

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 2
DOCKET NO.: 2007-1161-AIR-E **TCEQ ID:** RN104314273 **CASE NO.:** 34205
RESPONDENT NAME: Water World Fiberglass Pools (U.S.A.) 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: Water World Fiberglass Pools Kingsbury, 15655 East Highway 90, Kingsbury, Guadalupe County</p> <p>TYPE OF OPERATION: Fiberglass pool 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 November 19, 2007. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Trina Grieco, Enforcement Division, Enforcement Team 5, MC R-13, (210) 403-4006; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Mr. Gerald J. Van Buskirk, Corporate Counsel and Responsible Official, Water World Fiberglass Pools (U.S.A.) Inc., 15655 East Highway 90, Kingsbury, Texas 78638-2738 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: June 13 through 26, 2007</p> <p>Date of NOV/NOE Relating to this Case: July 13, 2007 (NOE)</p> <p>Background Facts: This was a routine record review. One violation was documented.</p> <p>AIR</p> <p>Failed to submit the Title V annual compliance certification within 30 days after the November 22, 2005 to November 21, 2006 certification period. Specifically, the report was due to be submitted by December 21, 2006, but has not yet been submitted [30 TEX. ADMIN. CODE §§122.146(1) and 122.143(4), Federal Operating Permit No. O-0208, General Terms and Conditions and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>	<p>Total Assessed: \$2,850</p> <p>Total Deferred: \$570 <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: \$2,280</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>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order:</p> <p>i. Submit the Title V annual compliance certification for the November 22, 2005 to November 21, 2006 certification period; and</p> <p>ii. Implement measures designed to ensure that Title V annual compliance certifications are submitted within the required timeframes.</p> <p>b. Within 45 days after the effective date of this Agreed Order; submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions a.i. and a.ii.</p>

Additional ID No(s): GLA001A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 26, 2007

DATES	Assigned	16-Jul-2007	Screening	18-Jul-2007	EPA Due	4-Apr-2008
	PCW	18-Jul-2007				

RESPONDENT/FACILITY INFORMATION	
Respondent	Water World Fiberglass Pools (U.S.A.) Inc.
Reg. Ent. Ref. No.	RN104314273
Facility/Site Region	13-San Antonio
Major/Minor Source	Major

CASE INFORMATION				
Enf./Case ID No.	34205	No. of Violations	1	
Docket No.	2007-1161-AIR-E	Order Type	1660	
Media Program(s)	Air	Enf. Coordinator	Trina Grieco	
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	\$2,500
ADJUSTMENTS (+/-) TO SUBTOTAL 1		
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.		
Compliance History	14% Enhancement	Subtotals 2, 3, & 7 \$350
Notes	Penalty enhancement due to two NOVs issued for same or similar violations and two NOVs issued for non-similar violations.	
Culpability	No 0% Enhancement	Subtotal 4 \$0
Notes	The Respondent does not meet the culpability criteria.	
Good Faith Effort to Comply	0% Reduction	Subtotal 5 \$0
	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)
Notes	The Respondent does not meet the good faith criteria.	
	0% Enhancement*	Subtotal 6 \$0
Total EB Amounts	\$30	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$500	
SUM OF SUBTOTALS 1-7	Final Subtotal	\$2,850
OTHER FACTORS AS JUSTICE MAY REQUIRE		Adjustment \$0
Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)		
Notes		
	Final Penalty Amount	\$2,850
STATUTORY LIMIT ADJUSTMENT		Final Assessed Penalty \$2,850
DEFERRAL	20% Reduction	Adjustment -\$570
Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)		
Notes	Deferral offered for expedited settlement.	
PAYABLE PENALTY		\$2,280

Screening Date 18-Jul-2007

Docket No. 2007-1161-AIR-E

PCW

Respondent Water World Fiberglass Pools (U.S.A.) Inc.

Policy Revision 2 (September 2002)

Case ID No. 34205

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN104314273

Media [Statute] Air

Enf. Coordinator Trina Grieco

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	2	4%
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) 14%

>> **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 NOVs issued for same or similar violations and two NOVs issued for non-similar violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 14%

Screening Date 18-Jul-2007	Docket No. 2007-1161-AIR-E	PCW			
Respondent Water World Fiberglass Pools (U.S.A.) Inc.	<small>Policy Revision 2 (September 2002)</small>				
Case ID No. 34205	<small>PCW Revision June 26, 2007</small>				
Reg. Ent. Reference No. RN104314273					
Media [Statute] Air					
Enf. Coordinator Trina Grieco					
Violation Number <input type="text" value="1"/>					
Rule Cite(s)	30 Tex. Admin. Code §§122.146(1) and 122.143(4), Federal Operating Permit No. O-0208, General Terms and Conditions and Tex. Health & Safety Code § 382.085(b)				
Violation Description	Failed to submit the Title V annual compliance certification within 30 days after the November 22, 2005 to November 21, 2006 certification period. Specifically, the report was due to be submitted by December 21, 2006, but has not yet been submitted.				
Base Penalty		<input type="text" value="\$10,000"/>			
>> Environmental, Property and Human Health Matrix					
OR	Harm				
	Release	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>		
		Percent	<input type="text" value="0%"/>		
>> Programmatic Matrix					
		Falsification	Major	Moderate	Minor
		<input type="text"/>	x	<input type="text"/>	<input type="text"/>
		Percent			<input type="text" value="25%"/>
Matrix Notes	100% of the rule requirement was not met.				
		Adjustment		<input type="text" value="\$7,500"/>	
				<input type="text" value="\$2,500"/>	
Violation Events					
Number of Violation Events		<input type="text" value="1"/>	<input type="text" value="209"/>		Number of violation days
<small>mark only one with an x</small>	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		<input type="text" value="\$2,500"/>	
One single event is recommended.					
Economic Benefit (EB) for this violation			Statutory Limit Test		
Estimated EB Amount		<input type="text" value="\$30"/>	Violation Final Penalty Total		<input type="text" value="\$2,850"/>
		This violation Final Assessed Penalty (adjusted for limits)		<input type="text" value="\$2,850"/>	

Economic Benefit Worksheet

Respondent Water World Fiberglass Pools (U.S.A.) Inc.
Case ID No. 34205
Reg. Ent. Reference No. RN104314273
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
<small>No commas or \$</small>							

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	21-Dec-2006	1-Mar-2008	1.2	\$30	n/a	\$30

Notes for DELAYED costs

Estimated cost to prepare and submit the annual compliance certification and to implement measures designed to ensure annual compliance certifications are submitted within the required timeframes. Date required is the date the certification was due. Final date is the date corrective actions are projected to be completed.

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

\$30

Compliance History

Customer/Respondent/Owner-Operator:	CN602652638 Water World Fiberglass Pools (U.S.A.) Inc.	Classification: AVERAGE	Rating: 1.00
Regulated Entity:	RN104314273 WATER WORLD FIBERGLASS POOLS KINGSBURY	Classification: AVERAGE	Site Rating: 1.00
ID Number(s):	AIR NEW SOURCE PERMITS	PERMIT	72302
	AIR NEW SOURCE PERMITS	AFS NUM	4818700019
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	GLA001A
	AIR OPERATING PERMITS	PERMIT	2808
Location:	15655 E HIGHWAY 90, KINGSBURY, TX, 78638	Rating Date: September 01 06	Repeat Violator: NO
TCEQ Region:	REGION 13 - SAN ANTONIO		
Date Compliance History Prepared:	July 17, 2007		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	July 17, 2002 to July 17, 2007		

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

Name: Trina Grieco Phone: (210) 403-4006

Site Compliance History Components

- | | |
|--|------------|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership of the site during the compliance period? | No |
| 3. If Yes, who is the current owner? | <u>N/A</u> |
| 4. If Yes, who was/were the prior owner(s)? | <u>N/A</u> |
| 5. When did the change(s) in ownership occur? | <u>N/A</u> |

Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

N/A

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 | 04/22/2005 | (350773) |
| 2 | 11/01/2005 | (435994) |
| 3 | 12/20/2005 | (440132) |
| 4 | 06/05/2006 | (464778) |
| 5 | 09/15/2006 | (508746) |
| 6 | 07/11/2007 | (566462) |

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

Date: 04/22/2005 (350773)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.130(b)(1)

Description: Failure to submit application for a Federal Operating Permit.

Date: 04/25/2005 (508746)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.130(b)(1)

Description: Failure to submit application for a Federal Operating Permit.

Date: 11/02/2005 (440132)

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

Description: Records show emissions exceeded limits in Permit MAERT.

Date: 11/07/2005 (435994)

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

Description: Records show emissions exceeded limits in Permit MAERT.

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
WATER WORLD FIBERGLASS
POOLS (U.S.A.) INC.
RN104314273**

§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2007-1161-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 Water World Fiberglass Pools (U.S.A.) Inc. ("Water World") 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 Water World appear before the Commission and together stipulate that:

1. Water World owns and operates a fiberglass pool manufacturing plant at 15655 East Highway 90 in Kingsbury, Guadalupe 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 Water World agree that the Commission has jurisdiction to enter this Agreed Order, and that Water World is subject to the Commission's jurisdiction.
4. Water World received notice of the violations alleged in Section II ("Allegations") on or about July 18, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Water World of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Two Thousand Eight Hundred Fifty Dollars (\$2,850) is assessed by the Commission in settlement of the violations alleged in Section II

("Allegations"). Water World has paid Two Thousand Two Hundred Eighty Dollars (\$2,280) of the administrative penalty and Five Hundred Seventy Dollars (\$570) is deferred contingent upon Water World'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 Water World fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Water World 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 Water World have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. 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 Water World has not complied with one or more of the terms or conditions in this Agreed Order.
10. 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.
11. 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, Water World is alleged to have failed to submit the Title V annual compliance certification within 30 days after the November 22, 2005 to November 21, 2006 certification period, in violation of 30 TEX. ADMIN. CODE §§122.146(1) and 122.143(4), Federal Operating Permit No. O-0208, General Terms and Conditions and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on June 13 through 26, 2007. Specifically, the report was due to be submitted by December 21, 2006, but has not yet been submitted.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Water World pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Water World'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: Water World Fiberglass Pools (U.S.A.) Inc., Docket No. 2007-1161-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 Water World shall undertake the following technical requirements:

- a. Within 30 days after the effective date of this Agreed Order:
 - i. Submit the Title V annual compliance certification for the November 22, 2005 to November 21, 2006 certification period; and
 - ii. Implement measures designed to ensure that Title V annual compliance certifications are submitted within the required timeframes.
- b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a.i. and 2.a.ii. 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
San Antonio Regional Office
Texas Commission on Environmental Quality
14250 Judson Road
San Antonio, Texas 78233-4480

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

FROM : WATER WORLD

FAX NO. : 8308756902

Sep. 26 2007 11:07AM P2

09/26/2007 07:40 2104034014

TCEQ ENFORCEMENT

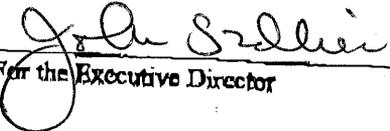
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Water World Fiberglass Pools (U.S.A.) Inc.
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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission:


For the Executive Director

Date 12/03/2007

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

Date

GERALD, J. VAN BUSKIRK

Corporate Counsel
Title

Name (Printed or typed)
Authorized Representative of
Water World Fiberglass Pools (U.S.A.) Inc.

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph I of this Agreed Order.

