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.

