

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2006-1716-AIR-E **TCEQ ID:** RN100218072 **CASE NO.:** 31249
RESPONDENT NAME: Crown Beverage Packaging 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: Crown Cork & Seal USA, 12910 Jess Pirtle Boulevard, Sugar Land, Fort Bend County</p> <p>TYPE OF OPERATION: Aluminum can manufacturing</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 23, 2007. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Miriam Hall, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-1044; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896 TCEQ Field Investigator: Ms. Bridgette Bolls, Houston Regional Office, MC R-12, (713) 767-3500 Respondent: Mr. Douglas Pyer, Plant Manager, Crown Cork & Seal USA, 12910 Jess Pirtle Boulevard, Sugar Land, Texas 77478 C. T. Corporation System, Registered Agent, Crown Beverage Packaging Inc., 350 North St. Paul Street, Dallas, Texas 75201 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 type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: July 21, 2006</p> <p>Date of NOE Relating to this Case: August 30, 2006 (NOE)</p> <p>Background Facts: This was a routine record review. Three violations were documented.</p> <p>AIR</p> <p>1) Failed to submit semi-annual deviation report in a timely manner. Specifically, the deviation report for the period September 13, 2004 through March 13, 2005 was not submitted until October 4, 2005 [30 TEX. ADMIN. CODE § 122.143(4), 122.145(2)(B) and (2)(C) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>2) Failed to submit semi-annual reports in a timely manner. Specifically, the reports for the period January 1, 2005 through June 30, 2005 were not submitted [30 TEX. ADMIN. CODE §§ 101.20(1), 122.143(4), Federal Operating Permit ("FOP") O-01034, Special Condition No. 1, 40 CODE OF FEDERAL REGULATIONS ("CFR") § 60.495(b) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>3) Failed to report all emissions events on a deviation report. Specifically, all emissions events for the period of March 13, 2005 through September 13, 2005 were not submitted [30 TEX. ADMIN. CODE §§ 122.143(4), 122.145(2)(A), FOP O-01034, Special Condition No. 1 and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>	<p>Total Assessed: \$7,920</p> <p>Total Deferred: \$1,584 <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: \$6,336</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>1) The Executive Director recognizes that Crown submitted the deviation report for the period September 13, 2004 through March 13, 2005 on October 4, 2005.</p> <p>Ordering Provisions:</p> <p>2) The Order will require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order:</p> <p>i. Provide additional personnel training and implement improvements to reporting procedures in order to address the untimely submission of emissions events;</p> <p>ii. Submit semi-annual reports for the period January 1, 2005 through June 30, 2005; and</p> <p>b. Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation to demonstrate compliance with Ordering Provision No. 2.a.</p>

Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002) PCW Revision April 25, 2006

TCEQ			
DATES	Assigned PCW	05-Sep-2006 05-Jan-2007	Screening 18-Sep-2006
			EPA Due 15-Jun-2007

RESPONDENT/FACILITY INFORMATION	
Respondent	Crown Beverage Packaging Inc.
Reg. Ent. Ref. No.	RN100218072
Facility/Site Region	12-Houston
Major/Minor Source	Major Source

CASE INFORMATION			
Enf./Case ID No.	31249	No. of Violations	3
Docket No.	2006-1716-AIR-E	Order Type	1660
Media Program(s)	Air Quality	Enf. Coordinator	Sherronda Martin
Multi-Media		EC's Team	Enforcement Team 5
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 32% Enhancement **Subtotals 2, 3, & 7**

Notes

Culpability No **Subtotal 4**

Notes

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

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

Notes

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

Total EB Amounts	<input type="text" value="\$80"/>	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	<input type="text" value="\$1,500"/>	

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 18-Sep-2006 **Docket No.** 2006-1716-AIR-E **PCW**
Respondent Crown Beverage Packaging Inc. *Policy Revision 2 (September 2002)*
Case ID No. 31249 *PCW Revision April 25, 2006*
Reg. Ent. Reference No. RN100218072
Media [Statute] Air Quality
Enf. Coordinator Sherronda Martin

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>)	2	10%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	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) 32%

>> **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 due to two similar NOVs, one dissimilar NOV, and one 1660-style order.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 32%

Screening Date 18-Sep-2006 **Docket No.** 2006-1716-AIR-E **PCW**
Respondent Crown Beverage Packaging Inc. *Policy Revision 2 (September 2002)*
Case ID No. 31249 *PCW Revision April 25, 2006*
Reg. Ent. Reference No. RN100218072
Media [Statute] Air Quality
Enf. Coordinator Sherronda Martin
Violation Number 1
Primary Rule Cite(s) 30 Tex. Admin. Code §§ 122.143(4), 122.145(2)(B) and (2)(C)
Secondary Rule Cite(s) Tex. Health & Safety Code § 382.085(b)
Violation Description Failure to submit semi-annual deviation report in a timely manner. Specifically, the deviation report for the period September 13, 2004 through March 13, 2005 was not submitted until October 4, 2005.

Base Penalty \$10,000

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

		Harm			
Release		Major	Moderate	Minor	
OR	Actual				Percent
	Potential				

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
	X			25%

Matrix Notes The Respondent did not meet 100% of the rule requirement.

Adjustment -\$7,500

Base Penalty Subtotal \$2,500

Violation Events

Number of Violation Events 1 175 Number of violation days

mark only one use a small x	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 \$12

Violation Final Penalty Total \$3,300

This violation Final Assessed Penalty (adjusted for limits) \$3,300

Economic Benefit Worksheet

Respondent Crown Beverage Packaging Inc.
 Case ID No. 31249
 Reg. Ent. Reference No. RN100218072
 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)	\$500	12-Apr-2005	04-Oct-2005	0.5	\$12	n/a	\$12

Notes for DELAYED costs: Estimated cost to prepare and submit deviation reports. Date required is the due date for the reporting period of September 13, 2004 through March 13, 2005. Final date is the date compliance was achieved.

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 **\$500** TOTAL **\$12**

Screening Date 18-Sep-2006

Docket No. 2006-1716-AIR-E

PCW

Respondent Crown Beverage Packaging Inc.

Policy Revision 2 (September 2002)

Case ID No. 31249

PCW Revision April 25, 2006

Reg. Ent. Reference No. RN100218072

Media [Statute] Air Quality

Enf. Coordinator Sherronda Martin

Violation Number

Primary Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(1), 122.143(4), FOP O-01034, Special Condition No. 1 and 40 CFR § 60.495(b)

Secondary Rule Cite(s)

Tex. Health & Safety Code § 382.085(b)

Violation Description

Failure to submit semi-annual reports in a timely manner. Specifically, the reports for the period January 1, 2005 through June 30, 2005, were not submitted as required.

Base Penalty

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

		Harm			
Release		Major	Moderate	Minor	
OR	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="25%"/>

Matrix Notes

The Respondent did not meet 100% of the rule requirement.

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

Number of violation days

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

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Crown Beverage Packaging Inc.
 Case ID No. 31249
 Reg. Ent. Reference No. RN100218072
 Media [Statute] Air Quality
 Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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)	\$500	30-Jul-2005	17-Jan-2007	1.5	\$37	n/a	\$37

Notes for DELAYED costs: Estimated cost to prepare and submit semi-annual emissions reports. Date required is based on the due date of the reports. Final date is the expected date of compliance.

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

Notes for AVOIDED costs

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

TOTAL \$37

Screening Date 18-Sep-2006 **Docket No.** 2006-1716-AIR-E **PCW**
Respondent Crown Beverage Packaging Inc. *Policy Revision 2 (September 2002)*
Case ID No. 31249 *PCW Revision April 25, 2006*
Reg. Ent. Reference No. RN100218072
Media [Statute] Air Quality
Enf. Coordinator Sherronda Martin
Violation Number 3
Primary Rule Cite(s) 30 Tex. Admin. Code §§ 122.143(4), 122.145(2)(A), FOP O-01034, Special Condition No. 1
Secondary Rule Cite(s) Tex. Health & Safety Code § 382.085(b)
Violation Description Failure to report all emissions events on a deviation report. Specifically, all emissions events for the period of March 13, 2005 through September 13, 2005 were not submitted as required.
Base Penalty \$10,000

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

		Harm			
Release		Major	Moderate	Minor	
Actual					Percent
Potential					

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
			X		Percent 10%

Matrix Notes: The Respondent failed to meet 50% of the rule requirement.

Adjustment -\$9,000

Base Penalty Subtotal \$1,000

Violation Events

Number of Violation Events 1 340 Number of violation days

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

Violation Base Penalty \$1,000

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$32

Violation Final Penalty Total \$1,320

This violation Final Assessed Penalty (adjusted for limits) \$1,320

Economic Benefit Worksheet

Respondent Crown Beverage Packaging Inc.
 Case ID No. 31249
 Reg. Ent. Reference No. RN100218072
 Media [Statute] Air Quality
 Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost No commas or \$	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)	\$500	13-Oct-2005	17-Jan-2007	1.3	\$32	n/a	\$32

Notes for DELAYED costs: Estimated cost to prepare and submit all deviation reports. Date required is the due date of the deviation report. Final date is the expected date of compliance.

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

Notes for AVOIDED costs:

Approx. Cost of Compliance **TOTAL**

Compliance History

Customer/Respondent/Owner-Operator: CN600129514 Crown Beverage Packaging Inc. Classification: AVERAGE Rating: 3.57
 Regulated Entity: RN100218072 CROWN CORK & SEAL USA Classification: AVERAGE Site Rating: 3.35

ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	FG0082W
	AIR OPERATING PERMITS	PERMIT	1034
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD980879480
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	34359
	AIR NEW SOURCE PERMITS	PERMIT	9331
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	FG0082W
	AIR NEW SOURCE PERMITS	AFS NUM	0035
	STORMWATER	PERMIT	TXR05N203
	IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	34359

Location: 12910 JESS PIRTLE BLVD, SUGAR LAND, TX, 77478 Rating Date: 9/1/2006 Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: October 12, 2006

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: October 12, 2001 to October 12, 2006

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

Name: Sherronda Martin Phone: 713-767-3680

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: 06/13/2004	ADMINORDER 2003-1262-AIR-E
Classification: Moderate	
Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(C) 30 TAC Chapter 122, SubChapter B 122.146(2)	
5C THC Chapter 382, SubChapter A 382.085(b)	
Rqmt Prov: O-0331 PERMIT	
Description: Failure to submit Compliance Certification Report within 30 days after the end of the certification period.	

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

- | | | |
|----|------------|----------|
| 1 | 01/10/2002 | (76685) |
| 2 | 08/31/2004 | (279743) |
| 3 | 08/31/2004 | (279203) |
| 4 | 12/09/2004 | (339662) |
| 5 | 08/03/2005 | (376253) |
| 6 | 06/10/2002 | (266400) |
| 7 | 06/20/2003 | (11637) |
| 8 | 12/15/2004 | (339825) |
| 9 | 01/19/2005 | (276856) |
| 10 | 08/31/2004 | (279138) |
| 11 | 06/30/2005 | (398042) |
| 12 | 01/26/2005 | (271526) |

13 02/23/2004 (251419)
14 05/20/2005 (378643)
15 08/30/2006 (480145)
16 08/31/2004 (279314)
17 08/31/2005 (402847)

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

1 Date: 08/04/2005 (376253)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
Description: Crown Beverage Packaging failed to submit an emissions event notification to the TCEQ within 24 hours of the event.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PERMIT IA
Description: Crown Beverage Packaging failed to prevent a release from the RTO.

2 Date: 06/10/2002 (266400)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.10(e)
30 TAC Chapter 101, SubChapter A 101.10(f)
Description: Respondent failed to submit an emissions inventory for calendar year 2001 on or before 04/25/2002.

3 Date: 05/20/2005 (378643)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter R 335.503(a)[G]
30 TAC Chapter 335, SubChapter R 335.511[G]
30 TAC Chapter 335, SubChapter R 335.513(a)
Description: Failure to have waste classification documents for eight waste streams.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)
Description: Failure to have an accurate and complete Notice of Registration.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 324, SubChapter A 324.6
40 CFR Chapter 279, SubChapter I, PT 279, SubPT C 279.22(c)(1)
Description: Failure to mark tank in used oil service with words "Used Oil."

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
CROWN BEVERAGE PACKAGING INC.
RN100218072

§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2006-1716-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 Crown Beverage Packaging Inc. ("Crown") 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 Crown appear before the Commission and together stipulate that:

1. Crown owns and operates an aluminum can manufacturing facility at 12910 Jess Pirtle Boulevard in Sugar Land, Fort Bend 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 Crown agree that the Commission has jurisdiction to enter this Agreed Order, and that Crown is subject to the Commission's jurisdiction.
4. Crown 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 Crown of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Seven Thousand Nine Hundred Twenty Dollars (\$7,920) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Crown has paid Six Thousand Three Hundred Thirty-Six Dollars (\$6,336) of the administrative penalty and One Thousand Five-Hundred Eighty-Four Dollars (\$1,584) is deferred contingent upon Crown'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 Crown fails to

THE UNIVERSITY OF CHICAGO

1954

THE UNIVERSITY OF CHICAGO
DEPARTMENT OF CHEMISTRY
5408 SOUTH DIVISION STREET
CHICAGO, ILLINOIS 60637

RECEIVED

APR 15 1954

TO THE DIRECTOR OF THE UNIVERSITY OF CHICAGO
FROM THE DEPARTMENT OF CHEMISTRY
RE: [Illegible]

[Illegible text]

[Illegible text]

[Illegible text]

[Illegible text]

1

- timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Crown 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 Crown 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 Crown submitted the deviation report for the period September 13, 2004 through March 13, 2005 on October 4, 2005.
 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 Crown 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, Crown is alleged to have:

1. Failed to submit semi-annual deviation report in a timely manner, in violation of 30 TEX. ADMIN. CODE § 122.143(4), 122.145(2)(B) and (2)(C) and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the deviation report for the period September 13, 2004 through March 13, 2005 was not submitted until October 4, 2005, as documented during an investigation conducted on July 21, 2006.
2. Failed to submit semi-annual reports in a timely manner, in violation of 30 TEX. ADMIN. CODE §§ 101.20(1), 122.143(4) Federal Operating Permit ("FOP") O-01034, Special Condition No. 1, 40 CODE OF FEDERAL REGULATIONS ("CFR") § 60.495(b) and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the reports for the period January 1, 2005 through June 30, 2005 were not submitted, as documented during an investigation conducted on July 21, 2006.
3. Failed to report all emissions events on a deviation report, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4), 122.145(2)(A), FOP O-01034, Special Condition No. 1 and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, all emissions events for the period of March 13, 2005 through September 13, 2005 were not submitted, as documented during an investigation conducted on July 21, 2006.

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III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Crown pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Crown'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: Crown Beverage Packaging Inc., Docket No. 2006-1716-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 Crown shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order:
 - i. provide additional personnel training and implement improvements to reporting procedures in order to address the untimely submission of emissions events;
 - ii. submit semi-annual reports for the period January 1, 2005 through June 30, 2005; and
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation to demonstrate compliance with Ordering Provision No. 2.a.

The certification required by Ordering Provision No. 2.b. shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

Manager, Air Section
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue
Houston, Texas 77023

3. The provisions of this Agreed Order shall apply to and be binding upon Crown. Crown 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 Crown 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, Crown's failure to comply is not a violation of this Agreed Order. Crown shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Crown shall notify the Executive Director within seven days after Crown 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 Crown shall be made in writing to the Executive Director. Extensions are not effective until Crown 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 Crown 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 Crown, or three days after the date on which the Commission mails notice of the Order to Crown,

1. The first part of the document
describes the current situation
and the reasons for the
proposed changes.

2. The second part

describes the proposed changes
and the expected benefits.
The third part
describes the implementation
plan.

The proposed changes are expected to
improve the efficiency of the
process and reduce the
costs.

The implementation plan
includes the following steps:
1. Conduct a detailed
analysis of the current
process.
2. Develop a detailed
implementation plan.
3. Implement the plan
in a phased manner.
4. Monitor the progress
and make adjustments
as necessary.

The expected benefits of the
proposed changes are:
1. Improved efficiency
of the process.
2. Reduced costs.
3. Increased customer
satisfaction.
4. Improved quality of
the output.

The implementation plan
is expected to be completed
within a period of
six months.

The proposed changes
are expected to be
implemented by the
end of the year.

The implementation
plan is subject to
approval by the
management.

whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

For the Executive Director

6/27/07

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.

Douglas T. Pyer

Signature

2/2/07

Date

DOUGLAS PYER

Name (Printed or typed)
Authorized Representative of
Crown Beverage Packaging Inc.

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.

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