

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER** Page 1 of 2  
**DOCKET NO.:** 2007-0589-AIR-E **TCEQ ID:** RN100214568 **CASE NO.:** 33199  
**RESPONDENT NAME:** Big Tex Trailer Manufacturing, Inc.

<b>ORDER TYPE:</b>		
<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	
<b>CASE TYPE:</b>		
<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><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Big Tex Trailer World, 850 IH 30 E, Mount Pleasant, Titus County</p> <p><b>TYPE OF OPERATION:</b> Trailer manufacturing facility</p> <p><b>SMALL BUSINESS:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on September 3, 2007 comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> None  <b>TCEQ Enforcement Coordinator:</b> Ms. Audra L. Ruble, Enforcement Division, Enforcement Team 4, R-14, (361) 825-3126; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896  <b>Respondent:</b> Mr. Josh Johnson, Assistant Vice President of Manufacturing, Big Tex Trailer Manufacturing, Inc., 850 IH 30 E, Mount Pleasant, Texas 75455; Mr. Stan Garrett, Controller, Big Tex Trailer Manufacturing, Inc., 850 IH 30 E, Mount Pleasant, Texas 75455  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> January 25, 2007</p> <p><b>Date of NOE Relating to this Case:</b> March 27, 2007 (NOE)</p> <p><b>Background Facts:</b> This was a routine investigation. Three violations were documented.</p> <p><b>AIR</b></p> <p>1) Failure to comply with the maximum allowable emission rates of Air Permit No. 33646. Specifically, reported emissions from January to December 2006 were approximately 160.83 tons per year (tpy) of volatile organic compounds ("VOCs") with a permit limit of 69.9 tpy [30 TEX. ADMIN. CODE § 116.115(b)(2)(F); Air Permit No. 33646, General Condition 8; and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> <p>2) Failure to obtain a federal operating permit. Specifically, the plant reported emissions of approximately 160.83 tons of VOCs and continued to operate without a federal operating permit [30 TEX. ADMIN. CODE § 122.121 and TEX. HEALTH &amp; SAFETY CODE §§ 382.054 and 382.085(b)].</p> <p>3) Failure to comply with labeling and record keeping requirements of Air Permit No. 33646. Specifically, the spray booths were not marked according to the MAERT. Additionally, records were not available to demonstrate compliance with emission limitations [30 TEX. ADMIN. CODE § 116.115(c) and (b)(2)(E); Air Permit No. 33646, Special Conditions 3, 17(B) and (C); and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p>	<p><b>Total Assessed:</b> \$35,000</p> <p><b>Total Deferred:</b> \$7,000  <input checked="" 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> \$28,000</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <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>1) The Executive Director recognizes that Big Tex submitted a permit amendment application for Air Permit No. 33646 on December 27, 2006, to authorize the addition of a Thermal Oxidizer which will reduce emissions to approximately 25 tpy.</p> <p><b>Ordering Provisions:</b></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. Mark spray booths according to the MAERT in Air Permit No. 33646;</p> <p>ii. Implement improvements to the record keeping system to ensure records and reports required by Air Permit No. 33646, Special Condition 17 are maintained and available upon request;</p> <p>b. Within 45 days after the effective date of this Agreed Order, certify compliance with Ordering Provision a.i. and a.ii.;</p> <p>c. Respond completely and adequately, as determined by the Air Permits Division, to all letters requesting information concerning the air permit application within 30 days of the date of such letters, or by any other deadline specified in writing;</p> <p>d. Within 180 days after the effective date of this Agreed Order, submit written certification that authorization to construct and operate a source of air emissions has been obtained or cease operations until appropriate authorization has been obtained; and</p> <p>e. Written certification required by Ordering Provisions b. and d. including detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance.</p>



# Penalty Calculation Worksheet (PCW)

**TCEQ**

<b>DATES</b>	Assigned	2-Apr-2007	Screening	11-Apr-2007	EPA Due	6-Dec-2007
	PCW	1-May-2007				

<b>RESPONDENT/FACILITY INFORMATION</b>			
Respondent	Big Tex Trailer Manufacturing, Inc.		
Reg. Ent. Ref. No.	RN100214568		
Facility/Site Region	5-Tyler	Major/Minor Source	Major

<b>CASE INFORMATION</b>			
Enf./Case ID No.	33199	No. of Violations	3
Docket No.	2007-0589-AIR-E	Order Type	1660
Media Program(s)	Air Quality	Enf. Coordinator	Audra L. Ruble
Multi-Media		EC's Team	EnforcementTeam 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**  Enhancement **Subtotals 2, 3, & 7**

Notes

**Culpability**   Enhancement **Subtotal 4**

Notes

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

Before NOV      NOV to EDRP/Settlement Offer

Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="checkbox"/> X	(mark with x)

Notes

**Total EB Amounts**  **Subtotal 6**   
**Approx. Cost of Compliance**  **\*Capped at the Total EB \$ Amount**

**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 indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

**PAYABLE PENALTY**

Screening Date 11-Apr-2007

Docket No. 2007-0589-AIR-E

PCW

Respondent Big Tex Trailer Manufacturing, Inc.

Policy Revision 2 (September 2002)

Case ID No. 33199

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN100214568

Media [Statute] Air Quality

Enf. Coordinator Audra L. Ruble

### Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action <i>(number of NOVs meeting criteria)</i>	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability <i>(number of orders meeting criteria)</i>	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government <i>(number of judgments 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 submitted)</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) 0%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

No adjustments are recommended based on compliance history.

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

Screening Date 11-Apr-2007

Docket No. 2007-0589-AIR-E

PCW

Respondent Big Tex Trailer Manufacturing, Inc.

Policy Revision 2 (September 2002)

Case ID No. 33199

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN100214568

Media [Statute] Air Quality

Enf. Coordinator Audra L. Ruble

Violation Number

Rule Cite(s) 30 Tex. Admin. Code § 116.115(b)(2)(F); Air Permit No. 33646, General Condition 8; and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to comply with the maximum allowable emission rates of Air Permit No. 33646, as documented during an investigation conducted on January 25, 2007. Specifically, reported emissions from January to December 2006 were approximately 160.83 tons per year (tpy) of VOCs with a permit limit of 69.9 tpy.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text" value="50%"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0%"/>

Matrix Notes The failure to maintain compliance with the emission limits has resulted in the release of a significant amount of pollutants which does not exceed protective levels.

Adjustment

Violation Events

Number of Violation Events  Number of violation days

mark only one with an x	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input checked="" type="text" value="x"/>
single event	<input type="text"/>	

Violation Base Penalty

One annual event is recommended for the reporting period of January through December 2006.

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** Big Tex Trailer Manufacturing, Inc.  
**Case ID No.** 33199  
**Reg. Ent. Reference No.** RN100214568  
**Media** Air Quality  
**Violation No.** 1

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Item Description:</b> No commas or \$						

**Delayed Costs**

Equipment	\$100,000	1-Jan-2006	1-Jan-2008	2.0	\$667	\$13,333	\$14,000
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	\$1,500	1-Jan-2006	27-Dec-2006	1.0	\$74	n/a	\$74
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to submit a permit amendment and install a thermal oxidizer. Date required is initial date of noncompliance and Final date is when compliance is expected to be 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

\$101,500

**TOTAL**

\$14,074

Screening Date 11-Apr-2007

Docket No. 2007-0589-AIR-E

PCW

Respondent Big Tex Trailer Manufacturing, Inc.

Policy Revision 2 (September 2002)

Case ID No. 33199

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN100214568

Media [Statute] Air Quality

Enf. Coordinator Audra L. Ruble

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 122.121 and Tex. Health & Safety Code §§ 382.054 and 382.085(b)

Violation Description Failed to obtain a federal operating permit, as documented during an investigation conducted on January 25, 2007. Specifically, the plant reported emissions of approximately 160.83 tons of VOCs and continued to operate without a federal operating permit.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
		x			25%

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

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1 Number of violation days 365

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$2,500

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$150

Violation Final Penalty Total \$8,750

This violation Final Assessed Penalty (adjusted for limits) \$8,750

## Economic Benefit Worksheet

**Respondent** Big Tex Trailer Manufacturing, Inc.  
**Case ID No.** 33199  
**Reg. Ent. Reference No.** RN100214568  
**Media** Air Quality  
**Violation No.** 2

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

### 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	\$1,500	1-Jan-2006	1-Jan-2008	2.0	\$150	n/a	\$150
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to submit a federal operating permit application. Date required is the initial date of noncompliance and Final date is when compliance is expected to be 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

\$1,500

**TOTAL**

\$150

Screening Date 11-Apr-2007

Docket No. 2007-0589-AIR-E

PCW

Respondent Big Tex Trailer Manufacturing, Inc.

Policy Revision 2 (September 2002)

Case ID No. 33199

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN100214568

Media [Statute] Air Quality

Enf. Coordinator Audra L. Ruble

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 116.115(c) and (b)(2)(E); Air Permit No. 33646, Special Conditions 3, 17(B) and (C); and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to comply with labeling and record keeping requirements of Air Permit No. 33646, as documented during an investigation conducted on January 25, 2007. Specifically, the spray booths were not marked according to the MAERT. Additionally, records were not available to demonstrate compliance with emission limitations.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual					0%
Potential					

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
		x			25%

Matrix Notes Greater than 70% of the requirement was not met.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1 Number of violation days 76

mark only one with an 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 \$51

Violation Final Penalty Total \$8,750

This violation Final Assessed Penalty (adjusted for limits) \$8,750

## Economic Benefit Worksheet

**Respondent** Big Tex Trailer Manufacturing, Inc.  
**Case ID No.** 33199  
**Reg. Ent. Reference No.** RN100214568  
**Media** Air Quality  
**Violation No.** 3

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

**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	\$1,000	25-Jan-2007	1-Jan-2008	0.9	\$47	n/a	\$47
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)	\$100	25-Jan-2007	1-Jan-2008	0.9	\$5	n/a	\$5

Notes for DELAYED costs

Estimated cost to submit implement a record keeping system for demonstrating compliance with the permit and for labeling all emissions related equipment. Date required is the investigation and Final date is when compliance is expected to be 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

\$1,100

**TOTAL**

\$51

# Compliance History

Customer/Respondent/Owner-Operator:	CN600615967    Big Tex Trailer Manufacturing, Inc.	Classification: AVERAGE	Rating: 2.32
Regulated Entity:	RN100214568    BIG-TEX TRAILER WORLD	Classification: AVG by default	Site Rating: 3.01
ID Number(s):	AIR NEW SOURCE PERMITS	PERMIT	33646
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	TF0071K
	AIR NEW SOURCE PERMITS	PERMIT	78426
	AIR NEW SOURCE PERMITS	AFS NUM	4844900026
Location:	850 INTERSTATE HIGHWAY 30 E, MOUNT PLEASANT, TX, 75455		
TCEQ Region:	REGION 05 - TYLER		
Date Compliance History Prepared:	April 10, 2007		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	April 10, 2002 to April 10, 2007		

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

Name: Audra Ruble Phone: 361-825-3126

### 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.  
N/A
  - B. Any criminal convictions of the state of Texas and the federal government.  
N/A
  - C. Chronic excessive emissions events.  
N/A
  - D. The approval dates of investigations. (CCEDS Inv. Track. No.)  
1 03/27/2007 (555056)
  - 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  
BIG TEX TRAILER  
MANUFACTURING, INC.  
RN100214568**

§  
§  
§  
§  
§  
§

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2007-0589-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 Big Tex Trailer Manufacturing, Inc. ("Big Tex") 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 Big Tex appear before the Commission and together stipulate that:

1. Big Tex owns and operates a trailer manufacturing facility located at 850 Interstate Highway 30 East in Mount Pleasant, Titus 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 Big Tex agree that the Commission has jurisdiction to enter this Agreed Order, and that Big Tex is subject to the Commission's jurisdiction.
4. Big Tex received notice of the violations alleged in Section II ("Allegations") on or about April 1, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Big Tex of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Thirty-Five Thousand Dollars (\$35,000) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Big Tex has paid Twenty-Eight Thousand Dollars (\$28,000) of the administrative penalty and Seven



Thousand Dollars (\$7,000) is deferred contingent upon Big Tex'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 Big Tex fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Big Tex 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 Big Tex 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 Big Tex submitted a permit amendment application for Air Permit No. 33646 on December 27, 2006, to authorize the addition of a Thermal Oxidizer which will reduce emissions to approximately 25 tons per year ("tpy").
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 Big Tex 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, Big Tex is alleged to have:

1. Failed to comply with the maximum allowable emission rates of Air Permit No. 33646, in violation of 30 TEX. ADMIN. CODE § 116.115(b)(2)(F); Air Permit No. 33646, General Condition 8; and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on January 25, 2007. Specifically, reported emissions from January to December 2006 were approximately 160.83 tpy of volatile organic compounds ("VOCs") with a permit limit of 69.9 tpy.
2. Failed to obtain a federal operating permit, in violation of 30 TEX. ADMIN. CODE § 122.121 and TEX. HEALTH & SAFETY CODE §§ 382.054 and 382.085(b), as documented during an investigation conducted on January 25, 2007. Specifically, the Plant reported emissions of approximately 160.83 tons of VOCs and continued to operate without a federal operating permit.
3. Failed to comply with labeling and record keeping requirements of Air Permit No. 33646, in violation of 30 TEX. ADMIN. CODE § 116.115(c) and (b)(2)(E); Air Permit No. 33646, Special Conditions 3, 17(B) and (C); and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on January 25, 2007. Specifically, the spray booths were not



marked according to the Maximum Allowable Emission Rate Table ("MAERT"). Additionally, records were not available to demonstrate compliance with emission limitations.

### III. DENIALS

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

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Big Tex pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Big Tex'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: Big Tex Trailer Manufacturing, Inc., Docket No. 2007-0589-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 Big Tex shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Agreed Order:
    - i. Mark spray booths according to the MAERT in Air Permit No. 33646;
    - ii. Implement improvements to the record keeping system to ensure records and reports required by Air Permit No. 33646, Special Condition 17 are maintained and available upon request;
  - b. Within 45 days after the effective date of this Agreed Order, certify compliance with Ordering Provision 2.a.i. and 2.a.ii.;
  - c. Respond completely and adequately, as determined by the Air Permits Division, to all letters requesting information concerning the air permit application within 30 days of the date of such letters, or by any other deadline specified in writing;
  - d. Within 180 days after the effective date of this Agreed Order, submit written certification that authorization to construct and operate a source of air emissions has been obtained or cease operations until appropriate authorization has been obtained; and
  - e. Written certification required by Ordering Provisions 2.b. and 2.d. shall be as described below, and include detailed supporting documentation including photographs, receipts,



and/or other records to demonstrate compliance. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that 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:

Air Section, Manager  
Tyler Regional Office  
Texas Commission on Environmental Quality  
2916 Teague Drive  
Tyler, Texas 75701-3756

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



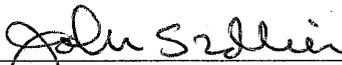
7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Big Tex, or three days after the date on which the Commission mails notice of the Order to Big Tex, 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

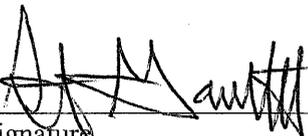
8/27/07  
\_\_\_\_\_  
Date

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 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 failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- 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;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

  
\_\_\_\_\_  
Signature

6/19/07  
\_\_\_\_\_  
Date

STAN GARRETT  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
Big Tex Trailer Manufacturing, Inc.

Controller  
\_\_\_\_\_  
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.

