

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

**DOCKET NO.:** 2004-1786-AIR-E **TCEQ ID:** Air Account No. WH0014S and RN100218601 **CASE NO.:** 21547

**RESPONDENT NAME:** Saint-Gobain Vetrotex America, Inc.

**ORDER TYPE:**

<input checked="" type="checkbox"/> <b>X1660 AGREED ORDER</b>	<input type="checkbox"/> <b>FINDINGS AGREED ORDER</b>	<input type="checkbox"/> <b>AMENDED ORDER</b>	<input type="checkbox"/> <b>IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER</b>
<input type="checkbox"/> <b>SHUTDOWN ORDER</b>	<input type="checkbox"/> <b>FINDINGS DEFAULT ORDER</b>	<input type="checkbox"/> <b>EMERGENCY ORDER</b>	

**CASE TYPE:**

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

**SITE WHERE VIOLATION(S) OCCURRED:** Vetrotex America, 4515 Allendale Road, Wichita Falls, Wichita County

**TYPE OF OPERATION:** Fiberglass 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 April 9, 2007. No comments were received.

**CONTACTS AND MAILING LIST:**

**TCEQ Attorney/SEP Coordinator:** None

**TCEQ Enforcement Coordinator:** Ms. Trina Grieco, Enforcement Division, Enforcement Section III, MC R-13, (210) 403-4006; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896

**TCEQ Field Investigator:** Mr. Dan McCrummen, Lubbock Regional Office, MC R-02, (806) 796-7092

**Respondent:** Mr. Carlos Davis, Environmental Services Manager, Saint-Gobain Vetrotex America, Inc., 4515 Allendale Road, Wichita Falls, Texas 76310  
Mr. David R. Lane, President, Saint-Gobain Vetrotex America, Inc., 4515 Allendale Road, Wichita Falls, Texas 76310

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

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b> <input type="checkbox"/> Complaint <input type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p><b>Date of Complaint Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> September 9, 2004</p> <p><b>Date of NOE Relating to this Case:</b> September 17, 2004 (NOE)</p> <p><b>Background Facts:</b> This was a routine record review. One violation was documented.</p> <p><b>AIR</b></p> <p>Failed to meet the carbon monoxide (CO) emission limit for Furnace No. 5 Dry Scrubber (EPN F-515) [30 TEX. ADMIN. CODE § 116.115(c)(1), Permit No. 5667, Special Condition 1 (MAERT) and TEX. HEALTH &amp; SAFETY CODE §382.085(b)].</p>	<p><b>Total Assessed:</b> \$3,100</p> <p><b>Total Deferred:</b> \$0  <input type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$3,100</p> <p><b>Site Compliance History Classification:</b> <input type="checkbox"/> High <input checked="" type="checkbox"/> Avg. <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification:</b> <input type="checkbox"/> High <input checked="" type="checkbox"/> Avg. <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that on August 25, 2004, Vetrotex demonstrated compliance with the permit limits for CO emissions of Furnace No. 5 Dry Scrubber (EPN F-515).</p>



Policy Revision 2 (September 2002)

# Penalty Calculation Worksheet (PCW)

PCW Revision May 17, 2004

## DATES

PCW  Screening  Priority Due  EPA Due

## RESPONDENT/FACILITY INFORMATION

Respondent   
 Reg. Ent. Ref. No.   
 Additional ID No(s).   
 Facility/Site Region  Major/Minor Source

## CASE INFORMATION

Enf./Case ID No.  No. of Violations   
 Docket No.  Order Type   
 Case Priority  Enf. Coordinator   
 Media Program(s)  EC's Team   
 Multi-Media   
 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** 49% 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  \*Capped at the Total EB \$ Amount  
 Approx. Cost of Compliance

**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**  Reduction Adjustment

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

Notes

**PAYABLE PENALTY**

**Screening Date** 03-Nov-2004      **Docket No.** 2004-1786-AIR-E      **PCW**  
**Respondent** Saint-Gobain Vetrotex America, Inc.      *Policy Revision 2 (September 2002)*  
**Case ID No.** 21547      *PCW Revision May 17, 2004*  
**Reg. Ent. Reference No.** RN100218601  
**Additional ID No(s).** Air Account No. WH0014S  
**Media [Statute]** Air Quality  
**Enf. Coordinator** Edward R. Moderow  
**Site Address** 4515 Allendale Road, Wichita Falls, Wichita County

**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> )	1	5%
	Other written NOVs		0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )		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	2	50%
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%
	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%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )		0%
Emissions	Chronic excessive emissions events (number of events)		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>	2	-2%
	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> )	2	-4%
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)** 49%

>> 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 one same or similar NOV, two previous enforcement orders without a denial of liability and submitted two notices of audit with two disclosures of violation.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 49%

**Screening Date** 03-Nov-2004

**Docket No.** 2004-1786-AIR-E

**PCW**

**Respondent** Saint-Gobain Vetrotex America, Inc.

*Policy Revision 2 (September 2002)*

**Case ID No.** 21547

*PCW Revision May 17, 2004*

**Reg. Ent. Reference No.** RN100218601

**Additional ID No(s).** Air Account No. WH0014S

**Media [Statute]** Air Quality

**Enf. Coordinator** Edward R. Moderow

**Violation Number**

**Primary Rule Cite(s)**

30 Tex. Admin. Code § 116.115(c)(1) and Permit No. 5667, Special Condition 1 (MAERT)

**Secondary Rule Cite(s)**

Tex. Health and Safety Code § 382.085(b)

**Violation Description**

Failed to meet the CO emission limit for Furnace No. 5 Dry Scrubber (EPN F-515) during compliance testing conducted on June 10, 2004. Specifically, the permit limit is 0.73 lbs./hr. and the emission rate was 0.82 lbs./hr.

**Base Penalty**

>> **Environmental, Property and Human Health Matrix**

**Harm**

OR

Release	Major	Moderate	Minor
Actual	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>

**Percent**

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

**Percent**

**Matrix Notes**

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed protective levels.

**Adjustment**

**Base Penalty Subtotal**

**Violation Events**

**Number of Violation Events**

<i>mark only one use a small x</i>	<i>daily</i>	<input type="text"/>
	<i>monthly</i>	<input type="text"/>
	<i>quarterly</i>	<input checked="" type="checkbox"/>
	<i>semiannual</i>	<input type="text"/>
	<i>annual</i>	<input type="text"/>
	<i>single event</i>	<input type="text"/>

**Violation Base Penalty**

One quarterly event is recommended based on the testing date to date of compliance, as documented during the September 9, 2004 record review.

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount**

**Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**

### Economic Benefit Worksheet

Respondent Saint-Gobain Vetrotex America, Inc.  
 Case ID No. 21547  
 Reg. Ent. Reference No. RN100218601  
 Additional ID No(s). Air Account No. WH0014S  
 Media [Statute] Air Quality  
 Violation No. 1

Percent Interest 5.0  
 Years of Depreciation 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				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

**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	\$2,500	10-Jun-2004	26-Aug-2004	0.2	\$26	\$521	\$547
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

Estimated cost to make necessary changes in production rates and demonstrate compliance based on violation begin date to date of compliance.

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

**TOTAL \$547**

## Compliance History

Customer/Respondent/Owner-Operator:	CN600129753	Saint-Gobain Vetrotex America, Inc.	Classification: AVERAGE	Rating: 7.910
Regulated Entity:	RN100218601	SAINT-GOBAIN VETROTEX AMERICA	Classification: AVERAGE	Site Rating: 12.82
ID Number(s):	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	WH0178K	
	AIR NEW SOURCE PERMITS	PERMIT	38691	
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	WH0014S	
	AIR NEW SOURCE PERMITS	PERMIT	49397	
	AIR NEW SOURCE PERMITS	PERMIT	41114	
	AIR NEW SOURCE PERMITS	PERMIT	44909	
	AIR NEW SOURCE PERMITS	PERMIT	33944	
	AIR NEW SOURCE PERMITS	PERMIT	38118	
	AIR NEW SOURCE PERMITS	PERMIT	38117	
	AIR NEW SOURCE PERMITS	PERMIT	37552	
	AIR NEW SOURCE PERMITS	PERMIT	37551	
	AIR NEW SOURCE PERMITS	PERMIT	37550	
	AIR NEW SOURCE PERMITS	PERMIT	37171	
	AIR NEW SOURCE PERMITS	PERMIT	37162	
	AIR NEW SOURCE PERMITS	PERMIT	37021	
	AIR NEW SOURCE PERMITS	PERMIT	36793	
	AIR NEW SOURCE PERMITS	PERMIT	36792	
	AIR NEW SOURCE PERMITS	PERMIT	36272	
	AIR NEW SOURCE PERMITS	PERMIT	36083	
	AIR NEW SOURCE PERMITS	PERMIT	35790	
	AIR NEW SOURCE PERMITS	PERMIT	5667	
	AIR NEW SOURCE PERMITS	PERMIT	5577	
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	31278	
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD043802826	
	AIR OPERATING PERMITS	PERMIT	PSDTX784MI	
	AIR OPERATING PERMITS	PERMIT	1040	
	AIR OPERATING PERMITS	ACCOUNT NUMBER	WH0014S	
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD043802826	
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	31278	
	PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	52102	
	STORMWATER	PERMIT	TXR05L781	
	AIR NEW SOURCE PERMITS	REGISTRATION	73181	
	AIR NEW SOURCE PERMITS	REGISTRATION	72874	
	AIR NEW SOURCE PERMITS	PERMIT	56031	
	AIR NEW SOURCE PERMITS	PERMIT	P784	
	AIR NEW SOURCE PERMITS	PERMIT	P784M1	
	AIR NEW SOURCE PERMITS	PERMIT	P784M2	
	AIR NEW SOURCE PERMITS	REGISTRATION	71736	
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX784M2	
	AIR NEW SOURCE PERMITS	PERMIT	PSDTX784	
	AIR NEW SOURCE PERMITS	AFS NUM	0010	
	AIR NEW SOURCE PERMITS	REGISTRATION	55850	
Location:	4515 ALLENDALE RD, WICHITA FALLS, TX, 76310		Rating Date: 9/1/04 Repeat Violator: NO	
TCEQ Region:	REGION 03 - ABILENE			
Date Compliance History Prepared:	November 04, 2004			

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: November 04, 1999 to November 04, 2004

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

Name: Edward R. Moderow Phone: (512) 239-2680

**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? N/A
- 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.

Effective Date: 2/23/01 ADMINORDER 1998-1171-AIR-E

Classification: Major

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)[G]  
5C THC Chapter 382, SubChapter A 382.085(b)

Citation: Not specified PERMIT

Description: Exceeded permitted maximum allowable emission rates for TSP and PM10 from the Forming Line 1 Scrubber, EPN E-81.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)[G]  
5C THC Chapter 382, SubChapter A 382.085(b)

Citation: Not specified PERMIT

Description: Exceeded permitted maximum allowable emission rates for TSP and PM10 from the Forming Line 2 Scrubber, EPN E-82.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)[G]  
5C THC Chapter 382, SubChapter A 382.085(b)

Citation: Not specified PERMIT

Description: Exceeded permitted maximum allowable emission rates for TSP and PM10 from the Forming Lines 1 and 2 Scrubbers, EPN E-85A and EPN E-85B.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)[G]  
5C THC Chapter 382, SubChapter A 382.085(b)

Citation: Not specified PERMIT

Description: Exceeded permitted maximum allowable emission rates for TSP and PM10 from the Hot Air Dryer 98, EPNs E-98A - E-98D.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)[G]  
30 TAC Chapter 116, SubChapter B 116.115(b)[G]  
5C THC Chapter 382, SubChapter A 382.0518(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Caused, suffered, allowed and/or permitted the emission of air contaminants, specifically TSP and PM10 from the Dielectric Oven 101, EPN E-101.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)[G]  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Citation: SC 1 PERMIT

Description: Exceeded permitted maximum allowable emission rates for TSP and PM10 from the Forming Line 2 Scrubber, EPN E-82.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)[G]  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Citation: SC 1 PERMIT

Description: Exceeded permitted maximum allowable emission rates for TSP and PM10 from the Forming Lines 1 and 2 Scrubber, EPNs E-85A and EPN E-85B.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)[G]

30 TAC Chapter 116, SubChapter B 116.115(c)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Citation: SC 1 PERMIT  
 Description: Exceeded permitted maximum allowable emission rate for PM10 from the Forming Line 3 Scrubber, EPNs E-86A and EPN E-86B.  
 Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)[G]  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Citation: SC 1 PERMIT  
 Description: Exceeded maximum allowable emission rate for NOX, for Furnace 4.  
 Classification: Moderate  
 Citation: 5C THC Chapter 382, SubChapter A 382.085(b)  
 Citation: OP 7 ORDER  
 Citation: SC1 PERMIT  
 Description: Failure to reduce production and operating conditions of Furnace 4 to comply with SC 1 and the MAERT in TNRCC consolidated permit until Vetrotex received appropriate authorization for the Furnace 4 NOX emissions.  
 Classification: Major  
 Citation: 30 TAC Chapter 116, SubChapter B 116.160(a)  
 40 CFR Chapter 52, SubChapter C, PT 52, SubPT A 52.21  
 5C THC Chapter 382, SubChapter A 382.0518[G]  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Description: Failure to obtain a PSD permit for VOC emissions for Furnace 5.  
 Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(a)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Citation: SC 1 PERMIT  
 Description: Exceeded permitted maximum allowable emission rate for CO from Hot Air Dryer 98, EPNs E-98D.  
 Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)[G]  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Citation: SCs 1 & 12 PERMIT  
 Description: Failure to demonstrate compliance with permitted maximum allowable emission rates for CO from Hot Air Dryers 31 in violation of permit.  
 Effective Date: 1/30/04 ADMINORDER 2002-1076-AIR-E  
 Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Citation: Not Specified PERMIT  
 Description: Failure to comply with the permitted Particulate Matter emissions limit of 5.50 lbs/hr contained in the Maximum Allowable Emissions Rate Table (MAERT) of Permit No. 5567.

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. (CEEDS Inv. Track. No.)

- 1 07/03/2002 (2411)
- 2 03/20/2003 (28513)
- 3 03/27/2004 (284342)
- 4 10/27/2004 (339137)
- 5 11/26/2002 (17732)
- 6 03/24/2004 (266904)
- 7 10/01/2002 (12836)
- 8 09/17/2004 (334241)
- 9 07/12/2004 (281332)
- 10 03/11/2004 (265084)

11 10/31/2002 (15589)  
12 02/29/2000 (30127)  
13 12/01/2003 (256295)  
14 01/30/2003 (23398)  
15 07/03/2002 (4356)  
16 07/03/2002 (4289)  
17 08/02/2002 (6952)  
18 04/22/2002 (111893)  
19 04/09/2002 (111892)  
20 04/09/2002 (111891)  
21 03/22/2002 (111890)  
22 03/07/2002 (111889)  
23 03/20/2003 (28517)  
24 01/31/2002 (111888)  
25 01/11/2002 (111887)  
26 08/06/2002 (7329)  
27 01/11/2002 (111886)  
28 12/19/2001 (111885)  
29 12/19/2001 (111884)  
30 12/19/2001 (111883)  
31 12/19/2001 (111882)  
32 12/19/2001 (111881)  
33 12/19/2001 (111880)  
34 12/19/2001 (111879)  
35 12/19/2001 (111878)  
36 12/19/2001 (111877)  
37 12/19/2001 (111876)  
38 12/19/2001 (111875)  
39 12/12/2001 (111874)  
40 11/09/2001 (111873)  
41 11/05/2001 (111872)  
42 08/03/2001 (111871)  
43 08/03/2001 (111870)  
44 08/03/2001 (111869)  
45 06/20/2001 (111868)  
46 05/09/2001 (111867)  
47 08/06/2002 (7060)  
48 05/07/2001 (111866)  
49 04/20/2001 (111865)  
50 02/05/2001 (111864)  
51 12/12/2000 (111863)  
52 12/12/2000 (111862)  
53 12/12/2000 (111861)  
54 11/17/2000 (111860)  
55 09/28/2000 (111859)  
56 06/28/2000 (111858)  
57 06/12/2000 (111857)  
58 12/13/2002 (19346)  
59 04/19/2000 (111856)  
60 03/05/2001 (283871)  
61 03/24/2000 (111855)  
62 07/12/2004 (281349)

63 12/08/1999 (111854)  
64 12/08/1999 (111853)  
65 07/30/2004 (284810)  
66 08/11/2004 (287855)  
67 08/05/2003 (119358)

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

Date: 12/28/2001 (111887)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: OP IA

Description: PERMIT CONDITION

F. Environmental audits.

N/A

Notice of Intent Date: 09/07/2000

Disclosure Date: 04/02/2001

Viol. Classification: Moderate

Citation:

Disclosure Date: 01/24/2001

Viol. Classification: Moderate

Citation:

Disclosure Date: 12/18/2000

Viol. Classification: Moderate

Citation:

Disclosure Date: 11/26/2000

Viol. Classification: Moderate

Citation:

Description: Exceedance of the 24-hour PM PSD increment from 4/30/97-8/12/97, 9/25/97-1/5/99, AND 6/5/99-7/11/01.

Notice of Intent Date: 04/15/2003

Disclosure Date: 07/08/2003

Viol. Classification: Major

Citation: 30 TAC Chapter 116, SubChapter B 116.111[G]

Disclosure Date: 08/31/2004

Viol. Classification: Major

Citation: 30 TAC Chapter 116, SubChapter B 116.111[G]

Description: Failure to maintain emissions of NOx below maximum allowable emissions levels for EPN E-23A.

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  
SAINT-GOBAIN VETROTEX  
AMERICA, INC.  
AIR ACCOUNT NO. WH0014S  
RN100218601

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BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY

AGREED ORDER  
DOCKET NO. 2004-1786-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 Saint-Gobain Vetrotex America, Inc. ("Vetrotex") 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 Vetrotex appear before the Commission and together stipulate that:

1. Vetrotex owns and operates a fiberglass manufacturing plant at 4515 Allendale Road in Wichita Falls, Wichita 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 Vetrotex agree that the Commission has jurisdiction to enter this Agreed Order, and that Vetrotex is subject to the Commission's jurisdiction.
4. Vetrotex received notice of the violations alleged in Section II ("Allegations") on or about September 22, 2004.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Vetrotex of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Three Thousand One Hundred Dollars (\$3,100) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Vetrotex has paid the Three Thousand One Hundred Dollar (\$3,100) 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 Vetrotex 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 on August 25, 2004, Vetrotex demonstrated compliance with the permit limits for CO emissions of Furnace No. 5 Dry Scrubber (EPN F-515).
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 Vetrotex 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, Vetrotex is alleged to have failed to meet the CO emission limit for Furnace No. 5 Dry Scrubber (EPN F-515), in violation of 30 TEX. ADMIN. CODE § 116.115(c)(1), Permit No. 5667, Special Condition 1 (MAERT) and TEX. HEALTH & SAFETY CODE §382.085(b), as documented during a record review conducted on September 9, 2004.

## **III. DENIALS**

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

## **IV. ORDERING PROVISIONS**

1. It is, therefore, ordered by the TCEQ that Vetrotex pay an administrative penalty as set forth in Section I, Paragraph 6 above. The imposition of this administrative penalty and Vetrotex'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: Saint-Gobain Vetrotex America, Inc., Docket No. 2004-1786-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 Vetrotex. Vetrotex 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 Vetrotex 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 Vetrotex, or three days after the date on which the Commission mails notice of the Order to Vetrotex, 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

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.

David R. Lane  
Signature

12/06/06  
Date

David R. Lane  
Name (Printed or typed)  
Authorized Representative of  
Saint-Gobain Vetrotex America, Inc.

President Vetrotex American  
Title

[Signature]  
For the Executive Director

4/27/07

**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.

