

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.: 2006-1440-AIR-E TCEQ ID: RN101874667 CASE NO.: 30921**  
**RESPONDENT NAME: NEW PROCESS STEEL, L.P.**

<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> 5800 Westview Drive, Houston, Harris County</p> <p><b>TYPE OF OPERATION:</b> Steel products processing site</p> <p><b>SMALL BUSINESS:</b> <input checked="" type="checkbox"/> Yes <input 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.</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></p> <p><b>TCEQ Attorney:</b> Ms. Dinniah M. Chahin, Litigation Division, MC 175, (512) 239-0617  Ms. Jennifer Cook, Litigation Division, MC 175, (512) 239-1873</p> <p><b>TCEQ Enforcement Coordinator:</b> Ms. Nadia Hameed, Air Enforcement Section, MC R-12, (713) 767-3629</p> <p><b>TCEQ Regional Contact:</b> Ms. Linda Vasse, Houston Regional Office, MC R-12, (713) 767-3637</p> <p><b>Respondent:</b> Mr. Phil O. Kelley, Executive Vice President, New Process Steel, L.P., 5800 Westview Drive, Houston, Texas 77055</p> <p><b>Respondent's Attorney:</b> Mr. Sheldon E. Richie, Richie &amp; Gueringer, P.C., 100 Congress Avenue, Suite 1750, Austin, Texas 78701</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b></p> <p><input type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Dates of Complaints Relating to this Case:</b>                      None</p> <p><b>Date of Investigation Relating to this Case:</b>                      May 25, 2006</p> <p><b>Date of NOE Relating to this Case:</b>                      August 10, 2006</p> <p><b>Background Facts:</b></p> <p>A settlement agreement was reached with the Respondent, and a signed Agreed Order was received on December 7, 2007.</p> <p>The Respondent in this case does not owe any other penalties according to the Administrative Penalty Database Report.</p> <p><b>AIR:</b></p> <p>Failed to obtain permit authorization prior to construction and operation [30 TEX. ADMIN. CODE § 116.110(a) and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p>	<p><b>Total Assessed:</b> \$3,000</p> <p><b>Total Deferred:</b> \$0</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$3,000</p> <p>The Respondent has paid the administrative penalty in full.</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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Ordering Provisions:</b></p> <p>The Respondent shall undertake the following technical requirements:</p> <ol style="list-style-type: none"> <li>1. Within 30 days, submit either an administratively complete application or Form PI-7 for Permit By Rule operations that require registration and that are applicable to the Site.</li> <li>2. Respond completely and adequately to all requests for information concerning the permit application or Form PI-7 for Permit By Rule operations that require registration and that are applicable to the Site within 30 days after the date of such requests, or by any other deadline specified in writing.</li> <li>3. Within 180 days submit written certification that either authorization to construct and operate a source of air emissions has been obtained or that the operation has ceased until such time that appropriate authorization is obtained. The certification shall include detailed supporting documentation including receipts and/or other records to demonstrate compliance.</li> </ol>



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision April 25, 2006

<b>DATES</b>	Assigned	14-Aug-2006			
	PCW	13-Dec-2006	Screening	23-Aug-2006	EPA Due

<b>RESPONDENT/FACILITY INFORMATION</b>					
Respondent	New Process Steel, L.P.				
Reg. Ent. Ref. No.	RN101874667				
Facility/Site Region	12-Houston	<	Major/Minor Source	Minor Source	<

<b>CASE INFORMATION</b>					
Enf./Case ID No.	30921		No. of Violations	1	
Docket No.	2006-1440-AIR-E		Order Type	1660	<
Media Program(s)	Air Quality	<	Enf. Coordinator	Nadia Hameed	
Multi-Media			EC's Team	Enforcement Team 6	<
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000		

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	<b>\$3,000</b>
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	<b>\$0</b>
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Notes: No adjustment in penalty as a result of the compliance history.

<b>Culpability</b>	No <	0% Enhancement	<b>Subtotal 4</b>	<b>\$0</b>
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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>	<b>\$0</b>
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	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with a small x)

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

<b>Economic Benefit</b>	0% Enhancement*	<b>Subtotal 6</b>	<b>\$0</b>
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Total EB Amounts	\$76	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$2,000	

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$3,000</b>
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>		<b>Adjustment</b>	<b>\$0</b>
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Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes:

<b>Final Penalty Amount</b>	<b>\$3,000</b>
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$3,000</b>
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<b>DEFERRAL</b>		<b>Adjustment</b>	<b>\$0</b>
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Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: No deferral offered because this is not an expedited case.

<b>PAYABLE PENALTY</b>	<b>\$3,000</b>
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**Screening Date** 23-Aug-2006

**Docket No.** 2006-1440-AIR-E

**PCW**

**Respondent** New Process Steel, L.P.

*Policy Revision 2 (September 2002)*

**Case ID No.** 30921

*PCW Revision April 25, 2006*

**Reg. Ent. Reference No.** RN101874667

**Media [Statute]** Air Quality

**Enf. Coordinator** Nadia Hameed

**Compliance History Worksheet**

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgements or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were</i>	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

**Adjustment Percentage (Subtotal 2)** 0%

>> **Repeat Violator (Subtotal 3)**

No

**Adjustment Percentage (Subtotal 3)** 0%

>> **Compliance History Person Classification (Subtotal 7)**

Average Performer

**Adjustment Percentage (Subtotal 7)** 0%

>> **Compliance History Summary**

**Compliance History Notes**

No adjustment in penalty as a result of the compliance history.

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

<b>Screening Date</b>	23-Aug-2006	<b>Docket No.</b>	2006-1440-AIR-E	<b>PCW</b>
<b>Respondent</b>	New Process Steel, L.P.		<i>Policy Revision 2 (September 2002)</i>	
<b>Case ID No.</b>	30921		<i>PCW Revision April 25, 2006</i>	
<b>Reg. Ent. Reference No.</b>	RN101874667			
<b>Media [Statute]</b>	Air Quality			
<b>Enf. Coordinator</b>	Nadia Hameed			
<b>Violation Number</b>	1			
<b>Primary Rule Cite(s)</b>	30 Tex. Admin. Code § 116.110(a)			
<b>Secondary Rule Cite(s)</b>	Tex. Health and Safety Code § 382.085(b)			
<b>Violation Description</b>	Failure to obtain permit authorization prior to construction and operation. TCEQ investigators documented operation of the plant on May 25, 2006, prior to issuance of a permit.			
<b>Base Penalty</b>				\$10,000

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

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				
Potential				

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
	X			10%

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

**Adjustment** -\$9,000

**Base Penalty Subtotal** \$1,000

**Violation Events**

Number of Violation Events: 3      90 Number of violation days

mark only one use a small x	daily	
	monthly	X
	quarterly	
	semiannual	
	annual	
	single event	

**Violation Base Penalty** \$3,000

Three monthly events are recommended based on the investigation date of May 25, 2006 to screening date of August 23, 2006.

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
Estimated EB Amount: \$76	Violation Final Penalty Total: \$3,000
This violation Final Assessed Penalty (adjusted for limits): \$3,000	

### Economic Benefit Worksheet

Respondent: New Process Steel, L.P.  
 Case ID No. 30921  
 Reg. Ent. Reference No. RN101874667  
 Media [Statute] Air Quality  
 Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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**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	\$2,000	25-May-2006	28-Feb-2007	0.8	\$76	n/a	\$76
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost to apply for and obtain a permit for operations at the site. Required date based on the date of the investigation. Final date based on the date the permit application is expected to be approved.

**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 \$2,000

**TOTAL** \$76

# Compliance History

Customer/Respondent/Owner-Operator:	CN602491797      New Process Steel, L.P.	Classification: AVERAGE BY DEFAULT	Rating: 3.01
Regulated Entity:	RN101874667      NEW PROCESS STEEL	Classification: AVERAGE BY DEFAULT	Site Rating: 3.01
ID Number(s):	PETROLEUM STORAGE TANK REGISTRATION AIR NEW SOURCE PERMITS	REGISTRATION  ACCOUNT NUMBER	15328  HG9460H
	AIR NEW SOURCE PERMITS STORMWATER	PERMIT PERMIT	77014 TXR05R236
Location:	5800 WESTVIEW DR, HOUSTON, TX, 77055	Rating Date: September 01 05 Repeat Violator: NO	
TCEQ Region:	REGION 12 - HOUSTON		
Date Compliance History Prepared:	August 30, 2006		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	August 15, 2001 to August 18, 2006		

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

Name: NHameed Phone: 713-767-3629

### 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 08/10/2006 (481087)  
N/A
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)  
N/A
- F. Environmental audits.  
N/A
- G. Type of environmental management systems (EMSs).  
N/A
- H. Voluntary on-site compliance assessment dates.  
N/A
- I. Participation in a voluntary pollution reduction program.  
N/A
- J. Early compliance.  
N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
NEW PROCESS STEEL, L.P.,  
RN101874667

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BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

AGREED ORDER  
DOCKET NO. 2006-1440-AIR-E

I. JURISDICTION AND STIPULATIONS

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding New Process Steel, L.P. ("New Process Steel") under the authority of TEX. WATER CODE ch. 7 and TEX. HEALTH & SAFETY CODE ch. 382. The Executive Director of the TCEQ, represented by the Litigation Division, and New Process Steel represented by Sheldon E. Richie of the law firm of Richie & Gueringer, P.C., appear before the Commission and together stipulate that:

1. New Process Steel operates a steel products processing site located at 5800 Westview Drive, Houston, Harris County, Texas (the "Site").
2. This Agreed Order is entered into pursuant to TEX. WATER CODE §§ 7.051 and 7.070. The Commission has jurisdiction of this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 382 and TCEQ rules.
3. The Commission and New Process Steel agree that the Commission has jurisdiction to enter this Agreed Order, and that New Process Steel is subject to the Commission's jurisdiction.
4. New Process Steel received notice of the violations alleged in Section II ("Allegations") on or about August 15, 2006.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by New Process Steel of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of three thousand dollars (\$3,000.00) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). New Process Steel has paid three thousand dollars (\$3,000.00) of the administrative 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 New Process Steel 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 New Process Steel 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

New Process Steel is alleged to have violated 30 TEX. ADMIN. CODE § 116.110(a) and TEX. HEALTH & SAFETY CODE § 382.085(b) by failing to obtain permit authorization prior to construction and operation as documented on May 25, 2006. Specifically, TCEQ investigators documented operation of the Site on May 25, 2006, prior to issuance of a permit.

## III. DENIALS

New Process Steel generally denies each allegation in Section II ("Allegations").

## IV. ORDER

1. It is, therefore, ordered by the TCEQ that New Process Steel pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and

New Process Steel'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 considering or requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: New Process Steel, L.P., Docket No. 2006-1440-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. New Process Steel shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Agreed Order, New Process Steel shall submit either an administratively complete application or Form PI-7 for Permit By Rule operations that require registration and that are applicable to the Site in accordance with 30 TEX. ADMIN. CODE § 116.110(a);
  - b. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit application or Form PI-7 for Permit By Rule operations that require registration and that are applicable to the Site within 30 days after the date of such requests, or by any other deadline specified in writing; and
  - c. Within 180 days after the effective date of this Agreed Order, New Process Steel shall submit written certification that either authorization to construct and operate a source of air emissions has been obtained or that the operation has ceased until such time that appropriate authorization is obtained. The certification shall include detailed supporting documentation including receipts and/or other records to demonstrate compliance. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

New Process Steel shall submit all correspondence, reports, and documentation required by these Ordering Provisions to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

and

Linda Vasse, Air Section Manager  
Texas Commission on Environmental Quality  
Houston Regional Office  
5425 Polk Street, Suite H  
Houston, Texas 77023-1452

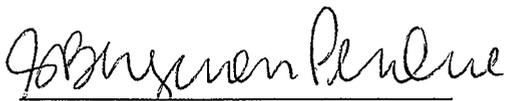
3. The provisions of this Agreed Order shall apply to and be binding upon New Process Steel. New Process Steel is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Site operations referenced in this Agreed Order.
4. If New Process Steel fails to comply with 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, New Process Steel's failure to comply is not a violation of this Agreed Order. New Process Steel shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. New Process Steel shall notify the Executive Director within seven days after New Process Steel 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 New Process Steel shall be made in writing to the Executive Director. Extensions are not effective until New Process Steel 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 New Process Steel 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) and TEX. GOV'T CODE § 2001.142, the effective date of this Agreed Order is the date of hand-delivery of the Order to New Process Steel, or three days after the date on which the Commission mails notice of the Order to New Process Steel, 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

2/3/08

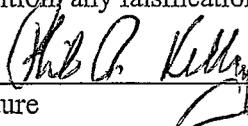
\_\_\_\_\_  
Date

I, the undersigned, have read and understand the attached Agreed Order. I represent that I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, 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 my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

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

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

  
\_\_\_\_\_  
Signature

Phil O. Kelley  
Name (Printed or typed)  
Authorized representative of  
New Process Steel, L.P.

December 6, 2007

\_\_\_\_\_  
Date  
Executive Vice President/  
Chief Financial Officer  
\_\_\_\_\_  
Title