

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

**DOCKET NO.:** 2007-1548-AIR-E **TCEQ ID:** RN100214022 **CASE NO.:** 34676

**RESPONDENT NAME:** Belvan Corp.

<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> Belvan Midway Lane Gas Plant, located on United States Highway 190, six miles east of its intersection with State Highway 137, Crockett County</p> <p><b>TYPE OF OPERATION:</b> Gas 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 March 10, 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> Mr. Aaron Houston, Enforcement Division, Enforcement Team 5, MC R-10, (409) 899-8784; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171  <b>Respondent:</b> Mr. Bob Stewart, Environmental Manager, Belvan Corp., 211 North Colorado Street, Midland, Texas 79701  <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> September 11, 2007</p> <p><b>Date of NOV/NOE Relating to this Case:</b> September 14, 2007 (NOE)</p> <p><b>Background Facts:</b> This was a routine record review.</p> <p><b>AIR</b></p> <p>Failed to submit a 2006 annual emissions inventory update [30 TEX. ADMIN. CODE § 101.10(e), and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p>	<p><b>Total Assessed:</b> \$1,200</p> <p><b>Total Deferred:</b> \$240  <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> \$960</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input type="checkbox"/> Average <input checked="" 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>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that the Respondent submitted a 2006 annual emissions inventory update on September 17, 2007.</p>

Additional ID No(s): CZ0006F



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 26, 2007

**TCEQ**

<b>DATES</b>	<b>Assigned PCW</b>	17-Sep-2007	<b>Screening</b>	20-Sep-2007	<b>EPA Due</b>	13-Jun-2008
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<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Belvan Corp.
<b>Reg. Ent. Ref. No.</b>	RN100214022
<b>Facility/Site Region</b>	8-San Angelo
<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>				
<b>Enf./Case ID No.</b>	34676	<b>No. of Violations</b>	1	
<b>Docket No.</b>	2007-1548-AIR-E	<b>Order Type</b>	1660	
<b>Media Program(s)</b>	Air	<b>Enf. Coordinator</b>	Aaron Houston	
<b>Multi-Media</b>		<b>EC's Team</b>	EnforcementTeam 5	
<b>Admin. Penalty \$</b>	<b>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** **Subtotals 2, 3, & 7**

**Notes**

**Culpability** **Subtotal 4**

**Notes**

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

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

**Notes**

**0% Enhancement\*** **Subtotal 6**   
 \*Capped at the Total EB \$ Amount

Total EB Amounts	\$12
Approx. Cost of Compliance	\$500

**SUM OF SUBTOTALS 1-7** **Final Subtotal**

**OTHER FACTORS AS JUSTICE MAY REQUIRE** **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

**Notes**

**Final Penalty Amount**

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

**DEFERRAL** **Adjustment**

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

**Notes**

**PAYABLE PENALTY**

**Screening Date** 20-Sep-2007

**Docket No.** 2007-1548-AIR-E

**PCW**

**Respondent** Belvan Corp.

Policy Revision 2 (September 2002)

**Case ID No.** 34676

PCW Revision June 26, 2007

**Reg. Ent. Reference No.** RN100214022

**Media [Statute]** Air

**Enf. Coordinator** Aaron Houston

**Compliance History Worksheet**

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	2	10%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	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 ( <i>number of judgments or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%

Please Enter Yes or No

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)** 30%

>> **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 with same or similar violations, and one 1660 Agreed Order.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 30%

<b>Screening Date</b> 20-Sep-2007	<b>Docket No.</b> 2007-1548-AIR-E	<b>PCW</b>
<b>Respondent</b> Belvan Corp.		<small>Policy Revision 2 (September 2002)</small>
<b>Case ID No.</b> 34676		<small>PCW Revision June 26, 2007</small>
<b>Reg. Ent. Reference No.</b> RN100214022		
<b>Media [Statute]</b> Air		
<b>Enf. Coordinator</b> Aaron Houston		
<b>Violation Number</b> <input type="text" value="1"/>		
<b>Rule Cite(s)</b>	<input type="text" value="30 Tex. Admin. Code § 101.10(e), and Tex. Health &amp; Safety Code § 382.085(b)"/>	
<b>Violation Description</b>	<input aeiu")="" by="" deadline."="" required="" the="" type="text" value="Failed to submit a 2006 annual emissions inventory update ("/>	
	<b>Base Penalty</b>	<input type="text" value="\$10,000"/>
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>		
<b>OR</b>	<b>Harm</b>	
	Release    Major    Moderate    Minor	
	Actual <input type="text"/> <input type="text"/> <input type="text"/>	<b>Percent</b> <input type="text" value="0%"/>
Potential <input type="text"/> <input type="text"/> <input type="text"/>		
<b>&gt;&gt; Programmatic Matrix</b>		
	Falsification    Major    Moderate    Minor	
	<input type="text"/> <input type="text" value="x"/> <input type="text"/> <input type="text"/>	<b>Percent</b> <input type="text" value="10%"/>
<b>Matrix Notes</b>	<input type="text" value="The Respondent failed to comply with 100% of the rule requirement."/>	
	<b>Adjustment</b>	<input type="text" value="\$9,000"/>
		<input type="text" value="\$1,000"/>
<b>Violation Events</b>		
	<b>Number of Violation Events</b> <input type="text" value="1"/>	<input type="text" value="170"/> <b>Number of violation days</b>
<small>mark only one with an x</small>	daily <input type="text"/>	<b>Violation Base Penalty</b> <input type="text" value="\$1,000"/>
	monthly <input type="text"/>	
	quarterly <input type="text"/>	
	semiannual <input type="text"/>	
	annual <input type="text" value="x"/>	
	single event <input type="text"/>	
	<input type="text" value="One annual event is recommended."/>	
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>
<b>Estimated EB Amount</b> <input type="text" value="\$12"/>		<b>Violation Final Penalty Total</b> <input type="text" value="\$1,200"/>
		<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$1,200"/>

### Economic Benefit Worksheet

**Respondent** Belvan Corp.  
**Case ID No.** 34676  
**Reg. Ent. Reference No.** RN100214022  
**Media** Air  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$500	31-Mar-2007	17-Sep-2007	0.5	\$12	n/a	\$12

Notes for DELAYED costs

Estimated cost to prepare an AEIU. Date required is the date the AEIU was due. Final date is the date the AEIU was submitted.

**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

\$12

# Compliance History

Customer/Respondent/Owner-Operator:	CN600127187 Belvan Corp.	Classification: Average	Rating: 19.05																								
Regulated Entity:	RN100214022 BELVAN MIDWAY LANE GAS PLANT	Classification: Poor	Site Rating: 51.13																								
ID Number(s):	<table border="0" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">AIR OPERATING PERMITS</td> <td style="width: 25%;">ACCOUNT NUMBER</td> <td style="width: 25%;">CZ0006F</td> </tr> <tr> <td>AIR OPERATING PERMITS</td> <td>PERMIT</td> <td>326</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>PERMIT</td> <td>9824A</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>PERMIT</td> <td>39301</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>ACCOUNT NUMBER</td> <td>CZ0006F</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>PERMIT</td> <td>51748</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>EPA ID</td> <td>PSDTX749</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>AFS NUM</td> <td>4810500006</td> </tr> </table>			AIR OPERATING PERMITS	ACCOUNT NUMBER	CZ0006F	AIR OPERATING PERMITS	PERMIT	326	AIR NEW SOURCE PERMITS	PERMIT	9824A	AIR NEW SOURCE PERMITS	PERMIT	39301	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	CZ0006F	AIR NEW SOURCE PERMITS	PERMIT	51748	AIR NEW SOURCE PERMITS	EPA ID	PSDTX749	AIR NEW SOURCE PERMITS	AFS NUM	4810500006
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AIR NEW SOURCE PERMITS	PERMIT	51748																									
AIR NEW SOURCE PERMITS	EPA ID	PSDTX749																									
AIR NEW SOURCE PERMITS	AFS NUM	4810500006																									
Location:	From Ozona: Approx. 20 miles northwest on HWY 137, then 6 miles east on HWY 190, Crockett County	Rating Date: 9/1/2007	Repeat Violator: NO																								
TCEQ Region:	REGION 08 - SAN ANGELO																										
Date Compliance History Prepared:	September 17, 2007																										
Agency Decision Requiring Compliance History:	Enforcement																										
Compliance Period:	September 17, 2002 to September 17, 2007																										
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History																											
Name:	<u>Aaron Houston</u>	Phone:	<u>409-899-8784</u>																								

## 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)?  | 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: 10/19/2006	ADMINORDER 2002-0898-AIR-E
Classification:	Moderate	
Citation:	30 TAC Chapter 101, SubChapter A 101.20(1) 40 CFR Part 60, Subpart KKK 60.632(a)	
	5C THC Chapter 382, SubChapter D 382.085(b)	
Rqmt Prov:	GOP No. 514 OP	
Description:	Failure to conduct the fugitive emissions leak detection and repair program in accordance with New Source Performance Standard (NSPS) Subpart KKK.	
Classification:	Moderate	
Citation:	30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 116, SubChapter B 116.115(c)	
	40 CFR Part 60, Subpart LLL 60.642(b) 5C THC Chapter 382, SubChapter D 382.085(b)	
Rqmt Prov:	GOP No. 514 OP	
Description:	Failure to comply with the required minimum sulfur dioxide emission reduction efficiency.	
Classification:	Moderate	
Citation:	30 TAC Chapter 106, SubChapter W 106.512(2)(C)(iii) 5C THC Chapter 382, SubChapter D 382.085(b)	
Rqmt Prov:	GOP No. 514 OP	
Description:	Failure to conduct an initial performance test within 60 days of the initial start-up of an engine.	
Classification:	Moderate	
Citation:	30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)	

5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: GOP No. 514 OP

Description: Failure to maintain a daily flare operation log that denotes when the process flare was observed and whether or not it was smoking.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(H)

5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: GOP No. 514 OP

Description: Failure to maintain all air pollution emission capture and abatement equipment in good working order.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)

30 TAC Chapter 122, SubChapter B 122.145(2)(C)

5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: GOP No. 514 OP

Description: Failure to report all instances of deviations for three six month reporting periods.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(C)

5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: GOP No. 514 OP

Description: Failure to submit a complete and accurate deviation report no later than 30 days after the end of the reporting period.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.146(2)

5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: GOP No. 514 OP

Description: Failure to submit a compliance certification report no later than 30 days after the end of the certification period.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter F 122.503(a)(1)

30 TAC Chapter 122, SubChapter F 122.503(c)(2)

5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: GOP No. 514 OP

Description: Failure to submit a revised general operating permit (GOP) application prior to the operation of a change in applicability determinations at a site.

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	11/07/2002	(16192)
2	08/21/2003	(119179)
3	08/12/2004	(287916)
4	08/12/2005	(404790)
5	12/29/2005	(449977)
6	01/31/2007	(538646)
7	07/13/2007	(567631)
8	09/13/2007	(594150)

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

Date 08/04/2004 (287916)

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(C)  
Description: Company failed to submit their June 3, 2003 to December 2, 2003 deviation report within 30 days of the end of the certification period.  
Date 07/18/2007 (567631)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.10(e)  
5C THC Chapter 382, SubChapter A 382.014  
5C THC Chapter 382, SubChapter A 382.085(b)  
Description: Failure to a 2006 Emissions Inventory; Category B19(g)(3)

- 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  
BELVAN CORP.  
RN100214022

§ BEFORE THE  
§ TEXAS COMMISSION ON  
§ ENVIRONMENTAL QUALITY

AGREED ORDER  
DOCKET NO. 2007-1548-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 Belvan Corp. ("Belvan") 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 Belvan appear before the Commission and together stipulate that:

1. Belvan owns and operates a gas plant on United States Highway 190, six miles east of its intersection with State Highway 137, Crockett County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in the TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and Belvan agree that the Commission has jurisdiction to enter this Agreed Order, and that Belvan is subject to the Commission's jurisdiction.
4. Belvan received notice of the violations alleged in Section II ("Allegations") on or about September 17, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Belvan of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of One Thousand Two Hundred Dollars (\$1,200) is assessed by the Commission in settlement of the violation alleged in Section II ("Allegation"). Belvan has paid Nine Hundred Sixty Dollars (\$960) of the administrative penalty and Two Hundred Forty Dollars (\$240) is deferred contingent upon Belvan'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 Belvan fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Belvan 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 Belvan has 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 Belvan submitted a 2006 annual emissions inventory update on September 17, 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 Belvan 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, Belvan is alleged to have failed to submit a 2006 annual emissions inventory update, in violation of 30 TEX. ADMIN. CODE § 101.10(e), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on September 11, 2007.

## **III. DENIALS**

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

## **IV. ORDERING PROVISIONS**

1. It is, therefore, ordered by the TCEQ that Belvan pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Belvan'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: Belvan Corp., Docket No. 2007-1548-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



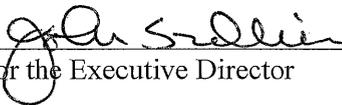
2. The provisions of this Agreed Order shall apply to and be binding upon Belvan. Belvan is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order
3. This Agreed Order, issued by the Commission, shall not be admissible against Belvan 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 Belvan, or three days after the date on which the Commission mails notice of the Order to Belvan, 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

2/20/2008  
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

12-12-07  
Date

Bob Stewart  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
Belvan Corp.

Environmental Mgr.  
\_\_\_\_\_  
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.

