

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER** Page 1 of 3  
**DOCKET NO.:** 2008-0122-AIR-E **TCEQ ID:** RN100223254 **CASE NO.:** 35284  
**RESPONDENT NAME:** Viron International Corporation

<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> Viron International Fiberglass Spray Facility, 3100 Lucius McCelvey Drive, Temple, Bell County</p> <p><b>TYPE OF OPERATION:</b> Fiberglass spray coating 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 15, 2008. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b></p> <p style="margin-left: 20px;"><b>TCEQ Attorney/SEP Coordinator:</b> None</p> <p style="margin-left: 20px;"><b>TCEQ Enforcement Coordinator:</b> Mr. Jermy Escobar, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-1460; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171</p> <p style="margin-left: 20px;"><b>Respondent:</b> Mr. David Perkins, Environmental Manager, Viron International Corporation, 3100 Lucius McCelvey Drive, Temple, Texas 76504</p> <p style="margin-left: 20px;">Mr. David Allen, Plant Manager, Viron International Corporation, 3100 Lucius McCelvey Drive, Temple, Texas 76504</p> <p style="margin-left: 20px;"><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 checked="" 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> November 8, 2007 and April 21, 2008</p> <p><b>Date of NOV/NOE Relating to this Case:</b> December 17, 2007 (NOE)</p> <p><b>Background Facts:</b> This was a routine investigation and a record review.</p> <p><b>AIR</b></p> <p>1) Failure to submit the annual compliance certification ("ACC") for the reporting period of May 3, 2006 through May 2, 2007 by the due date of June 1, 2007. Specifically, the Respondent did not submit the ACC until August 20, 2007 [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.146(2), Air Operating Permit No. O-02745, General Terms and Conditions, and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> <p>2) Failure to comply with the maximum available control technology ("MACT") emissions limits. Specifically, the MACT limit for hazardous air pollutant (styrene) emissions was exceeded each month for the time period of May through October 2007 [30 TEX. ADMIN. CODE §§ 101.20(2) and 113.1060, 40 CODE OF FEDERAL REGULATIONS ("CFR") § 63.5805(b), and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> <p>3) Failure to submit semi-annual MACT compliance certifications. Specifically, two semi-annual reports should have been submitted by January 31 and July 31, 2007 [30 TEX. ADMIN. CODE §§ 101.20(2) and 113.1060, 40 CFR § 63.5910, and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p>	<p><b>Total Assessed:</b> \$15,750</p> <p><b>Total Deferred:</b> \$3,150  <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> \$12,600</p> <p><b>Site Compliance History Classification</b>  <input checked="" type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input checked="" type="checkbox"/> High <input 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>The Executive Director recognizes that the Respondent has:</p> <p>a. Submitted the ACC for the reporting period of May 3, 2006 through May 2, 2007 on August 20, 2007;</p> <p>b. Submitted the January 31 and July 31, 2007 semi-annual MACT compliance certifications on March 28, 2008;</p> <p>c. Submitted the June 1, 2007 semi-annual deviation report on March 28, 2008; and</p> <p>d. Submitted the May 21, 2007 NOCS on March 28, 2008.</p> <p><b>Ordering Provisions:</b></p> <p>The Order will require the Respondent to, within 30 days after the effective date of this Agreed Order, submit written certification of compliance with the MACT emissions limits. The certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance.</p>

<p>4) Failure to submit a semi-annual deviation report and include all instances of deviations. Specifically, a semi-annual deviation report should have been submitted by June 1, 2007, to report the emissions exceedances [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), Air Operating Permit No. O-02745, General Terms and Conditions, and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> <p>5) Failure to submit a notice of compliance status ("NOCS"). Specifically, the NOCS was due no later than May 21, 2007 and was not submitted until March 28, 2008 [30 TEX. ADMIN. CODE §§ 101.20(2) and 113.1060, 40 CFR § 63.5910, and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p>		
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Additional ID No(s): BF0139F





Policy Revision 2 (September 2002)

# Penalty Calculation Worksheet (PCW)

PCW Revision November 6, 2007

<b>DATES</b>	<b>Assigned</b>	17-Dec-2007	<b>Screening</b>	17-Jan-2008	<b>EPA Due</b>	27-Oct-2008
	<b>PCW</b>	21-Apr-2008				

<b>RESPONDENT/FACILITY INFORMATION</b>			
<b>Respondent</b>	Viron International Corporation		
<b>Reg. Ent. Ref. No.</b>	RN100223254		
<b>Facility/Site Region</b>	9-Waco	<b>Major/Minor Source</b>	Major

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	35284	<b>No. of Violations</b>	5
<b>Docket No.</b>	2008-0122-AIR-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Air	<b>Enf. Coordinator</b>	Audra L. Ruble
<b>Multi-Media</b>		<b>EC's Team</b>	Enforcement Team 4
<b>Admin. Penalty \$</b>	<b>Limit Minimum</b>	\$0	<b>Maximum</b>
			\$10,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$17,500
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<b>ADJUSTMENTS (+/-) TO SUBTOTAL 1</b>		
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.		
<b>Compliance History</b>	-10% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>
		-\$1,750

Notes: Reduction for High Performer classification.

<b>Culpability</b>	No	0% Enhancement	<b>Subtotal 4</b>	\$0
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Notes: The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply</b>	0% Reduction	<b>Subtotal 5</b>	\$0
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	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes: The Respondent does not meet the good faith criteria.

	0% Enhancement*	<b>Subtotal 6</b>	\$0
Total EB Amounts	\$244	*Capped at the Total EB \$ Amount	
Approx. Cost of Compliance	\$4,500		

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$15,750
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

**Final Penalty Amount** \$15,750

<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$15,750
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<b>DEFERRAL</b>	20% Reduction	<b>Adjustment</b>	-\$3,150
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Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	\$12,600
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**Screening Date** 17-Jan-2008

**Docket No.** 2008-0122-AIR-E

**PCW**

**Respondent** Viron International Corporation

Policy Revision 2 (September 2002)

**Case ID No.** 35284

PCW Revision November 6, 2007

**Reg. Ent. Reference No.** RN100223254

**Media [Statute]** Air

**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 (number of NOVs meeting criteria)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	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 (number of judgements or consent decrees meeting criteria)	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 (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	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 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	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)**

High Performer

**Adjustment Percentage (Subtotal 7)** -10%

>> **Compliance History Summary**

**Compliance History Notes**

Reduction for High Performer classification.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** -10%

**Screening Date** 17-Jan-2008 **Docket No.** 2008-0122-AIR-E **PCW**  
**Respondent** Viron International Corporation *Policy Revision 2 (September 2002)*  
**Case ID No.** 35284 *PCW Revision November 6, 2007*  
**Reg. Ent. Reference No.** RN100223254  
**Media [Statute]** Air  
**Enf. Coordinator** Audra L. Ruble

**Violation Number**   
**Rule Cite(s)** 30 Tex. Admin. Code §§ 122.143(4) and 122.146(2); Air Operating Permit No. O-02745, General Terms and Conditions; and Tex. Health & Safety Code § 382.085(b)  
**Violation Description** Failed to submit the annual compliance certification ("ACC") for the reporting period of May 3, 2006 through May 2, 2007 by the due date of June 1, 2007, as documented during an investigation conducted on November 8, 2007. Specifically, the Respondent did not submit the ACC until August 20, 2007.

**Base Penalty**

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

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="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text" value="25%"/>

**Matrix Notes**

**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="checkbox"/>

**Violation Base Penalty**

**Economic Benefit (EB) for this violation** **Statutory Limit Test**

Estimated EB Amount  Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

## Economic Benefit Worksheet

**Respondent** Viron International Corporation  
**Case ID No.** 35284  
**Reg. Ent. Reference No.** RN100223254  
**Media** Air  
**Violation No.** 1

<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	\$500	1-Jun-2007	20-Aug-2007	0.2	\$5	n/a	\$5
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 timely submit the ACC. The date required is the date the ACC was due to the TCEQ. The final date is the actual date of submittal.

**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	<b>TOTAL</b>	\$5
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**Screening Date:** 17-Jan-2008      **Docket No.:** 2008-0122-AIR-E      **PCW**  
**Respondent:** Viron International Corporation      *Policy Revision 2 (September 2002)*  
**Case ID No.:** 35284      *PCW Revision November 6, 2007*  
**Reg. Ent. Reference No.:** RN100223254  
**Media [Statute]:** Air  
**Enf. Coordinator:** Audra L. Ruble

**Violation Number:**

**Rule Cite(s):** 30 Tex. Admin. Code §§ 101.20(2) and 113.1060; 40 CFR § 63.5805(b); and Tex. Health & Safety Code § 382.085(b)

**Violation Description:** Failed to comply with the MACT emissions limits, as documented during an investigation conducted on November 8, 2007. Specifically, the 12 month rolling average MACT limit for hazardous air pollutant (styrene) emissions was exceeded from May 2007 to October 2007. The exceedances ranged from 2% to 18% over the MACT lb/ton limit.

**Base Penalty:**

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

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text" value="25%"/>
Potential	<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 emissions resulted in the release of an insignificant amount of pollutants which do 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 checked="" type="checkbox"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

**Violation Base Penalty:**

Two quarterly events are recommended for the time period of May through October 2007.

**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** Viron International Corporation  
**Case ID No.** 35284  
**Reg. Ent. Reference No.** RN100223254  
**Media** Air  
**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
<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)	\$2,500	1-May-2007	1-Sep-2008	1.3	\$167	n/a	\$167

Notes for DELAYED costs

Estimated cost to implement control methods to reduce HAP emissions. Date required is the beginning of the violation period 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	\$2,500	<b>TOTAL</b>	\$167
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<b>Screening Date</b>	17-Jan-2008	<b>Docket No.</b>	2008-0122-AIR-E	<b>PCW</b>
<b>Respondent</b>	Viron International Corporation			<i>Policy Revision 2 (September 2002)</i>
<b>Case ID No.</b>	35284			<i>PCW Revision November 6, 2007</i>
<b>Reg. Ent. Reference No.</b>	RN100223254			
<b>Media [Statute]</b>	Air			
<b>Enf. Coordinator</b>	Audra L. Ruble			

Violation Number

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(2) and 113.1060; 40 CFR § 63.5910; and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to submit semi-annual MACT compliance certifications, as documented during an investigation conducted on November 8, 2007. Specifically, two semi-annual reports should have been submitted by January 31 and July 31, 2007.

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

Matrix Notes

100% of the rule requirement was not met.

Adjustment

Violation Events

Number of Violation Events  Number of violation days

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

Violation Base Penalty

Two single events are recommended (one for each semi-annual report that was not submitted).

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** Viron International Corporation  
**Case ID No.** 35284  
**Reg. Ent. Reference No.** RN100223254  
**Media** Air  
**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	\$500	31-Jan-2007	28-Mar-2008	-1.2	\$29	n/a	\$29
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 submit the reports. The date required is the initial due date and the final date is when compliance was achieved.

**Avoided Costs**

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

**TOTAL**

\$29

<b>Screening Date</b> 17-Jan-2008	<b>Docket No.</b> 2008-0122-AIR-E	<b>PCW</b>
<b>Respondent</b> Viron International Corporation	<i>Policy Revision 2 (September 2002)</i>	
<b>Case ID No.</b> 35284	<i>PCW Revision November 6, 2007</i>	
<b>Reg. Ent. Reference No.</b> RN100223254		
<b>Media [Statute]</b> Air		
<b>Enf. Coordinator</b> Audra L. Ruble		

**Violation Number**

**Rule Cite(s)** 30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(A); Air Operating Permit No. O-02745, General Terms and Conditions; and Tex. Health & Safety Code § 382.085(b)

**Violation Description**  
 Failed to submit a semi-annual deviation report and include all instances of deviations, as documented during an investigation conducted on November 8, 2007. Specifically, a semi-annual deviation report should have been submitted by June 1, 2007, to report the emissions exceedances.

**Base Penalty**

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

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

**>> Programmatic Matrix**

	<b>Falsification</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>	
	<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <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**

<i>mark only one with an x</i>	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**

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** Viron International Corporation  
**Case ID No.** 35284  
**Reg. Ent. Reference No.** RN100223254  
**Media** Air  
**Violation No.** 4

<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
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

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	\$500	1-Jun-2007	28-Mar-2008	0.8	\$21	n/a	\$21
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 submit the report. The date required is the initial due date and the final date is when compliance was achieved.

### 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

\$500

**TOTAL**

\$21

**Screening Date** 17-Jan-2008 **Docket No.** 2008-0122-AIR-E **PCW**  
**Respondent** Viron International Corporation *Policy Revision 2 (September 2002)*  
**Case ID No.** 35284 *PCW Revision November 6, 2007*  
**Reg. Ent. Reference No.** RN100223254  
**Media [Statute]** Air  
**Enf. Coordinator** Audra L. Ruble

**Violation Number**

**Rule Cite(s)** 30 Tex. Admin. Code §§ 101.20(2) and 113.1060; 40 CFR § 63.5905(a); and Tex. Health & Safety Code § 382.085(b)

**Violation Description**

Failed to submit a notice of compliance status ("NOCS"), as documented during a record review conducted on April 21, 2008. Specifically, the NOCS was due no later than May 21, 2007 and was not submitted until March 28, 2008.

**Base Penalty**

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

OR

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

**Percent**

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor
<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="text"/>

**Percent**

**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"/>
semianual	<input type="text"/>
annual	<input type="text"/>
single event	<input checked="" type="checkbox"/>

**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** Viron International Corporation  
**Case ID No.** 35284  
**Reg. Ent. Reference No.** RN100223254  
**Media** Air  
**Violation No.** 5

<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
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

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	\$500	21-May-2007	28-Mar-2008	0.9	\$21	n/a	\$21
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 submit the report. The date required is the initial due date and the final date is when compliance was achieved.

### Avoided Costs

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

**TOTAL**

\$21

## Compliance History

Customer/Respondent/Owner-Operator:	CN600131411 Viron International Corporation	Classification: HIGH	Rating: 0.00
Regulated Entity:	RN100223254 VIRON INTERNATIONAL FIBERGLASS SPRAY FACILITY	Classification: HIGH	Site Rating: 0.00
ID Number(s):	AIR OPERATING PERMITS AIR OPERATING PERMITS INDUSTRIAL AND HAZARDOUS WASTE GENERATION INDUSTRIAL AND HAZARDOUS WASTE GENERATION AIR NEW SOURCE PERMITS AIR NEW SOURCE PERMITS AIR NEW SOURCE PERMITS STORMWATER	ACCOUNT NUMBER PERMIT EPA ID SOLID WASTE REGISTRATION # (SWR) PERMIT ACCOUNT NUMBER AFS NUM PERMIT	BF0139F 2745 TXD987983830 39153 19049 BF0139F 4802700043 TXR05M049
Location:	3100 LUCIUS MCELVEY DR, TEMPLE, TX, 76504	Rating Date: 9/1/2007 Repeat Violator: NO	
TCEQ Region:	REGION 09 - WACO		
Date Compliance History Prepared:	January 16, 2008		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	January 16, 2003 to January 16, 2008		

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?                                                         | <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  | 01/23/2003 | (22056)  |
| 2  | 08/08/2003 | (149090) |
| 3  | 09/24/2003 | (249495) |
| 4  | 03/03/2004 | (264500) |
| 5  | 03/22/2004 | (266039) |
| 6  | 09/28/2004 | (335018) |
| 7  | 03/23/2005 | (374663) |
| 8  | 05/16/2006 | (465417) |
| 9  | 01/29/2007 | (538244) |
| 10 | 12/13/2007 | (611182) |
- 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  
VIRON INTERNATIONAL  
CORPORATION  
RN100223254

§  
§  
§  
§  
§  
§

BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

**AGREED ORDER**  
**DOCKET NO. 2008-0122-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 Viron International Corporation ("the Respondent") 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 the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a fiberglass spray coating facility located at 3100 Lucius McCelvey Drive in Temple, Bell 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 the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about December 22, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Fifteen Thousand Seven Hundred Fifty Dollars (\$15,750) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Twelve Thousand Six Hundred Dollars (\$12,600) of the administrative penalty and Three Thousand One Hundred Fifty Dollars (\$3,150) is deferred



contingent upon the Respondent'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 the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent 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 the Respondent 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 the Respondent has:
  - a. Submitted the annual compliance certification ("ACC") for the reporting period of May 3, 2006 through May 2, 2007 on August 20, 2007;
  - b. Submitted the January 31 and July 31, 2007 semi-annual maximum available control technology ("MACT") compliance certifications on March 28, 2008;
  - c. Submitted the June 1, 2007 semi-annual deviation report on March 28, 2008; and
  - d. Submitted the May 21, 2007 notice of compliance status ("NOCS") on March 28, 2008.
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 the Respondent 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, the Respondent is alleged to have:

1. Failed to submit the ACC for the reporting period of May 3, 2006 through May 2, 2007 by the due date of June 1, 2007, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.146(2); Air Operating Permit No. O-02745, General Terms and Conditions; and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on November 8, 2007. Specifically, the Respondent did not submit the ACC until August 20, 2007.
2. Failed to comply with the MACT emissions limits, in violation of 30 TEX. ADMIN. CODE §§ 101.20(2) and 113.1060; 40 CODE OF FEDERAL REGULATIONS ("CFR") § 63.5805(b); and



- TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on November 8, 2007. Specifically, the MACT limit for hazardous air pollutant (styrene) emissions was exceeded each month for the time period of May through October 2007.
3. Failed to submit semi-annual MACT compliance certifications, in violation of 30 TEX. ADMIN. CODE §§ 101.20(2) and 113.1060; 40 CFR § 63.5910; and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on November 8, 2007. Specifically, two semi-annual reports should have been submitted by January 31 and July 31, 2007.
  4. Failed to submit a semi-annual deviation report and include all instances of deviations, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A); Air Operating Permit No. O-02745, General Terms and Conditions; and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on November 8, 2007. Specifically, a semi-annual deviation report should have been submitted by June 1, 2007, to report the emissions exceedances.
  5. Failed to submit a NOCS, in violation of 30 TEX. ADMIN. CODE §§ 101.20(2) and 113.1060; 40 CFR § 63.5910; and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on April 21, 2008. Specifically, the NOCS was due no later than May 21, 2007 and was not submitted until March 28, 2008.

### III. DENIALS

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

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent'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: Viron International Corporation, Docket No. 2008-0122-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, within 30 days after the effective date of this Agreed Order, the Respondent shall submit written certification of compliance with the MACT emission limits, as required by 40 CFR § 63.5805(b). The certification shall be submitted, 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 fines and imprisonment for knowing violations."

The reports and certifications 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  
Waco Regional Office  
Texas Commission on Environmental Quality  
6801 Sanger Avenue, Suite 2500  
Waco, Texas 76710-7826

2. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent 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. If the Respondent 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, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
4. 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 the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent 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.



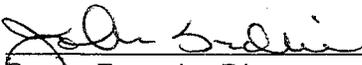
6. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
7.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

10/10/2008  
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

06/17/2008  
Date

David Allen  
Name (Printed or typed)  
Authorized Representative of  
Viron International Corporation

Plant Manager  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

