

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 2
DOCKET NO.: 2007-1130-AIR-E **TCEQ ID:** RN101061844 **CASE NO.:** 34186
RESPONDENT NAME: Viking Pools, LLC

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: Viking Pools Central, 10600 West Interstate Highway 20 East, Midland County</p> <p>TYPE OF OPERATION: Swimming pool and spa 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 December 19, 2007. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Lindsey Jones, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-4930; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Mr. Bill Reynolds, General Manager, Viking Pools, LLC, P.O. Box 60045, Midland, Texas 79711 Mr. Jeff Dryja, Vice President of Operations, Viking Pools, LLC, P.O. Box 60045, Midland, Texas 79711 Respondent's Attorney: Mr. Howard Gilberg, Guida, Slavich, & Flores, 750 North St. Paul Street, Suite 200, Dallas, Texas 75201</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 28, 2007</p> <p>Date of NOV/NOE Relating to this Case: May 31, 2007 (NOE)</p> <p>Background Facts: This was a routine investigation. Two violations were documented.</p> <p>AIR</p> <p>1) Failed to comply with the permitted emission limits. Specifically, increased production of manufactured pools and spas in 2006 led to a concomitant increase in volatile organic compounds ("VOC") emissions of approximately 41.6 tons over the permitted limit. The permitted VOC rate is 23.93 tons per year and 65.5 tons per year were emitted in 2006 [30 TEX. ADMIN. CODE § 116.115(b)(2)(F), New Source Review Permit No. 36078, General Condition No. 8, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>2) Failed to submit the Semi-Annual Compliance Report ("SACR") for the April 21 through June 30, 2006 compliance period no later than July 31, 2006. Specifically, the Respondent failed to submit a separate SACR for the initial two-month period [30 TEX. ADMIN. CODE §§ 101.20(2) and 122.143(4); 40 CODE OF FEDERAL REGULATIONS § 63.5910(b)(1); Federal Operating Permit No. O-2438, General Terms and Conditions; and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>	<p>Total Assessed: \$6,750</p> <p>Total Deferred: \$1,350 <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: \$5,400</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 by June 13, 2007, the Respondent has implemented the following corrective measures at the Plant:</p> <p>a. Reallocated approximately 30 percent of production to other Viking Pools facilities outside of Texas in an effort to reduce annual emissions at the Plant;</p> <p>b. Replaced various production resins and gelcoats with comparable products of lower VOC content;</p> <p>c. Provided training of Plant staff on the recordkeeping requirements of Federal Operating Permits, Maximum Achievable Control Technology standards, and state regulations in order to prevent the recurrence of same or similar events; and</p> <p>d. Submitted a SACR for the April 21 through December 31, 2006 period on January 31, 2007.</p>

Additional ID No(s): ML0342B, NSR Permit 36078, FOP No. O-2438



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 26, 2007

DATES	Assigned PCW	4-Jun-2007	Screening	12-Jul-2007	EPA Due	24-Feb-2008
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RESPONDENT/FACILITY INFORMATION	
Respondent	Viking Pools, LLC
Reg. Ent. Ref. No.	RN101061844
Facility/Site Region	7-Midland
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	34186	No. of Violations	2
Docket No.	2007-1130-AIR-E	Order Type	1660
Media Program(s)	Air	Enf. Coordinator	Lindsey Jones
Multi-Media		EC's Team	EnforcementTeam 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 Enhancement **Subtotals 2, 3, & 7**

Notes

Culpability Enhancement **Subtotal 4**

Notes

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

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

Notes

Total EB Amounts **0% Enhancement*** **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 12-Jul-2007

Docket No. 2007-1130-AIR-E

PCW

Respondent Viking Pools, LLC

Policy Revision 2 (September 2002)

Case ID No. 34186

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN101061844

Media [Statute] Air

Enf. Coordinator Lindsey Jones

Compliance History Worksheet

>> **Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were 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 adjustment due to average performer classification.

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

<p>Screening Date 12-Jul-2007 Respondent Viking Pools, LLC Case ID No. 34186 Reg. Ent. Reference No. RN101061844 Media [Statute] Air Enf. Coordinator Lindsey Jones Violation Number <input type="text" value="1"/></p>	<p>Docket No. 2007-1130-AIR-E PCW <small>Policy Revision 2 (September 2002) PCW Revision June 26, 2007</small></p>																			
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Economic Benefit Worksheet

Respondent Viking Pools, LLC
Case ID No. 34186
Reg. Ent. Reference No. RN101061844
Media Air
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
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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				0.0	\$0	n/a	\$0
Other (as needed)	\$3,000	1-Jan-2006	13-Jun-2007	1.4	\$217	n/a	\$217

Notes for DELAYED costs

Estimated cost to outsource production to other plants and replace resin and gelcoat products with lower VOC content products. Date required is the estimated start date of the noncompliance period. Final date is the date process changes were made to reduce emissions.

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

\$3,000

TOTAL

\$217

Screening Date 12-Jul-2007

Docket No. 2007-1130-AIR-E

PCW

Respondent Viking Pools, LLC

Policy Revision 2 (September 2002)

Case ID No. 34186

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN101061844

Media [Statute] Air

Enf. Coordinator Lindsey Jones

Violation Number

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(2) and 122.143(4); 40 Code of Federal Regulations § 63.5910(b)(1); Federal Operating Permit No. O-2438, General Terms and Conditions;

Violation Description Failed to submit the Semi-Annual Compliance Report ("SACR") for the April 21 through June 30, 2006 compliance period no later than July 31, 2006. Specifically, Viking Pools failed to submit a separate SACR for the initial two-month period.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

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

Matrix Notes

100% of the rule requirement was not met.

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 type="text"/>
single event	<input checked="" type="text" value="x"/>

Violation Base Penalty

One single event is recommended.

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 Viking Pools, LLC
Case ID No. 34186
Reg. Ent. Reference No. RN101061844
Media Air
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
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No commas or \$

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$250	31-Jul-2006	31-Jan-2007	0.5	\$6	n/a	\$6
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to procure proper record keeping procedures designed to submit reports on time. Date required is the due date for the SACR and final date is the date the report was submitted.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$250

TOTAL

\$6

Compliance History

Customer/Respondent/Owner-Operator: CN603192840 VIKING POOLS, LLC Classification: AVERAGE Rating: 3.01
Regulated Entity: RN101061844 VIKING POOLS CENTRAL Classification: AVERAGE BY DEFAULT Site Rating: 3.01
ID Number(s): AIR OPERATING PERMITS ACCOUNT NUMBER ML0342B
AIR OPERATING PERMITS PERMIT 2438
AIR NEW SOURCE PERMITS PERMIT 36078
AIR NEW SOURCE PERMITS ACCOUNT NUMBER ML0342B
AIR NEW SOURCE PERMITS AFS NUM 4832900059
Location: 10600 W IH 20 E, MIDLAND, TX, 79711 Rating Date: September 01 06 Repeat Violator: NO
TCEQ Region: REGION 07 - MIDLAND
Date Compliance History Prepared: July 10, 2007
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: July 10, 2002 to July 10, 2007
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Lindsey Jones Phone: 512-239-4930

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? Yes
3. If Yes, who is the current owner? Viking Pools, LLC
4. If Yes, who was/were the prior owner(s)? Viking Pools Central, Inc.
5. When did the change(s) in ownership occur? 12/22/2005

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 05/30/2007 (559095)
 - E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
 - 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
VIKING POOLS, LLC
RN101061844**

§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2007-1130-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 Viking Pools, LLC ("Viking Pools") 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 Viking Pools, represented by Mr. Howard Gilberg of the law firm of Guida, Slavich, & Flores, appear before the Commission and together stipulate that:

1. Viking Pools owns and operates a swimming pool and spa manufacturing plant at 10600 West Interstate Highway 20 East in Midland, Midland 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 Viking Pools agree that the Commission has jurisdiction to enter this Agreed Order, and that Viking Pools is subject to the Commission's jurisdiction.
4. Viking Pools received notice of the violations alleged in Section II ("Allegations") on or about June 5, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Viking Pools of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Six Thousand Seven Hundred Fifty Dollars (\$6,750) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Viking Pools has paid Five Thousand Four Hundred Dollars (\$5,400) of the administrative penalty and One Thousand Three Hundred Fifty Dollars (\$1,350) is deferred contingent upon Viking Pools' 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 Viking Pools fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Viking Pools 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 Viking Pools 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 by June 13, 2007, Viking Pools has implemented the following corrective measures at the Plant:
 - a. Reallocated approximately 30 percent of production to other Viking Pools facilities outside of Texas in an effort to reduce annual emissions at the Plant;
 - b. Replaced various production resins and gelcoats with comparable products of lower volatile organic compound ("VOC") content;
 - c. Provided training of Plant staff on the recordkeeping requirements of Federal Operating Permits, Maximum Achievable Control Technology standards, and state regulations in order to prevent the reoccurrence of same or similar events; and
 - d. Submitted a Semi-Annual Compliance Report ("SACR") for the April 21 through December 31, 2006 period on January 31, 2007.
 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 Viking Pools 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, Viking Pools is alleged to have:

1. Failed to comply with the permitted emission limits, in violation of 30 TEX. ADMIN. CODE § 116.115(b)(2)(F), New Source Review Permit No. 36078, General Condition No. 8, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on February 28, 2007. Specifically, increased production of manufactured pools and spas in 2006 led to a concomitant increase in VOC emissions of approximately 41.6 tons over the permitted limit. The permitted VOC rate is 23.93 tons per year and 65.5 tons per year were emitted in 2006.

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

The second part of the document outlines the various methods used to collect and analyze data. It includes a detailed description of the sampling process and the statistical techniques employed.

The third part of the document presents the results of the study. It includes a series of tables and graphs that illustrate the findings and trends observed during the research.

The fourth part of the document discusses the implications of the findings and offers recommendations for future research. It highlights the need for further exploration in certain areas and provides practical advice for stakeholders.

The fifth part of the document concludes the study and summarizes the key points. It reiterates the importance of the research and expresses gratitude to the participants and the funding organization.

The sixth part of the document provides a list of references and sources used in the study. It includes a mix of academic journals, books, and online resources.

The seventh part of the document contains an appendix with additional data and supporting information. This section is intended to provide a more comprehensive view of the research materials.

The eighth part of the document is a glossary of terms used throughout the study. It defines key concepts and provides a clear understanding of the terminology used in the report.

The ninth part of the document is a list of figures and tables. It provides a quick reference for the visual elements included in the report, such as charts, graphs, and data tables.

The tenth part of the document is a list of abbreviations and acronyms. It clarifies the meaning of the shortened terms used in the text to ensure readability and consistency.

The eleventh part of the document is a list of acknowledgments. It expresses appreciation to the individuals and organizations that provided support and assistance during the course of the study.

The twelfth part of the document is a list of appendices. It identifies the additional sections of the report and provides a brief description of their content.

The thirteenth part of the document is a list of references. It provides a comprehensive list of the sources cited in the study, including books, articles, and online resources.

The fourteenth part of the document is a list of figures and tables. It provides a detailed description of each visual element and its location within the report.

The fifteenth part of the document is a list of abbreviations and acronyms. It defines the shortened terms used in the text to ensure clarity and consistency.

The sixteenth part of the document is a list of acknowledgments. It expresses gratitude to the individuals and organizations that provided support and assistance during the course of the study.

The seventeenth part of the document is a list of appendices. It identifies the additional sections of the report and provides a brief description of their content.

2. Failed to submit the SACR for the April 21 through June 30, 2006 compliance period no later than July 31, 2006, in violation of 30 TEX. ADMIN. CODE §§ 101.20(2) and 122.143(4); 40 CODE OF FEDERAL REGULATIONS § 63.5910(b)(1); Federal Operating Permit No. O-2438, General Terms and Conditions; and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on February 28, 2007. Specifically, Viking Pools failed to submit a separate SACR for the initial two-month period.

III. DENIALS

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

IV. ORDERING PROVISIONS

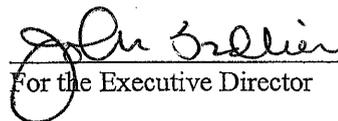
1. It is, therefore, ordered by the TCEQ that Viking Pools pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Viking Pools' compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations 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: Viking Pools, LLC, Docket No. 2007-1130-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 Viking Pools. Viking Pools 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 Viking Pools 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 Viking Pools, or three days after the date on which the Commission mails notice of the Order to Viking Pools, 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

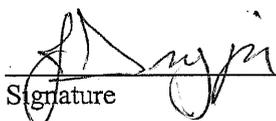
12/10/07
Date

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

10-11-07
Date

Jeff Dryja

Name (Printed or typed)
Authorized Representative of
Viking Pools, LLC

VP of Operations

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.

