

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2006-1577-AIR-E TCEQ ID: RN100210962 CASE NO.: 31113

RESPONDENT NAME: MANNESMANN DMV STAINLESS USA, INC. FKA DMV STAINLESS USA, INC.

ORDER TYPE:		
<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	
CASE TYPE:		
<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>SITE WHERE VIOLATION(S) OCCURRED: 12050 W. Little York Road, Houston, Harris County</p> <p>TYPE OF OPERATION: Stainless tubing and piping production plant</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is one additional pending enforcement action regarding this facility location. Specifically, the Litigation Division and the Respondent are in the process of entering into an Agreed Order for Docket No. 2007-1260-AIR-E.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on March 17, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney: Ms. Tracy Chandler, Litigation Division, MC 175, (512) 239-0629 Ms. Jennifer Cook, Litigation Division, MC 175, (512) 239-1873 TCEQ Enforcement Coordinator: Ms. Kimberly Morales, Air Enforcement Division, MC R-12, (713) 422-8938 TCEQ Regional Contact: Mr. Joel Anderson, Houston Regional Office, MC R-12, (713) 767-3750 Ms. Linda Vasse, Houston Regional Office, MC R-12, (713) 767-3637 Respondent: Mr. Tommy Munn, Owner, 12050 W. Little York Road, Houston, Texas 77041 Respondent's Attorney: Not represented by counsel.</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date of Complaints Relating to this Case: There are no complaints.</p> <p>Dates of Investigation Relating to this Case: August 23, 2006</p> <p>Date of NOE Relating to this Case: August 31, 2006</p> <p>Background Facts: The EDPRP was filed on March 8, 2007. The Agreed Order was signed by the Respondent on June 30, 2008.</p> <p>The Respondent in this case does not owe any other penalties according to the Administrative Penalty Database Report.</p> <p>AIR:</p> <p>Failed to submit a complete annual compliance certification for Federal Operating Permit No. O-01340 in a timely manner [30 TEX. ADMIN. CODE § 122.146(2); Federal Operating Permit No. O-01340, General Terms and Conditions; and TEX. HEALTH & SAFETY CODE § 382.085(b)]</p>	<p>Total Assessed: \$3,225</p> <p>Total Deferred: \$0</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$3,225</p> <p>The Respondent has paid the administrative penalty in full.</p> <p>Site Compliance History Classification: <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification: <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions</p> <p>The Executive Director recognizes that the Respondent submitted a compliance certification on August 6, 2007, that includes certification by a responsible official and the dates for which compliance is being certified in response to this enforcement action.</p>



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision April 25, 2006

DATES Assigned PCW Screening EPA Due

RESPONDENT/FACILITY INFORMATION

Respondent
 Reg. Ent. Ref. No.
 Facility/Site Region Major/Minor Source

CASE INFORMATION

Enf./Case ID No. No. of Violations
 Docket No. Order Type
 Media Program(s) Enf. Coordinator
 Multi-Media EC's Team
 Admin. Penalty \$ Limit Minimum Maximum

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 EDRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="checkbox"/>	<i>(mark with a small x)</i>

Notes

Economic Benefit Subtotal 6

Total EB Amounts *Capped at the Total EB \$ Amount
 Approx. Cost of Compliance

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 11-Sep-2006

Docket No. 2006-1577-AIR-E

PCW

Respondent Mannesmann DMV Stainless USA, Inc. fka DMV Stainless USA, Inc.

Revision 2 (September 2002)

Case ID No. 31113

PCW Revision April 25, 2006

Reg. Ent. Reference No. RN100210962

Media [Statute] Air Quality

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 (<i>number of NOVs meeting criteria</i>)	1	5%
	Other written NOVs	2	4%
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</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%
Other	<i>Please Enter Yes or No</i>		
	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) 29%

>> 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

Enhancement for one NOV with same or similar violations, two NOVs without same or similar violations and one order with denial of liability in the past five years at this plant.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 29%

Screening Date 11-Sep-2006 **Docket No.** 2006-1577-AIR-E **PCW**
Respondent Mannesmann DMV Stainless USA, Inc. fka DMV Stainless USA, Inc. *ision 2 (September 2002)*
Case ID No. 31113 *PCW Revision April 25, 2006*
Reg. Ent. Reference No. RN100210962
Media [Statute] Air Quality
Enf. Coordinator Kimberly Morales
Violation Number
Primary Rule Cite(s)
Secondary Rule Cite(s)
Violation Description

Base Penalty

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

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

>> **Programmatic Matrix**

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

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Mannesmann DMV Stainless USA, Inc. fka DMV Stainless USA, Inc.
 Case ID No. 31113
 Reg. Ent. Reference No. RN100210962
 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
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	\$300	20-Nov-2005	01-May-2007	1.4	\$22	n/a	\$22
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost to prepare and submit the annual compliance certification. Date required is the due date of the certification. Final date is the expected compliance date.

Item Description	Yrs	Interest Saved	Onetime Costs	EB Amount
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 **\$300**

TOTAL \$22

Compliance History

Customer/Respondent/Owner-Operator:	CN600125132	DMV Stainless USA, Inc.	Classification: AVERAGE	Rating: 10.17																											
Regulated Entity:	RN100210962	DMV STAINLESS USA	Classification: AVERAGE	Site Rating: 10.17																											
ID Number(s):	<table border="1" 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%;">HG3179U</td> </tr> <tr> <td>AIR OPERATING PERMITS</td> <td>PERMIT</td> <td>1340</td> </tr> <tr> <td>INDUSTRIAL AND HAZARDOUS WASTE GENERATION</td> <td>EPA ID</td> <td>TXD987983152</td> </tr> <tr> <td>INDUSTRIAL AND HAZARDOUS WASTE GENERATION</td> <td>SOLID WASTE REGISTRATION # (SWR)</td> <td>39154</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>PERMIT</td> <td>19763</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>ACCOUNT NUMBER</td> <td>HG3179U</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>REGISTRATIÓN</td> <td>76500</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>PERMIT</td> <td>76509</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>AFS NUM</td> <td>1286</td> </tr> </table>				AIR OPERATING PERMITS	ACCOUNT NUMBER	HG3179U	AIR OPERATING PERMITS	PERMIT	1340	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD987983152	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	39154	AIR NEW SOURCE PERMITS	PERMIT	19763	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HG3179U	AIR NEW SOURCE PERMITS	REGISTRATIÓN	76500	AIR NEW SOURCE PERMITS	PERMIT	76509	AIR NEW SOURCE PERMITS	AFS NUM	1286
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AIR NEW SOURCE PERMITS	AFS NUM	1286																													
Location:	12050 W LITTLE YORK RD, HOUSTON, TX, 77041		Rating Date: September 01 05 Repeat Violator: NO																												
TCEQ Region:	REGION 12 - HOUSTON																														
Date Compliance History Prepared:	September 11, 2006																														
Agency Decision Requiring Compliance History:	Enforcement																														
Compliance Period:	September 01, 2001 to August 31, 2006																														

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

Name: Daniel Siringi Phone: 409-899-8799

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: 07/01/2004 ADMINORDER 2002-1077-AIR-E
 Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(B)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Description: Failed to submit the semiannual deviation report for the February 26, 2002 to August 25, 2002 deviation reporting period.
 Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.146(2)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Description: Failed to submit an annual compliance certification within 30 days after the end of the February 26, 2001 to February 25, 2002 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 04/14/2003 (33320)
- 2 06/11/2002 (IE0018445001001)
- 3 07/19/2002 (4038)
- 4 07/31/2003 (266925)
- 5 06/20/2003 (71613)
- 6 08/11/2005 (404768)
- 7 06/28/2004 (277624)
- 8 06/29/2004 (250929)

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

Date: 07/31/2003 (266925)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.10(e)
30 TAC Chapter 101, SubChapter A 101.10(f)
Description: The respondent failed to submit an air emissions inventory on or before 5/7/2003.

Date: 06/28/2004 (277624)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter Q 335.474[G]
Description: Failure to update and maintain a certified copy of the Source Reduction/Waste Minimization plan.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)[G]
Description: Failure to amend Notice of Registration to accurately reflect waste streams generated and waste management units utilized on-site.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter A 335.9(a)(2)(A)
30 TAC Chapter 335, SubChapter A 335.9(a)(2)(B)
30 TAC Chapter 335, SubChapter A 335.9(a)(2)[G]
Description: Failure to file AWS for 1998, 1999, 2000, 2002, and 2003, in the timeframes required.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter C 335.62
30 TAC Chapter 335, SubChapter R 335.504[G]
40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11[G]
Description: Failure to perform adequate waste determinations on pickling liquor wastes.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(4)[G]
30 TAC Chapter 335, SubChapter E 335.112(a)(3)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(4)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT E 262.54(g)
Description: Failure to appropriately update the Contingency Plan.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 335, SubChapter A 335.10(b)(22)
Description: Failure to use appropriate waste stream classification codes on manifests.

Date: 04/14/2003 (33320)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)[G]
Description: Failure to update the Notice of Registration.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter A 335.9(a)(2)(C)
Description: Failure to submit required Annual Waste Summaries for 1998, 1999, 2000, and 2002.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(4)[G]
30 TAC Chapter 335, SubChapter E 335.112(a)(3)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(4)
40 CFR Chapter 265, SubChapter I, PT 265, SubPT D 265.54[G]
Description: Failure to update and maintain an adequate Contingency Plan.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter Q 335.474[G]
Description: Failure to update and maintain a certified copy of the Source Reduction/Waste Minimization plan.

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
MANNESMANN DMV STAINLESS
USA, INC. FKA DMV STAINLESS
USA, INC., RN100210962

§
§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2006-1577-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 Mannesmann DMV Stainless USA, Inc. fka DMV Stainless USA, Inc., ("DMV") 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 DMV, appear before the Commission and together stipulate that:

1. DMV owns and operates a stainless tubing and piping production plant located at 12050 West Little York Road, Houston, Harris County, Texas (the "Plant").
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 DMV agree that the Commission has jurisdiction to enter this Agreed Order, and that DMV is subject to the Commission's jurisdiction.
4. DMV received notice of the violations alleged in Section II ("Allegations") on or about September 5, 2006.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by DMV of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of three thousand two hundred twenty-five dollars (\$3,225.00) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). DMV has paid three thousand two hundred twenty-five dollars (\$3,225.00) 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 DMV 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 DMV submitted a compliance certification on August 6, 2007, that includes certification by a responsible official and the dates for which compliance is being certified in response to this enforcement action.
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 DMV 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

DMV is alleged to have violated 30 TEX. ADMIN. CODE § 122.146(2); Federal Operating Permit No. O-01340, General Terms and Conditions; and TEX. HEALTH & SAFETY CODE § 382.085(b) by failing to submit a complete annual compliance certification for Federal Operating Permit No. O-01340 in a timely manner, as documented on August 23, 2006.

III. DENIALS

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

IV. ORDER

1. It is, therefore, ordered by the TCEQ that DMV pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and DMV'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: Mannesmann DMV Stainless USA, Inc. fka DMV Stainless USA, Inc., Docket No. 2006-1577-AIR-E" to:

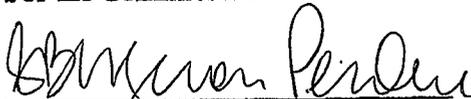
Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The provisions of this Agreed Order shall apply to and be binding upon DMV. DMV 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 DMV 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) and TEX. GOV'T CODE § 2001.142, the effective date of this Agreed Order is the date of hand-delivery of the Order to DMV, or three days after the date on which the Commission mails notice of the Order to DMV, 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

7/1/08

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.

Robert Holroyd
Signature

JUNE 30, 2008
Date

ROBERT HOLROYD
Name (Printed or typed)
Authorized representative of
Mannesmann DMV Stainless USA, Inc.
fka DMV Stainless USA, Inc.

QUALITY MANAGER
Title