

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

Page 1 of 2

**DOCKET NO.:** 2008-0216-AIR-E **TCEQ ID:** RN100218601 **CASE NO.:** 35345**RESPONDENT NAME:** Saint-Gobain Vetrotex 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> Saint-Gobain Vetrotex America, 4515 Allendale Road, Wichita Falls, Wichita County</p> <p><b>TYPE OF OPERATION:</b> Fiberglass 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 May 26, 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. Trina Grieco, Enforcement Division, Enforcement Team 5, MC R-13, (210) 404-4006; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171  <b>Respondent:</b> Ms. Kara Dudash, Environmental Services Manager, Saint-Gobain Vetrotex America, Inc., 4515 Allendale Road, Wichita Falls, Texas 76310-2101  Mr. David R. Lane, President, Saint-Gobain Vetrotex America, Inc., 4515 Allendale Road, Wichita Falls, Texas 76310-2101  <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> December 27, 2007 and January 2, 2008</p> <p><b>Date of NOV/NOE Relating to this Case:</b> January 9 and 11, 2008 (NOEs)</p> <p><b>Background Facts:</b> These were routine record reviews.</p> <p><b>AIR</b></p> <p>1) Failed to comply with the 4.58 pounds per hour ("lbs/hr") particulate matter ("PM") emission limit for EPN E-24A. Specifically, during a July 10, 2007 stack test, the PM emissions from emission point number ("EPN") E-24A were 4.60 lbs/hr [30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(c), New Source Review ("NSR") Permit No. 5667/PSD-TX-784M1, Special Condition 1 and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> <p>2) Failed to comply with the 9.17 lbs/hr PM emission limit for EPN F-515. Specifically, during a July 11, 2007 stack test, the PM emissions from EPN F-515 were 9.74 lbs/hr [30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(c), NSR Permit No. 5667/PSD-TX-784M1, Special Condition 1 and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p>	<p><b>Total Assessed:</b> \$5,850</p> <p><b>Total Deferred:</b> \$1,170  <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> \$4,680</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 has implemented the following corrective measures at the Plant:</p> <p>a. Cleaned the metal plates to ensure proper voltages and cleaned the caustic spray nozzles to ensure proper atomization in the electrostatic precipitator for Furnace No. 4, which vents to EPN E-24A, and Furnace No. 5, which vents to EPN F-515; and</p> <p>b. Retested EPN F-515 on August 15, 2007 and EPN E-24A on August 16, 2007 which demonstrated that the EPNs were operating within permitted limits.</p>

Additional ID No(s): WH0014S



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision January 29, 2008

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	14-Jan-2008			
	<b>PCW</b>	5-Feb-2008	<b>Screening</b>	4-Feb-2008	<b>EPA Due</b> 5-Oct-2008

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	Saint-Gobain Vetrotex America, Inc.		
<b>Reg. Ent. Ref. No.</b>	RN100218601		
<b>Facility/Site Region</b>	3-Abilene	<b>Major/Minor Source</b>	Major

## CASE INFORMATION

<b>Enf./Case ID No.</b>	35345	<b>No. of Violations</b>	2
<b>Docket No.</b>	2008-0216-AIR-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Air	<b>Enf. Coordinator</b>	Trina Grieco
<b>Multi-Media</b>		<b>EC's Team</b>	Enforcement Team 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** **42% Enhancement** **Subtotals 2, 3, & 7**

**Notes**

**Culpability** **0% Enhancement** **Subtotal 4**

**Notes**

**Good Faith Effort to Comply** **25% Reduction** **Subtotal 5**

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		(mark with x)

**Notes**

**Total EB Amounts**  **0% Enhancement\*** **Subtotal 6**   
**Approx. Cost of Compliance**  **\*Capped at the Total EB \$ Amount**

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

**OTHER FACTORS AS JUSTICE MAY REQUIRE** **0%** **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

**Notes**

**Final Penalty Amount**

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

**DEFERRAL** **20%** **Reduction** **Adjustment**

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

**Notes**

**PAYABLE PENALTY**

Screening Date 4-Feb-2008

Docket No. 2008-0216-AIR-E

PCW

Respondent Saint-Gobain Vetrotex America, Inc.

Policy Revision 2 (September 2002)

Case ID No. 35345

PCW Revision January 29, 2008

Reg. Ent. Reference No. RN100218601

Media [Statute] Air

Enf. Coordinator Trina Grleco

### 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)	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	1	25%
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 judgments 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)	1	-1%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	1	-2%
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) 42%

>> 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 one agreed order with denial of liability and one agreed order without denial of liability. Penalty reduction due to one notice of audit and one disclosure of violations submitted.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 42%

<b>Screening Date</b> 4-Feb-2008	<b>Docket No.</b> 2008-0216-AIR-E	<b>PCW</b>
<b>Respondent</b> Saint-Gobain Vetrotex America, Inc.	<i>Policy Revision 2 (September 2002)</i>	
<b>Case ID No.</b> 35345	<i>PCW Revision January 29, 2008</i>	
<b>Reg. Ent. Reference No.</b> RN100218601		
<b>Media [Statute]</b> Air		
<b>Enf. Coordinator</b> Trina Grieco		
<b>Violation Number</b> <input type="text" value="1"/>		
<b>Rule Cite(s)</b>	30 Tex. Admin. Code §§ 101.20(3) and 116.115(c), New Source Review ("NSR") Permit No. 5667/PSD-TX-784M1, Special Condition 1 and Tex. Health & Safety Code § 382.085(b)	
<b>Violation Description</b>	Failed to comply with the 4.58 pounds per hour ("lbs/hr") particulate matter ("PM") emission limit for emission point number ("EPN") E-24A. Specifically, during a July 10, 2007 stack test, the PM emissions from EPN E-24A were 4.60 lbs/hr.	
<b>Base Penalty</b>		<input type="text" value="\$10,000"/>

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

<b>OR</b>	<b>Harm</b>				
	<b>Release</b>	<b>Major</b>	<b>Moderate</b>		<b>Minor</b>
	<b>Actual</b>	<input type="text"/>	<input type="text"/>		x
	<b>Potential</b>	<input type="text"/>	<input type="text"/>	<input type="text"/>	
				<b>Percent</b> <input type="text" value="25%"/>	

**>> Programmatic Matrix**

	<b>Falsification</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="0%"/>

**Matrix Notes**  
 Human health or the environment has been exposed to insignificant amounts of pollutants that did not exceed levels protective of human health or environment receptors as a result of the violation.

**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	x
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>

**Violation Base Penalty**

One quarterly event is recommended from the failed stack test date of July 10, 2007 to the compliance date of August 16, 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** Saint-Gobain Vetrotex America, Inc.  
**Case ID No.** 35345  
**Reg. Ent. Reference No.** RN100218601  
**Media Air**  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost <small>No commas or \$</small>	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)	\$1,000	10-Jul-2007	16-Aug-2007	0.1	\$5	n/a	\$5

**Notes for DELAYED costs**

Estimated cost to clean the metal plates to ensure proper voltages and clean the caustic spray nozzles to ensure proper atomization in the electrostatic precipitator ("ESP") for Furnace No. 4 that vents to EPN E-24A. Date required is the failed stack test date. Final date is the date corrective actions were completed.

**Avoided Costs**

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

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

**Notes for AVOIDED costs**

Approx. Cost of Compliance

\$1,000

TOTAL

\$5

<b>Screening Date</b> 4-Feb-2008	<b>Docket No.</b> 2008-0216-AIR-E	<b>PCW</b>
<b>Respondent</b> Saint-Gobain Vetrotex America, Inc.	<small>Policy Revision 2 (September 2002)</small>	
<b>Case ID No.</b> 35345	<small>PCW Revision January 29, 2008</small>	
<b>Reg. Ent. Reference No.</b> RN100218601		
<b>Media [Statute]</b> Air		
<b>Enf. Coordinator</b> Trina Grieco		
<b>Violation Number</b> <input type="text" value="2"/>		
<b>Rule Cite(s)</b>	30 Tex. Admin. Code §§ 101.20(3) and 116.115(c), NSR Permit No. 5667/PSD-TX-784M1, Special Condition 1 and Tex. Health & Safety Code § 382.085(b)	
<b>Violation Description</b>	Failed to comply with the 9.17 lbs/hr PM emission limit for EPN F-515. Specifically, during a July 11, 2007 stack test, the PM emissions for EPN F-515 were 9.74 lbs/hr.	
<b>Base Penalty</b>		<input type="text" value="\$10,000"/>

>> Environmental, Property and Human Health Matrix

OR	<b>Harm</b>				
	<b>Release</b>	Major	Moderate		Minor
	<b>Actual</b>	<input type="text"/>	<input type="text"/>		x
<b>Potential</b>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="25%"/>	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="0%"/>

**Matrix Notes** Human health or the environment has been exposed to insignificant amounts of pollutants that did not exceed levels protective of human health or environment receptors as a result of the violation.

**Adjustment**

Violation Events

Number of Violation Events   Number of violation days

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

**Violation Base Penalty**

One quarterly event is recommended from the failed stack test date of July 11, 2007 to the compliance date of August 15, 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** Saint-Gobain Vetrotex America, Inc.  
**Case ID No.** 35345  
**Reg. Ent. Reference No.** RN100218601  
**Media** Air  
**Violation No.** 2

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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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				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)	\$1,000	11-Jul-2007	15-Aug-2007	0.1	\$5	n/a	\$5

Notes for DELAYED costs

Estimated cost to clean the metal plates to ensure proper voltages and clean the caustic spray nozzles to ensure proper atomization in the ESP for Furnace No. 5 that vents to EPN F-515. Date required is the failed stack test date. Final date is the date corrective actions were completed.

**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	\$1,000	TOTAL	\$5
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# Compliance History

Customer/Respondent/Owner-Operator: CN600129753 Saint-Gobain Vetrotex America, Inc. Classification: AVERAGE Rating: 2.24  
 Regulated Entity: RN100218601 SAINT-GOBAIN VETROTEX AMERICA Classification: AVERAGE Site Rating: 1.48

ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	WH0014S
	AIR OPERATING PERMITS	PERMIT	1040
	AIR OPERATING PERMITS	PERMIT	PSDTX784MI
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	31278
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD043802826
	AIR NEW SOURCE PERMITS	PERMIT	5577
	AIR NEW SOURCE PERMITS	PERMIT	5667
	AIR NEW SOURCE PERMITS	PERMIT	35790
	AIR NEW SOURCE PERMITS	PERMIT	36083
	AIR NEW SOURCE PERMITS	PERMIT	36272
	AIR NEW SOURCE PERMITS	PERMIT	36792
	AIR NEW SOURCE PERMITS	PERMIT	36793
	AIR NEW SOURCE PERMITS	PERMIT	37021
	AIR NEW SOURCE PERMITS	PERMIT	37162
	AIR NEW SOURCE PERMITS	PERMIT	37171
	AIR NEW SOURCE PERMITS	PERMIT	37550
	AIR NEW SOURCE PERMITS	PERMIT	37551
	AIR NEW SOURCE PERMITS	PERMIT	37552
	AIR NEW SOURCE PERMITS	PERMIT	38117
	AIR NEW SOURCE PERMITS	PERMIT	38118
	AIR NEW SOURCE PERMITS	PERMIT	33944
	AIR NEW SOURCE PERMITS	PERMIT	44909
	AIR NEW SOURCE PERMITS	PERMIT	41114
	AIR NEW SOURCE PERMITS	PERMIT	49397
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	WH0014S
	AIR NEW SOURCE PERMITS	PERMIT	38691
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	WH0178K
	AIR NEW SOURCE PERMITS	REGISTRATION	55850
	AIR NEW SOURCE PERMITS	REGISTRATION	76181
	AIR NEW SOURCE PERMITS	AFS NUM	4848500010
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX784M2
	AIR NEW SOURCE PERMITS	PERMIT	56031
	AIR NEW SOURCE PERMITS	REGISTRATION	71736
	AIR NEW SOURCE PERMITS	REGISTRATION	72874
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX784
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX784M1
	AIR NEW SOURCE PERMITS	REGISTRATION	77709
	AIR NEW SOURCE PERMITS	REGISTRATION	83130
	PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	52102
	STORMWATER	PERMIT	TXR05L781
	STORMWATER	PERMIT	TXR05T548

Location: 4515 ALLENDALE RD, WICHITA FALLS, TX, 76310 Rating Date: September 01 07 Repeat Violator: NO

TCEQ Region: REGION 03 - ABILENE  
 Date Compliance History Prepared: January 17, 2008  
 Agency Decision Requiring Compliance History: Enforcement  
 Compliance Period: January 17, 2003 to January 17, 2008

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

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

### Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? 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: 01/30/2004

ADMINORDER 2002-1076-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Not Specified PERMIT

Description: Failure to comply with the permitted Particulate Matter emissions limit of 5.50 lbs/hr contained in the Maximum Allowable Emissions Rate Table (MAERT) of Permit No. 5567.

Effective Date: 07/13/2007

ADMINORDER 2004-1786-AIR-E

Classification: Major

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)(1)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: SC 1 PERMIT

Description: Failed to meet the CO emission limit for Furnace No. 5 Dry Scrubber (EPN F-515).

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	01/30/2003	(23398)
2	03/20/2003	(28513)
3	03/20/2003	(28517)
4	08/05/2003	(119358)
5	12/01/2003	(256295)
6	03/11/2004	(265084)
7	03/24/2004	(266904)
8	03/27/2004	(284342)
9	07/12/2004	(281332)
10	07/12/2004	(281349)
11	07/30/2004	(284810)
12	08/11/2004	(287855)
13	09/17/2004	(334241)
14	10/27/2004	(339137)
15	02/23/2005	(350568)
16	03/10/2005	(372993)
17	04/01/2005	(375629)
18	04/01/2005	(375506)
19	04/01/2005	(375624)
20	04/01/2005	(375627)
21	04/25/2005	(376459)
22	04/25/2005	(376453)
23	04/25/2005	(376460)
24	04/25/2005	(376458)
25	04/25/2005	(376454)
26	04/25/2005	(376451)
27	04/25/2005	(376456)
28	04/25/2005	(376447)
29	06/03/2005	(393477)
30	06/03/2005	(393473)
31	06/03/2005	(393476)
32	07/19/2005	(400836)
33	08/15/2005	(404863)
34	08/15/2005	(404559)
35	08/23/2005	(406737)
36	08/23/2005	(406731)
37	08/23/2005	(406708)
38	11/10/2005	(434672)
39	11/29/2005	(436460)
40	12/12/2005	(437762)
41	03/30/2006	(452781)
42	03/31/2006	(452782)
43	07/06/2006	(466161)
44	07/28/2006	(487425)
45	07/28/2006	(486739)

46	10/02/2006	(514786)
47	10/02/2006	(514782)
48	12/11/2006	(531096)
49	01/31/2007	(466163)
50	02/16/2007	(512612)
51	02/16/2007	(539072)
52	02/16/2007	(512611)
53	02/24/2007	(540588)
54	02/24/2007	(539796)
55	02/24/2007	(540679)
56	02/24/2007	(540591)
57	02/24/2007	(540606)
58	02/24/2007	(539789)
59	02/24/2007	(540274)
60	02/24/2007	(540593)
61	02/24/2007	(540722)
62	02/24/2007	(540595)
63	02/24/2007	(539791)
64	02/24/2007	(540601)
65	02/24/2007	(540221)
66	02/24/2007	(539792)
67	02/24/2007	(540614)
68	02/24/2007	(540598)
69	02/24/2007	(539794)
70	04/04/2007	(539016)
71	05/31/2007	(558450)
72	05/31/2007	(558582)
73	05/31/2007	(558220)
74	05/31/2007	(558453)
75	05/31/2007	(558018)
76	05/31/2007	(558466)
77	05/31/2007	(558347)
78	05/31/2007	(558585)
79	05/31/2007	(558010)
80	05/31/2007	(558588)
81	05/31/2007	(558340)
82	05/31/2007	(558578)
83	05/31/2007	(558015)
84	05/31/2007	(558447)
85	05/31/2007	(558023)
86	07/10/2007	(565480)
87	07/18/2007	(568107)
88	07/20/2007	(568111)
89	11/05/2007	(599453)
90	11/05/2007	(599454)
91	11/05/2007	(599455)
92	11/05/2007	(598019)
93	11/05/2007	(598020)
94	11/05/2007	(598021)
95	11/05/2007	(598023)
96	11/10/2007	(594837)
97	01/09/2008	(613675)
98	01/11/2008	(613821)

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

N/A

F. Environmental audits.

Notice of Intent Date: 04/15/2003 (35866)  
 Disclosure Date: 07/08/2003

Viol. Classification: Major

Citation: 30 TAC Chapter 116, SubChapter B

Description: Failure to maintain emissions of NOx below maximum allowable emissions levels for EPN E-23A.

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  
SAINT-GOBAIN VETROTEX  
AMERICA, INC.  
RN100218601**

§  
§  
§  
§  
§  
§

**BEFORE THE  
  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

**AGREED ORDER  
DOCKET NO. 2008-0216-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 Saint-Gobain Vetrotex 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 fiberglass manufacturing plant at 4515 Allendale Road in Wichita Falls, Wichita 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 notices of the violations alleged in Section II ("Allegations") on or about January 14 and 16, 2008.
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 Five Thousand Eight Hundred Fifty Dollars (\$5,850) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Four Thousand Six Hundred Eighty Dollars (\$4,680) of the administrative penalty and One Thousand One Hundred Seventy Dollars (\$1,170) 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 implemented the following corrective measures at the Plant:
  - a. Cleaned the metal plates to ensure proper voltages and cleaned the caustic spray nozzles to ensure proper atomization in the electrostatic precipitator for Furnace No. 4, which vents to emission point number ("EPN") E-24A, and Furnace No. 5, which vents to EPN F-515; and
  - b. Retested EPN F-515 on August 15, 2007 and EPN E-24A on August 16, 2007 which demonstrated that the EPNs were operating within permitted limits.
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 comply with the 4.58 pounds per hour ("lbs/hr") particulate matter ("PM") emission limit for EPN E-24A, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(c), New Source Review ("NSR") Permit No. 5667/PSD-TX-784M1, Special Condition 1 and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on December 27, 2007. Specifically, during a July 10, 2007 stack test, the PM emissions from EPN E-24A were 4.60 lbs/hr.



2. Failed to comply with the 9.17 lbs/hr PM emission limit for EPN F-515, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(c), NSR Permit No. 5667/PSD-TX-784M1, Special Condition 1 and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on January 2, 2008. Specifically, during a July 11, 2007 stack test, the PM emissions from EPN F-515 were 9.74 lbs/hr.

### 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: Saint-Gobain Vetrotex America, Inc., Docket No. 2008-0216-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.



Saint-Gobain Vetrotex America, Inc.  
DOCKET NO. 2008-0216-AIR-E  
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### SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

  
\_\_\_\_\_  
For the Executive Director

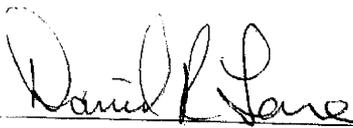
5/2/2008  
\_\_\_\_\_  
Date

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

03/14/08  
\_\_\_\_\_  
Date

David R. Lane  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
Saint-Gobain Vetrotex America, Inc.

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

