

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

**DOCKET NO.:** 2007-1575-AIR-E **TCEQ ID:** RN100219708 **CASE NO.:** 34700

**RESPONDENT NAME:** United Structures of America, Inc.

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> United Structures of America, 1912 Buschong Street, Houston, Harris County</p> <p><b>TYPE OF OPERATION:</b> Metal building manufacturing plant</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 January 28, 2008. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> None  <b>TCEQ Enforcement Coordinator:</b> Ms. Kimberly Morales, Enforcement Division, Enforcement Team 5, MC R-12, (713) 422-8938; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171  <b>Respondent:</b> Mr. Eugene Parrish, Vice President of Operations, United Structures of America, Inc., 1912 Buschong Street, Houston, Texas 77039  <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 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> August 29, 2007</p> <p><b>Date of NOV/NOE Relating to this Case:</b> August 30, 2007 (NOE)</p> <p><b>Background Facts:</b> This was a routine record review.</p> <p><b>AIR</b></p> <p>Failure to submit an annual compliance certification within 30 days after the end of the January 1, 2006 to December 31, 2006 certification period [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.146(2), TEX. HEALTH &amp; SAFETY CODE § 382.085(b), and Federal Operating Permit O-01107, General Terms and Conditions].</p>	<p><b>Total Assessed:</b> \$2,475</p> <p><b>Total Deferred:</b> \$495  <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> \$1,980</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that the Respondent submitted the annual compliance certification for the January 1, 2006 to December 31, 2006 certification period on August 3, 2007.</p>

Additional ID No.: Air Acct. HG1387C



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision September 19, 2007

<b>DATES</b>	<b>Assigned</b>	5-Sep-2007	<b>Screening</b>	26-Sep-2007	<b>EPA Due</b>	26-May-2008
	<b>PCW</b>	2-Nov-2007				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	United Structures of America, Inc.
<b>Reg. Ent. Ref. No.</b>	RN100219708
<b>Facility/Site Region</b>	12-Houston
<b>Major/Minor Source</b>	Major

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	34700	<b>No. of Violations</b>	1
<b>Docket No.</b>	2007-1575-AIR-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Air	<b>Enf. Coordinator</b>	Kimberly Morales
<b>Multi-Media</b>		<b>EC's Team</b>	EnforcementTeam 5
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$10,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1**

**ADJUSTMENTS (+/-) TO SUBTOTAL 1**

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

**Compliance History**  Enhancement **Subtotals 2, 3, & 7**

**Notes**

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

**Notes**

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

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

**Notes**

**Total EB Amounts**  **Subtotal 6**   
**Approx. Cost of Compliance**  **0% Enhancement\***  
*\*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.

**Notes**

**Final Penalty Amount**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty**

**DEFERRAL**  Reduction **Adjustment**

Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

**Notes**

**PAYABLE PENALTY**

Screening Date 26-Sep-2007

Docket No. 2007-1575-AIR-E

PCW

Respondent United Structures of America, Inc.

Policy Revision 2 (September 2002)

Case ID No. 34700

PCW Revision September 19, 2007

Reg. Ent. Reference No. RN100219708

Media [Statute] Air

Enf. Coordinator Kimberly Morales

### 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	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (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) 24%

>> 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 for unrelated violations and one agreed order containing a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 24%

**Screening Date** 26-Sep-2007 **Docket No.** 2007-1575-AIR-E **PCW**

**Respondent** United Structures of America, Inc. *Policy Revision 2 (September 2002)*

**Case ID No.** 34700 *PCW Revision September 19, 2007*

**Reg. Ent. Reference No.** RN100219708

**Media [Statute]** Air

**Enf. Coordinator** Kimberly Morales

**Violation Number**

**Rule Cite(s)** 30 Tex. Admin. Code §§ 122.143(4) and 122.146(2), Tex. Health & Safety Code § 382.085(b), and Federal Operating Permit O-01107, General Terms and Conditions

**Violation Description** Failed to submit an annual compliance certification within 30 days after the end of the January 1, 2006 to December 31, 2006 certification 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**

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

**Matrix Notes** The Respondent failed to comply with 100% of the rule requirement.

**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="text" value="x"/>

**Violation Base Penalty**

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$19"/>	Violation Final Penalty Total <input type="text" value="\$2,475"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$2,475"/>	

## Economic Benefit Worksheet

**Respondent** United Structures of America, Inc.  
**Case ID No.** 34700  
**Reg. Ent. Reference No.** RN100219708  
**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
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	\$750	30-Jan-2007	3-Aug-2007	0.5	\$19	n/a	\$19
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 an annual compliance certification. Date required is the date the certification was due. Final date is the date of compliance.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$750

**TOTAL**

\$19

# Compliance History

Customer/Respondent/Owner-Operator: CN600130421 United Structures of America, Inc. Classification: Average Rating: 0.45  
 Regulated Entity: RN100219708 UNITED STRUCTURES OF AMERICA Classification: Average Site Rating: 0.45

ID Number(s):	AIR OPERATING PERMITS AIR OPERATING PERMITS INDUSTRIAL AND HAZARDOUS WASTE GENERATION INDUSTRIAL AND HAZARDOUS WASTE GENERATION WASTEWATER WASTEWATER WASTEWATER AIR NEW SOURCE PERMITS AIR NEW SOURCE PERMITS AIR NEW SOURCE PERMITS PUBLIC WATER SYSTEM/SUPPLY STORMWATER STORMWATER WASTEWATER LICENSING WATER LICENSING	ACCOUNT NUMBER PERMIT SOLID WASTE REGISTRATION # (SWR) EPA ID PERMIT PERMIT PERMIT PERMIT ACCOUNT NUMBER AFS NUM REGISTRATION PERMIT PERMIT LICENSE LICENSE	HG1387C 1107 39226 TXR000063701 WQ0012765001 TPDES0093556 TX0093556 18557 HG1387C 4820100545 1012871 TXR05K054 TXR05T699 WQ0012765001 1012871
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Location: 1912 BUSCHONG ST, HOUSTON, TX, 77039 Rating Date: September 01 07 Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON  
 Date Compliance History Prepared: September 26, 2007  
 Agency Decision Requiring Compliance History: Enforcement  
 Compliance Period: September 26, 2002 to September 26, 2007

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

Name: Kimberly Morales Phone: (713) 422-8938

### Site Compliance History Components

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

### Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
- Effective Date: 12/05/2003 ADMINORDER 2003-0683-AIR-E  
 Classification: Minor  
 Citation: 30 TAC Chapter 122, SubChapter B 122.146(2)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Rqmt Prov: O-01107 OP  
 Description: Failure to submit an annual compliance certification within 30 days after the end of the January 13, 2002 to January 12, 2003 certification period.
- 
- B. Any criminal convictions of the state of Texas and the federal government.  
 N/A
- C. Chronic excessive emissions events.  
 N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
- |   |            |          |
|---|------------|----------|
| 1 | 10/10/2002 | (215288) |
| 2 | 10/10/2002 | (215291) |
| 3 | 10/10/2002 | (215294) |
| 4 | 10/10/2002 | (215297) |
| 5 | 11/18/2002 | (215300) |
| 6 | 11/18/2002 | (215303) |

7 01/27/2003 (215307)  
 8 01/27/2003 (215311)  
 9 02/24/2003 (215274)  
 10 03/19/2003 (215277)  
 11 04/30/2003 (215282)  
 12 04/30/2003 (35215)  
 13 05/01/2003 (11673)  
 14 05/23/2003 (319449)  
 15 06/20/2003 (319450)  
 16 08/21/2003 (319452)  
 17 11/03/2003 (319454)  
 18 11/03/2003 (319453)  
 19 12/01/2003 (319455)  
 20 01/20/2004 (319456)  
 21 02/02/2004 (319457)  
 22 03/12/2004 (319447)  
 23 03/19/2004 (319448)  
 24 03/19/2004 (319451)  
 25 04/01/2004 (265570)  
 26 06/15/2004 (362380)  
 27 06/15/2004 (362381)  
 28 06/15/2004 (362382)  
 29 07/21/2004 (251230)  
 30 07/21/2004 (362383)  
 31 10/22/2004 (362384)  
 32 10/22/2004 (362385)  
 33 10/22/2004 (362386)  
 34 11/29/2004 (340128)  
 35 02/03/2005 (387681)  
 36 02/03/2005 (387682)  
 37 02/03/2005 (387683)  
 38 02/24/2005 (387680)  
 39 04/14/2005 (375148)  
 40 04/18/2005 (425377)  
 41 06/30/2005 (425378)  
 42 06/30/2005 (425379)  
 43 07/22/2005 (445952)  
 44 08/25/2005 (445953)  
 45 08/25/2005 (445954)  
 46 11/17/2005 (477988)  
 47 01/06/2006 (477989)  
 48 01/06/2006 (477990)  
 49 01/06/2006 (477991)  
 50 05/23/2006 (464790)  
 51 05/30/2006 (504387)  
 52 05/30/2006 (504388)  
 53 05/30/2006 (504389)  
 54 05/30/2006 (504390)  
 55 06/14/2006 (504391)  
 56 07/05/2006 (480020)  
 57 07/28/2006 (489035)  
 58 08/11/2006 (526712)  
 59 02/20/2007 (536069)  
 60 02/27/2007 (539629)  
 61 08/30/2007 (573892)

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

Date: 07/05/2006 (480020)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 281, SubChapter A 281.25(a)(4)

Rqmt Prov: PERMIT TPDES MSGP Part III, Section A(5)(a)

Description: Failure to practice good housekeeping measures.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 281, SubChapter A 281.25(a)(4)

Rqmt Prov: PERMIT TPDES MSGP Part III, Section A(5)(b)(2)

Description: Failure to provide a secondary containment structure around the above ground diesel storage tank.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 281, SubChapter A 281.25(a)(4)

Rqmt Prov: PERMIT TDPES MSGP Part III, Section A(5)(f)(1)

Description: Failure to conduct employee training during the term of the permit.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 281, SubChapter A 281.25(a)(4)

Rqmt Prov: PERMIT TPDES MSGP Part III, Section A(7)(c)

Description: Failure to conduct the annual comprehensive site compliance evaluations.

Date: 02/15/2007 (536069)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 317 317.4(a)(8)

Description: Failure to provide vacuum breakers and a copy of an annual test report form for the back flow prevention device.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to properly report flow and parameter loading on the February 2006 Discharge Monitoring Report (DMR).

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  
UNITED STRUCTURES OF  
AMERICA, INC.  
RN100219708**

§  
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§  
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§  
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**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2007-1575-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 United Structures of America, Inc. ("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 metal building manufacturing plant at 1912 Buschong Street in Houston, Harris 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 September 4, 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 Two Thousand Four Hundred Seventy-Five Dollars (\$2,475) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid One Thousand Nine Hundred Eighty Dollars (\$1,980)



of the administrative penalty and Four Hundred Ninety-Five Dollars (\$495) 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 submitted the annual compliance certification for the January 1, 2006 to December 31, 2006 certification period on August 3, 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 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 failed to submit an annual compliance certification within 30 days after the end of the January 1, 2006 to December 31, 2006 certification period, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.146(2), TEX. HEALTH & SAFETY CODE § 382.085(b), and Federal Operating Permit O-01107, General Terms and Conditions, as documented during a record review conducted on August 29, 2007.

## III. DENIALS

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

The first part of the report deals with the general situation in the country. It is noted that the economy is still in a state of depression and that the government is struggling to meet its obligations. The report also mentions the need for a more active role for the state in the economy.

The second part of the report discusses the financial situation. It is pointed out that the government's budget is in a deficit and that the public debt is increasing. The report suggests that the government should take measures to reduce its expenditures and to increase its revenues.

The third part of the report deals with the social situation. It is noted that the standard of living is low and that there is a high level of unemployment. The report suggests that the government should take measures to improve the social conditions and to create more jobs.

The fourth part of the report discusses the political situation. It is noted that the government is facing a number of difficulties and that there is a need for a more stable and effective government.

The fifth part of the report deals with the international situation. It is noted that the country is facing a number of international problems and that there is a need for a more active role in international affairs.

The sixth part of the report discusses the future prospects. It is noted that the country has a long way to go and that there is a need for a more comprehensive and effective program. The report suggests that the government should take a more active role in the economy and in social affairs.

#### 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: United Structures of America, Inc., Docket No. 2007-1575-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 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. 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.
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 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

\_\_\_\_\_  
Date 1/21/2008

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 November 12, 2007

\_\_\_\_\_  
Mr. Eugene Parrish  
Name (Printed or typed)  
Authorized Representative of  
United Structures of America, Inc.

\_\_\_\_\_  
Vice President 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.

