

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2006-0232-AIR-E **TCEQ ID:** RN100217306 **CASE NO.:** 28467

RESPONDENT NAME: EBAA Iron, Inc.

| | | |
|--|---|--|
| 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: EBAA Iron Eastland Plant, located approximately 1.7 miles south on County Road 442, Eastland County</p> <p>TYPE OF OPERATION: Ductile iron foundry plant</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" 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 April 30, 2007. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Samuel Short, Enforcement Division, Enforcement Section II, MC 219, (512) 239-5363; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896 Respondent: Mr. Earl T. Bradley, President, EBAA Iron, Inc., P.O. Box 877, Eastland, Texas 76448 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: February 8, 2006</p> <p>Date of NOE Relating to this Case: February 21, 2006(NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>AIR</p> <p>Failed to comply with the volatile organic compound emissions limits listed in 30 TEX. ADMIN. CODE § 106.433(7)(A), claimed for operation of the Xylan Coating Process [30 TEX. ADMIN. CODE § 106.433(7)(A)].</p> | <p>Total Assessed: \$30,000</p> <p>Total Deferred: \$6,000 <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: \$24,000</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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p> | <p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that on December 21, 2005, EBAA Iron incorporated its Xylan Coating Process into Air Permit No. 644.</p> |



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision May 19, 2005

| | | | | | | |
|--------------|----------|-------------|-----------|-------------|---------|-------------|
| DATES | Assigned | 27-Feb-2006 | Screening | 01-Mar-2006 | EPA Due | 26-Nov-2006 |
| | PCW | 03-Mar-2006 | | | | |

| | |
|--|-----------------|
| RESPONDENT/FACILITY INFORMATION | |
| Respondent | EBAA Iron, Inc. |
| Reg. Ent. Ref. No. | RN100217306 |
| Facility/Site Region | 3-Abilene |
| Major/Minor Source | Major Source |

| | | | |
|---------------------------------|-----------------|-------------------|--------------------|
| CASE INFORMATION | | | |
| Enf./Case ID No. | 28467 | No. of Violations | 1 |
| Docket No. | 2006-0232-AIR-E | Order Type | 1660 |
| Media Program(s) | Air Quality | Enf. Coordinator | Samuel Short |
| 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

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 25% 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 | | |
| Ordinary | X | |
| N/A | | (mark with a small x) |

Notes

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

| | | |
|----------------------------|------------------------------------|--|
| Total EB Amounts | <input type="text" value="\$19"/> | <small>*Capped at the Total EB \$ Amount</small> |
| Approx. Cost of Compliance | <input type="text" value="\$300"/> | |

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 01-Mar-2006 **Docket No.** 2006-0232-AIR-E **PCW**
Respondent EBAA Iron, Inc. *Policy Revision 2 (September 2002)*
Case ID No. 28467 *PCW Revision May 19, 2005*
Reg. Ent. Reference No. RN100217306
Media [Statute] Air Quality
Enf. Coordinator Samuel Short

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 | 1 | 25% |
| 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% |
| <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) 25%

>> **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

A 25% enhancement is recommended for having one Agreed Order without denial within the last five years.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 25%

| | | | | |
|--------------------------------|--|---|-----------------|------------|
| Screening Date | 01-Mar-2006 | Docket No. | 2006-0232-AIR-E | PCW |
| Respondent | EBAA Iron, Inc. | <i>Policy Revision 2 (September 2002)</i> | | |
| Case ID No. | 28467 | <i>PCW Revision May 19, 2005</i> | | |
| Reg. Ent. Reference No. | RN100217306 | | | |
| Media [Statute] | Air Quality | | | |
| Enf. Coordinator | Samuel Short | | | |
| Violation Number | <input type="text" value="1"/> | | | |
| Primary Rule Cite(s) | <input type="text" value="30 Tex. Admin. Code § 106.433(7)(A)"/> | | | |
| Secondary Rule Cite(s) | <input type="text"/> | | | |
| Violation Description | Failed to comply with the volatile organic compound ("VOC") emissions limits listed in 30 Tex. Admin. Code § 106.433(7)(A), claimed for operation of the Xylan Coating Process. Specifically, the 500 pound per week ("lb/wk") limit was exceeded 12 times, in which five of these exceeded by more than 15 percent, during the period of September 17, 2004 through April 15, 2005. | | | |

Base Penalty

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

| | | Harm | | | |
|---------|-----------|----------------------|----------------------|-------------------------------------|--|
| Release | | Major | Moderate | Minor | |
| OR | Actual | <input type="text"/> | <input type="text"/> | <input checked="" type="checkbox"/> | Percent <input type="text" value="25%"/> |
| | Potential | <input type="text"/> | <input type="text"/> | <input type="text"/> | |

>> **Programmatic Matrix**

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

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

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

Violation Base Penalty

Economic Benefit (EB) for this violation

Estimated EB Amount

Statutory Limit Test

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent EBAA Iron, Inc.
 Case ID No. 28467
 Reg. Ent. Reference No. RN100217306
 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) | \$300 | 17-Sep-2004 | 21-Dec-2005 | 1.3 | \$19 | n/a | \$19 |

Notes for DELAYED costs

The estimated cost to maintain the VOC limits. Date required is the date in which the limit was first exceeded. Final Date is the date in which the Xylan Coating Process was added to Permit No. 644.

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

TOTAL

Compliance History

| | | | |
|---|--|-------------------------|---------------------|
| Customer/Respondent/Owner-Operator: | CN600129100 EBAA Iron, Inc. | Classification: AVERAGE | Rating: 3.64 |
| Regulated Entity: | RN100217306 EBAA IRON EASTLAND PLANT | Classification: AVERAGE | Site Rating: 4.41 |
| ID Number(s): | AIR OPERATING PERMITS | ACCOUNT NUMBER | EA0006G |
| | AIR OPERATING PERMITS | PERMIT | 2315 |
| | PETROLEUM STORAGE TANK | REGISTRATION | 50767 |
| | REGISTRATION | | |
| | AIR NEW SOURCE PERMITS | PERMIT | 664 |
| | AIR NEW SOURCE PERMITS | PERMIT | 12626 |
| | AIR NEW SOURCE PERMITS | ACCOUNT NUMBER | EA0006G |
| | AIR NEW SOURCE PERMITS | AFS NUM | 0012 |
| | AIR NEW SOURCE PERMITS | REGISTRATION | 54790 |
| | AIR NEW SOURCE PERMITS | REGISTRATION | 72765 |
| | AIR NEW SOURCE PERMITS | REGISTRATION | 75153 |
| | STORMWATER | PERMIT | TXR05K278 |
| | INDUSTRIAL AND HAZARDOUS WASTE | ID NUMBER | TXD980748750 |
| | NONPERMITTED | | |
| | INDUSTRIAL AND HAZARDOUS WASTE | EPA ID | TXD980748750 |
| | DISPOSAL | | |
| Location: | SOUTH 1.7 MILES ON 702-30 CR 442 | Rating Date: 9/1/2005 | Repeat Violator: NO |
| TCEQ Region: | REGION 03 - ABILENE | | |
| Date Compliance History Prepared: | February 27, 2006 | | |
| Agency Decision Requiring Compliance History: | Enforcement | | |
| Compliance Period: | February 27, 2001 to February 27, 2006 | | |

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

Name: Samuel Short Phone: 239-5363

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)? | <u>N/A</u> |
| 5. When did the change(s) in ownership occur? | <u>N/A</u> |

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 Effective Date: 12/23/2004 ADMINORDER 2001-0979-IHW-E
- Classification: Moderate
- Citation: 30 TAC Chapter 335, SubChapter C 335.62
30 TAC Chapter 335, SubChapter R 335.503(a)[G]
30 TAC Chapter 335, SubChapter R 335.513[G]
- Description: Fail. to do haz. waste determination & waste classification for each waste stream.
- 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.)
- | | | | |
|-----|---|------------|----------|
| N/A | 1 | 02/21/2002 | (100203) |
| | 2 | 04/03/2001 | (100202) |
| | 3 | 03/23/2001 | (100201) |
| | 4 | 09/16/2002 | (11291) |
| | 5 | 08/20/2002 | (8139) |
| | 6 | 02/24/2006 | (453240) |
| | 7 | 05/14/2004 | (270446) |

- 8 11/25/2002 (16699)
- 9 09/26/2002 (12349)
- 10 10/19/2004 (337151)
- 11 03/23/2001 (71182)
- 12 04/03/2001 (71183)
- 13 02/21/2002 (71184)
- 14 05/31/2001 (IE0012888002001)
- 15 06/24/2003 (123017)
- 16 10/28/2003 (250884)
- 17 03/03/2004 (264802)

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
EBAA IRON, INC.
RN100217306**

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

AGREED ORDER DOCKET NO. 2006-0232-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 EBAA Iron, Inc. ("EBAA Iron") 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 EBAA Iron appear before the Commission and together stipulate that:

1. EBAA Iron owns and operates a ductile iron foundry plant located approximately 1.7 miles south on County Road 442 Eastland 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 EBAA Iron agree that the Commission has jurisdiction to enter this Agreed Order, and that EBAA Iron is subject to the Commission's jurisdiction.
4. EBAA Iron received notice of the violations alleged in Section II ("Allegations") on or about February 26, 2006.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by EBAA Iron of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Thirty Thousand Dollars (\$30,000) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). EBAA Iron has paid Twenty-Four Thousand Dollars (\$24,000) of the administrative penalty and Six Thousand Dollars (\$6,000) is deferred contingent upon EBAA Iron'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 EBAA Iron fails to timely and satisfactorily comply with all

- requirements of this Agreed Order, the Executive Director may require EBAA Iron 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 EBAA Iron 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 December 21, 2005, EBAA Iron incorporated its Xylan Coating Process into Air Permit No. 644.
 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 EBAA Iron 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, EBAA Iron is alleged to have failed to comply with the volatile organic compound ("VOC") emissions limits listed in 30 TEX. ADMIN. CODE § 106.433(7)(A), claimed for operation of the Xylan Coating Process, in violation of 30 TEX. ADMIN. CODE § 106.433(7)(A), as documented during an inspection conducted on February 8, 2006.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that EBAA Iron pay an administrative penalty as set forth in Section I, Paragraph 6 above. The imposition of this administrative penalty and EBAA Iron'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

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payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: EBAA Iron, Inc., Docket No. 2006-0232-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. The provisions of this Agreed Order shall apply to and be binding upon EBAA Iron. EBAA Iron 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 EBAA Iron 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 EBAA Iron, or three days after the date on which the Commission mails notice of the Order to EBAA Iron, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

11. 11. 2019

12. 11. 2019

13. 11. 2019

14. 11. 2019

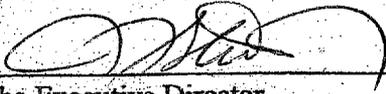
15. 11. 2019

EBAA Iron, Inc.
DOCKET NO. 2006-0232-AIR-E
Page 4

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

6/4/07

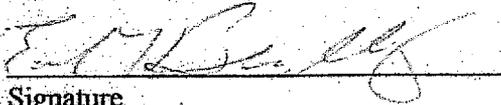
Date

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.



Signature

10 JAN 07

Date

EARL T BRADLEY

Name (Printed or typed)
Authorized Representative of
EBAA Iron, Inc.

PRESIDENT

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.

Handwritten text at the top right of the page, possibly a date or reference number.

Handwritten text in the upper middle section of the page.

Handwritten text in the middle section of the page.

Handwritten text on the right side of the page.

Handwritten text on the left side of the page.

Handwritten text on the right side of the page, possibly a signature or name.

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