EXECUTIVE SUMMARY - ENFORCEMENT MATTER

Page 1 of 3

DOCKET NO.: 2008-1300-MLM-E TCEQ ID: RN102952983 CASE NO.: 36369

RESPONDENT NAME: Favelle Favco Cranes USA, Inc.

ORDER TYPE:		
X 1660 AGREED ORDER	FINDINGS AGREED ORDER	FINDINGS ORDER FOLLOWING SOAH HEARING
FINDINGS DEFAULT ORDER	_SHUTDOWN ORDER	_IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
AMENDED ORDER	EMERGENCY ORDER	
CASE TYPE:		
XAIR	X_MULTI-MEDIA (check all that apply)	INDUSTRIAL AND HAZARDOUS WASTE
PUBLIC WATER SUPPLY	PETROLEUM STORAGE TANKS	OCCUPATIONAL CERTIFICATION
X WATER QUALITY	SEWAGE SLUDGE	UNDERGROUND INJECTION CONTROL
MUNICIPAL SOLID WASTE	RADIOACTIVE WASTE	DRY CLEANER REGISTRATION
County TYPE OF OPERATION: Crane componer SMALL BUSINESS:X_Yes	AED: Favelle Favco Cranes USA, Inc., 26360 Farm It manufacturing plant No Omplaint was received on May 25, 2008, alleging im	
record of additional pending enforcement act		propor disposar of chomicals. There is no
INTERESTED PARTIES: A complaint wa Agenda.	s received, but the complainant has not expressed a	desire to protest this action or to speak at
COMMENTS RECEIVED: The Texas Reg	rister comment period expired on January 26, 2009.	No comments were received.
TCEQ Enforcement Coordinator Bryan Sinclair, Enforcement Divis Respondent: Mr. Mario Perez, Sat Texas 78550 Mr. Michael Khou, General Manag	or: Ms. Melissa Keller, SEP Coordinator, Enforcement Mr. Terry Murphy, Enforcement Division, Enforcement, MC 219, (512) 239-2171 fety Coordinator, Favelle Favco Cranes USA, Inc., 2 ger, Favelle Favco Cranes USA, Inc., 26360 Farm-to- ger, Ented by counsel on this enforcement matter	ement Team 4, MC 149, (512) 239-5025; Mr. 6360 Farm-to-Market Road 106, Harlingen,
Respondent's Attorney: Not repre	selled by comiser on mis emorcement matter	

DOCKET NO.: 2008-1300-MLM-E

VIOLATION SUMMARY CHART:

PENALTY CONSIDERATIONS CORRECTIVE ACTIONS VIOLATION INFORMATION TAKEN/REQUIRED Corrective Actions Taken: Total Assessed: \$4.128 Type of Investigation: X Complaint ___ Routine The Executive Director recognizes that the Total Deferred: \$825 ___ Enforcement Follow-up X Expedited Settlement Respondent has implemented the following corrective measures at the Plant: Records Review __Financial Inability to Pay a. On June 18, 2008: Date(s) of Complaints Relating to this Case: May 25, 2008 SEP Conditional Offset: \$1,651 i. Began maintaining a SWP3 onsite and Total Paid to General Revenue: \$1,652 readily available for review; Date of Investigation Relating to this Case: June 10 and 11, 2008 ii. Provided photographs of properly Site Compliance History Classification labeled drums in the container storage Date of NOV/NOE Relating to this Case: __High __X_Average ___Poor area: and July 22, 2008 (NOE) Person Compliance History Classification iii. Provided photographs of spill clean up Background Facts: This was a complaint High X Average Poor equipment located on site. investigation. Major Source: Yes X No b. On August 18, 2008, increased the AIR painting time from three hours to five Applicable Penalty Policy: September 2002 hours in order to comply with the pounds 1) Failure to comply with the paint booth's per hour permit limit; pounds per hour emissions limit. Specifically, the New Source Review c. On August 5, 2008, hired a safety Permit by Rule Registration coordinator to provide further ("NSRPBRR") limits volatile organic recordkeeping oversight; and compound ("VOC") emissions to six pounds per hour, averaged over any fived. By August 30, 2008, provided filters hour period, and the Respondent exceeded with the required removal efficiency and that limit on August 8, October 24, increased paint booth oversight with the December 7, and December 18, 2007. hiring of the safety coordinator. VOC pounds per hour emissions on those dates were 6.8, 9.2, 6.5, and 6.5, **Ordering Provisions:** respectively [NSRPBRR Number 72677, 30 TEX. ADMIN. CODE § 106.433(6)(A), The Order will require the Respondent to and Tex. Health & Safety Code § implement and complete a Supplemental 382.085(b)]. Environmental Project (SEP). (See SEP Attachment A) 2) Failure to maintain sufficient records to demonstrate compliance with the NSRPBRR. Specifically, the Respondent's records for November 22, 2007 contain contradictory data that shows 16 pounds of VOC per gallon of epoxy were used on that day: however, no epoxy was used that day [NSRPBRR Number 72677, 30 Tex. ADMIN. CODE § 106.8(c)(2)(B), and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 3) Failure to use a filter with a manufacturer-documented minimal 95% removal efficiency to abate emissions from paint spraying operations. Specifically, the Respondent was using a 3M Ultra Allergen 1250 filter rated at only 90% removal

efficiency [NSRPBRR Number 72677, 30 TEX. ADMIN. CODE § 106.433(6)(C), and TEX. HEALTH & SAFETY CODE § 382.085(b)]. WATER 4) Failure to have a storm water pollution prevention plan ("SWP3") onsite and readily available for review [Texas Pollutant Discharge Elimination System ("TPDES") General Permit Number TXR05W625, Part III.A.1.(a), and 30 TEX. ADMIN. CODE § 281.25(a)(4)]. 5) Failure to clearly label drums, tanks, or other containers. Specifically, several drums in the container storage area were not labeled [TPDES General Permit Number TXR05W625, Part III.A.5.(b)(3) and 30 Tex. ADMIN. CODE § 281.25(a)(4)]. 6) Failure to make materials and equipment necessary for spill clean up available to personnel [TPDES General Permit Number TXR05W625, Part III.A.5.(b)(6), and 30 Tex. ADMIN. CODE § 281.25(a)(4)].

Additional ID No(s).: N/A

<u>Attachment A</u> Docket Number: 2008-1300-MLM-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:

Favelle Favco Cranes USA, Inc.

Penalty Amount:

Three Thousand Three Hundred Three Dollars (\$3,303)

SEP Offset Amount:

One Thousand Six Hundred Fifty-One Dollars (\$1,651)

Type of SEP:

Pre-approved

Third-Party Recipient:

Friends of Laguna Atascosa National Wildlife Refuge

Location of SEP:

Cameron County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient named above. The contribution will be to *Friends of Laguna Atascosa National Wildlife Refuge* for the *Flooding of Bahia Grande Project* in Cameron County as set forth in an agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to work with the United States Fish and Wildlife Service to re-flood the Bahia Grande. This will restore tidal wetland habitats that went dry with the construction of the Brownsville ship channel. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

The Respondent certifies that it has no prior commitment to make this contribution and that it is being done solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by restoring the native wetland habitat of the Bahia Grande. This will have an effect of reducing dust storms that have caused havoc in the area and will provide a habitat for marine invertebrates, fish, birds, and aquatic vegetation.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

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Favelle Favco Cranes USA, Inc. Agreed Order Docket No. 2008-1300-MLM-E – Attachment A

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Recipient. The Respondent shall mail a copy of the Agreed Order with the contribution to:

Friends of Laguna Atascosa National Wildlife Refuge Attn: Shane Wilson 22817 Ocelot Road Los Fresnos, Texas 78566

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division Attention: SEP Coordinator, MC 219 Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Offset Amount.

In the event of incomplete performance, the Respondent shall include on the check the docket number of this Agreed Order and a note that it is for reimbursement of a SEP. The Respondent shall make the payment for the amount due to "Texas Commission on Environmental Quality" and mail it to:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

Favelle Favco Cranes USA, Inc. Agreed Order Docket No. 2008-1300-MLM-E – Attachment A

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

		alty Calc	ulation \	Vorksheet (F	•	
Policy Revision 2 (Sep	otember 2002)				PCW_Re	vision June 12, 2008
DATES Assigned PCW		creening 11-A	\ug-2008 E	PA Due	I	
RESPONDENT/FACILITY						
	Favelle Favco Cra	nes USA, Inc.				[80 +81]
Reg. Ent. Ref. No. Facility/Site Region				Major/Minor Source	Minor	
······································	<u> </u>					
CASE INFORMATION Enf./Case ID No.	26360			No. of Violations	6	
Docket No.	2008-1300-MLM-E			Order Type		
Media Program(s)	Air		G	overnment/Non-Profit		
Multi-Media	Water Quality	Transport Committee of the Committee of	1,277233,5	Enf. Coordinator		
Admin. Penalty \$	Limit Minimum	\$0 Maxi	mum \$	10,000 EC's Team	Enforcement Team	4
		Penalty C	alculatio	n Section		
TOTAL BASE PENAI	LTY (Sum of vic	ransam vaassav raseria saa vasav vas	sawansaninananandorsa as mas		Subtotal 1	\$4,200
W-000000000000000000000000000000000000	**************************************					
ADJUSTMENTS (+/-)	TO SUBTOTAL ined by multiplying the To	_ 1 stal Base Benelty (S	ubtotal 1) by the in	dicated percentage		
Compliance Hist		otal base reliaity (5			otals 2, 3, & 7	\$588
Notes	The penalty was	enhanced by two		ne or similar violations ations.		
Culpability	No		0.0% Enh		Subtotal 4	\$0
Culpability	1110		0.076 CIII	ancement	Gubtotal 4	ΨΟ
Notes	The Resp	ondent does no	it meet the cul	pability criteria.		
					4	-
Good Faith Effor	t to Comply Total	Adjustments			Subtotal 5	\$660
Economic Benef	it Total EB Amounts	\$242	0.0% Enha	ncement* • Total EB \$ Amount	Subtotal 6	\$0
Approx.	Cost of Compliance	\$8,200	Oupped at the	Total ED & Alloun		
OUR OF OUR TOTAL	^ <i>4</i> 7					£4.400
SUM OF SUBTOTAL	S 1-1				Final Subtotal	\$4,128
OTHER FACTORS A	S JUSTICE MAY	Y REQUIRE	1	0.0%	Adjustment	\$0
Reduces or enhances the Final S	Subtotal by the indicated	percentage.	02/20/00/00/00/00/00/00/00/00/00/00/00/0		1	
Notes						
140103						
		-		Final Pe	nalty Amount	\$4,128
CTATUTODY LIMIT	ND UICTMENT				(5)	£4.420
STATUTORY LIMIT A	ADJUSTNENT			Final Ass	essed Penalty	\$4,128
DEFERRAL				20.0% Reduction	Adjustment	-\$825
Reduces the Final Assessed Per	nalty by the indicted perce	entage. <i>(Enter num</i>	ber only; e.g. 20 fo	or 20% reduction.)	J	
M-4		formal offered f	ovnedited1	llamont		***************************************
Notes	De	ferral offered for	expedited Set	uement.		мурирово
PARTICIPATE OF THE PARTICIPATE O	<u>L. 2888, 10 - 10 - 1 - 1 152</u>	<u>e feli muatte agri i juali. Î</u>	<u> </u>	<u>in tigan</u> la en forde teda Nabasa (n. 1860). T	1	
PAYABLE PENALTY						\$3,303

Screening Date 11-Aug-2008

Docket No. 2008-1300-MLM-E

PCW

Respondent Favelle Favco Cranes USA, Inc.

Case ID No. 36369

Policy Revision 2 (September 2002)
PCW Revision June 12, 2008

Reg. Ent. Reference No. RN102952983

Media [Statute] Air

mpliance History Component	Site Enhancement (Subtotal 2)	F.			Adiust	
NOVs	Written NOVs with same or similar violations as those in the current enforcement a (number of NOVs meeting criteria)		nter Numi 2		Adjust.	
	Other written NOVs		2		4%	
	Any agreed final enforcement orders containing a denial of liability (number of o meeting criteria)	rders	Ó		0%	
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a of liability, or default orders of this state or the federal government, or any final prohiemergency orders issued by the commission				0%	
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of li of this state or the federal government (number of judgements or consent decrees me criteria)		O		0%	
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final judgments or consent decrees without a denial of liability, of this state or the for government		C		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 Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number audits for which notices were submitted)		0		0%	
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Prinact, 74th Legislature, 1995 (number of audits for which violations were disclosed)	vilege	O		0%	
		Please	e Enter Y	es or No		
	Environmental management systems in place for one year or more		N	5	0%	
Other	Voluntary on-site compliance assessments conducted by the executive director un special assistance program	der a	Ň	Ö	0%	
	Participation in a voluntary pollution reduction program		N)	0%	
	Early compliance with, or offer of a product that meets future state or federal govern environmental requirements	nment	N	D	0%	1 * *
	Adjustme	ent Pe	rcenta	ge (S	ubtotal 2) [14
peat Violator (Su	btotal 3)					
No	Adjustme	ent Pe	rcenta	ge (S	ubtotal 3) [0%
mpliance History	Person Classification (Subtotal 7)					
Average Po	erformer Adjustme	ent Pe	rcenta	ge (S	ubtotal 7) [0%
mpliance History	Summary					
Compliance History Notes	The penalty was enhanced by two NOVs for same or similar violations and two NC violations.)Vs for	dissimil	ar	-	

Screening Date	11-Aug-2008		Docket No. 2008-130	0-MLM-E	PCW
Respondent	Favelle Favco (Cranes USA, Inc.		Policy Re	evision 2 (September 2002)
Case ID No.				PC	CW Revision June 12, 2008
Reg. Ent. Reference No. Media [Statute]					
Enf. Coordinator					
Violation Number					
Rule Cite(s)			Registration ("NSRPBRR") and Tex. Health & Safety C		
Violation Description	NSRPBRR lin averaged over October 24, D	nits volatile organic com any five-hour period, ar ecember 7, and Decem es were 6.8, 9.2, 6.5, ar	s pounds per hour emission pound ("VOC") emissions of the Respondent exceeded ber 18, 2007. VOC pounds of 6.5, respectively, as doconducted on June 11, 2008	to six pounds per hour, ed that limit on August 8, s per hour emissions on umented during an	
				Base Penalty	\$10,000
>> Environmental, Property an	rd Human He	ealth Matrix Harm			
Release	Major	Moderate Minor	 1		
OR Actual Potential		X	Percent	10%	
>>Programmatic Matrix	199				
Falsification	Major	Moderate Minor	Percent	0%	
			insignificant amounts of po onmental receptors as a res		
				nt \$9,000	es es
jiranga sa sa sa kalanga sa			Adjustmer	<u>τε</u> \$9,000	2.00 2.00
					\$1,000
Violation Events		10.00		111111111111111111111111111111111111111	uding privite i
• .	E				
Number of Vi	iolation Events	2	Number of	of violation days	
	daily monthly		; ; ;	•	
mark only one	quarterly	X		Violation Base Penalty	\$2,000
with an x	semiannual annual				
	single event			a *	
		Two quarterly events	are recommended.		
		, 1-1			
Cood Faith Efforts to Commit		10.00/ 5-3	e e e e e e e e e e e e e e e e e e e		\$200
Good Faith Efforts to Comply		10.0% Reduction Before NOV NOV to EDF	PRP/Settlement Offer	2.311.6	\$25 <u>0</u>
	Extraordinary		100 mai 100 ma 100 mai 100 ma		
	Ordinary		**************************************		
	N/A 	(mark with x			
	Notes	The Respondent com	pleted corrective actions on 2008.	August 18,	
				Violation Subtotal	\$1,800
Economic Benefit (EB) for this	s violation		Statuto	ory Limit Test	
Estimate	ed EB Amount	\$	Viola	tion Final Penalty Total	\$2,080
		· This viola	ition Final Assessed Pena	alty (adjusted for limits)	\$2,080

	E	conomic l	Benefit W	orks	heet		
Respondent	gika ketat katan kebuan belaid d	Cranes USA, Inc.					102845 V 1017 (107
Case ID No.		,					
Reg. Ent. Reference No.	RN102952983					1.0	
Media	7						Years of
Violation No.	3					Percent Interest	Depreciation
*10i0i0i11to				:73.4	38 35 35 35 35	5.0	ALMANA COLORS
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	18 EB Amount
Item Description			i iliai Date	115	iliterest Saveu	Oneume Cosis	EB AMOUNT
Delayed Costs						Signatura de la composição de la composi	
Equipment				0.00	\$0	\$0	\$0
Buildings	Carlo Land	<u>and the are bown i</u>		0.00	\$0	\$0	\$0
Other (as needed)	\$2,000	8-Aug-2007	18-Aug-2008	1.03	\$7	\$137	\$144
Engineering/construction				0.00	\$0	\$0	\$0
Land	1,537 (),000			0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal	\$1445-7457			0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Avoided Costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]			11	effect.		one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)			100	0.00	\$0	\$0	\$0
Notes for AVOIDED costs							
	the state of the s	Company of the Compan	and the state of t		eria i eritua caina a ligita	<u> </u>	

Screening Date 1		Docket No. 2008-1300-MLN	n-e PGW
	Favelle Favco Cranes USA, Inc.		Policy Revision 2 (September 2002)
Case ID No. 3 Reg. Ent. Reference No. F			PCW Revision June 12, 2008
Media [Statute] A			
Enf. Coordinator ⊺		•	
Violation Number	2		
Rule Cite(s)		Tex. Admin. Code § 106.8(c)(2)(B) and afety Code § 382.085(b)	d Tex. Health &
Violation Description	Specifically, the Respondent's rec that shows 16 pounds of VOC p	ords to demonstrate compliance with t cords for November 22, 2007 contain of er gallon of epoxy were used on that d umented during an investigation condu 2008.	ontradictory data ay; however, no
			Base Penalty \$10,000
To Zalashinana 1995 € E	•		
>> Environmental, Property and	i Human Health Matrix Harm		
Release		inor	
OR Actual Potential		Percent	0%
Potential	<u> </u>	reicent	
>>Programmatic Matrix			
Falsification	······································	nor X Percent	1%
Matrix Notes The Re	spondent failed to comply with les	s than 30% of the recordkeeping requi	rements.
			\$9,900
		Adjustment	\$5,500 ₁
	•		\$100
Violation Events			1.44 (1.48)
. Number of Viol	olation Events 1	Number of viola	tion days
	daily monthly		
mark only one	quarterly	Violat	ion Base Penalty \$100
with an x	semiannual annual single event x		
	<u> </u>		
	One single eve	ent is recommended.	
Good Faith Efforts to Comply	10.0% Reduc	tion .	· \$10
	Before NOV NOV to	EDPRP/Settlement Offer	
E	Extraordinary		
	Ordinary (mark w	X (ith v)	
	9375,400, 0, 50, 50, 70, 70, 70	completed corrective actions on Augu	st 5,
		2008.	
***************************************		· • • • • • • • • • • • • • • • • • • •	/iolation Subtotal \$90
Economic Benefit (EB) for this	violation	Statutory Lii	mit Test
Estimated	I EB Amount	\$35 Violation Fi	inal Penalty Total \$104
	This	violation Final Assessed Penalty (ac	ljusted for limits) \$104

Reg. Ent. Reference No.	36369 RN102952983						
Media Violation No.	Air					Percent Interest	Years of Depreciation
					2 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	5.0	. 1
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
ltem Description	≀ No commas or \$	and the second sections and the second	aa mada sa		Control to Mark States in the control of the	LLANGER	
Delayed Costs							
Equipment			. 1 - 1 - 1 - 2 - 2 - 2 - 2 - 2 - 2 - 2 -	0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	200			0.00	\$0	\$0	\$0
Land	Secretary and the second			0.00	\$0	n/a	\$0
Record Keeping System	\$1,000	22-Nov-2007	5-Aug-2008	0.70	\$35	n/a	\$35
Training/Sampling	7 - 17 - 17 - 17 - 17 - 17 - 17 - 17 -			.0,00	\$0	n/a	\$0
Remediation/Disposal	NOV CONTROL AND ALL	Han A. Daska, and		0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
						uired is the date of the to oversee the recor	
Notes for DELAYED costs Avoided Costs			ed costs before e	entering	item (except for	one-time avoided c	osts)
Notes for DELAYED costs Avoided Costs Disposal			ed costs before e	entering 0.00	item (except for	one-time avoided c	osts) \$0
Avoided Costs			ed costs before c			A A COLOR OF A COLOR O	~~~~~~ * ~~~~*
Avoided Costs Disposal			ed costs before e	0.00	\$0	\$0	\$0
Avoided Costs Disposal Personnel			ed costs before o	0,00	\$0 \$0	\$0 \$0	\$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling			ed costs before e	0.00 0.00 0.00	\$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment			ed costs before c	0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]			ed costs before c	0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0

Screening Date 1	-		Docket No. 2008-130	00-MLM-E	PCW
數學學科하는 학생들은 어떤 가장은 가장을 하는데 되었다. 이렇게 되었다면 하는데 하는데 없다.	avelle Favco Crane	es USA, Inc.		Policy R	evision 2 (September 2002)
Case ID No. 3				P	CW Revision June 12, 2008
Reg. Ent. Reference No. R Media [Statute] A					
Enf. Coordinator ⊺					
Violation Number	3				
Rule Cite(s)	NSRPBRR Num		lmin. Code § 106.433(6) ode § 382.085(b)	(C) and Tex. Health &	
Violation Description	abate emissions fro	m paint spraying oper 1250 filter rated at only	-documented minimal 95 ations. Specifically, the I y 90% removal efficiency nducted on June 11, 200	Respondent was using a a documented during	
				Base Penalty	\$10,000
>> Environmental, Property and					
Release		arm derate Minor	-		
OR Actual					
Potential		X	Percent	5%	
>>Programmatic Matrix		113			,
Falsification	Major Mod	derate Minor	Percent	0%	111111111111111111111111111111111111111
		1	j reicent	078J	
Matrix Human health	or the environment	could be exposed to	nsignificant amounts of p	ollutants not exceeding	
Notes levels pr	otective of human	health or environment	al receptors as a result o	f the violations.	
			2.532	2 1 2 2 1 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2	
			Adjustmer	t \$9,500	
					\$500
Violation Events			ere er erestilligilig		
Number of Viola	ation Events	103033	1 Number o	of violation days	
	daily monthly				
mark only one with an x	quarterly			Violation Base Penalty	\$500
	semiannual annual annual single event	×			
For order responses to the reconstruction of the contraction of the co			postri parodes. Caprace anno sumo con user use s'y	per prince have have a series of the series	
		One single event is re	commended.		
Good Faith Efforts to Comply	0 - 2277	10.0% Reduction			\$50
	Befor xtraordinary	re NOV NOV to EDPRP	/Settlement Offer		
: -	Ordinary		×		
	N/A	(mark with x)	<u> </u>		
	The	e Respondent complet	ed corrective actions on	August 30	
	Notes		2008.		
				Violation Subtotal	\$450
Economic Benefit (EB) for this v	iolation	Contracting the course \$4.	Statuto	ry Limit Test	12.5
Fetimated	EB Amount	\$61	Violat	ion Final Penalty Total	\$520
Laumateu i	LD Amount		•		
		This violatio	n Final Assessed Pena	Ity (adjusted for limits)	. \$520

Reg. Ent. Reference No Media	732						Years of
Violation No	3					Percent Interest	Depreciation
						5.0	15
Item Descriptio	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
item Description	i No commas or \$		and the second second second		energy of the second second	anakotaka malama di amma bastar.	
Delayed Costs	3	Appleson in a 17 State Con-					
Equipment	\$4,000	11-Jun-2008	30-Aug-2008	0.22	\$3	\$58	\$61
Buildings	23-14-14-14-14-14-14-14-14-14-14-14-14-14-			0.00	\$0	\$0	\$0
Other (as needed)	1 - 3 - 4 - 5 - 5			0.00	\$0	\$0	\$0
Engineering/construction	Minister of Mariana			0.00	\$0	\$0	\$0
Land	45 A.		and Am Persented	0.00	\$0	π/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	Section Control			0.00	\$0	n/a	\$0
Remediation/Disposal	The state of			0.00	\$0	n/a	\$0
Permit Costs	Ulking Daving			0.00	\$0	n/a	\$0
Other (as needed)						n/a r face velocity overs	
Other (as needed) Notes for DELAYED costs Avoided Costs	Required is coordinator him	the date of the inve ed on August 5, 200	stigation, and the 08 also has assum prop	and prov Final Da ned resp per filter i	vide improved filte te is when the equ onsibility for increa usage.		ight. The Date d. The safety rsight, including
Notes for DELAYED costs	Required is coordinator him	the date of the inve ed on August 5, 200	stigation, and the 08 also has assum prop	and prov Final Da ned resp per filter i	vide improved filte te is when the equ onsibility for increa usage. item (except for \$0	r face velocity overs ipment was replace ised paint booth ove one-time avoided o	ight. The Date d. The safety rsight, including
Notes for DELAYED costs Avoided Costs	Required is coordinator him	the date of the inve ed on August 5, 200	stigation, and the 08 also has assum prop	and prov Final Da ned respoer filter o	vide improved filte te is when the equ onsibility for increa usage. item (except for	r face velocity overs lipment was replace ised paint booth ove one-time avoided o	ight. The Date d. The safety ersight, including osts)
Notes for DELAYED costs Avoided Costs Disposal Personnel	Required is coordinator him	the date of the inve ed on August 5, 200	stigation, and the 08 also has assum prop	and proving and proving the contract of the co	vide improved filte te is when the equ onsibility for increa usage. item (except for \$0	r face velocity overs ipment was replace ised paint booth ove one-time avoided o	ight. The Date d. The safety ersight, including osts) \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel	Required is coordinator him	the date of the inve ed on August 5, 200	stigation, and the 08 also has assum prop	and proving and proving the content of the content	vide improved filte te is when the equ onsibility for increa usage. item (except for \$0 \$0 \$0 \$0	r face velocity overs ipment was replace used paint booth ove one-time avoided o \$0 \$0 \$0 \$0	ight. The Date d. The safety rrsight, including osts) \$0 \$0 \$0 \$0
Notes for DELAYED costs AVOIDED COSts Disposal Personnel Inspection/Reporting/Sampling	Required is coordinator him	the date of the inve ed on August 5, 200	stigation, and the 08 also has assum prop	and proving and proving the second se	vide improved filte te is when the equ onsibility for increa usage. item (except for \$0 \$0 \$0 \$0 \$0 \$0	r face velocity overs ipment was replace ised paint booth ove one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0	ight. The Date d. The safety ersight, including osts) \$0 \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	Required is coordinator him	the date of the inve ed on August 5, 200	stigation, and the 08 also has assum prop	and prover Final Da ned responser filter to the netering 0.00 0.00 0.00 0.00 0.00 0.00 0.00	vide improved filte te is when the equ onsibility for increa usage. Item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	r face velocity overs ipment was replace ised paint booth ove one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	ight. The Date d. The safety ersight, including osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Required is coordinator him	the date of the inve ed on August 5, 200	stigation, and the 08 also has assum prop	and prove Final Danied responser filter in tering 0.00 0.00 0.00 0.00 0.00	vide improved filte te is when the equ onsibility for increa usage. item (except for \$0 \$0 \$0 \$0 \$0 \$0	r face velocity overs ipment was replace ised paint booth ove one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0	ight. The Date d. The safety ersight, including osts) \$0 \$0 \$0 \$0 \$0

Screening Date		Docket No. 20	08-1300-MLM-E	PCW
量 一种 医三硫酸 化二氯化甲基甲基乙二甲二甲基乙基乙烯基二甲基乙烯基乙甲基乙烯二甲基二二甲基	Favelle Favco Cranes USA, Inc.		Policy F	Revision 2 (September 2002)
Case ID No.				CW Revision June 12, 2008
Reg. Ent. Reference No.				
Media [Statute]				
Enf. Coordinator Violation Number			•	
Rule Cite(s)	4			7
(Aute Oite(s)	Texas Pollutant Discharge I TXR05W625, Part III.	Elimination System ("TPDES A.1.(a) and 30 Tex. Admin.		
Violation Description	Failed to have a storm water available for review, as documents			
			Base Penalty	\$10,000
>> Environmental, Property an	d Human Health Matrix		•	
Release	Harm	Minor		
OR Actual	Major Moderate	Minor		
Potential		Pe	rcent 0%	
>>Programmatic Matrix		Charles and the second		
Falsification	Major Moderate	Minor		
Kaperto, 174 2021		Pel	rcent 10%	
Matrix				
Notes	i ne Respondent falled	to comply with 100% of the	ruie.	
western said state	<u> </u>	21 - P. 21 - 22 - 1130 - 1 - 1821 - 1439819.	1 (1 (1 (1 (1 (1 (1 (1 (1 (1 (1 (1 (1 (1	
	siželiju.	Adju	stment \$9,000	
***				\$1,000
Violation Events		ikas III jaralis II jasa		
Number of Vic	plation Events 1	8 Nu	mber of violation days	
	daily			
	monthly			
mark only one	quarterly		Violation Base Penalty	\$1,000
with an x	semiannual			
	annual x		. •	
		:		
	0-2-1-21			
	One single e	event is recommended.		
L				
Good Faith Efforts to Comply	25.0% Rec			\$250
Vicano de la constanta de la c	Before NOV NO Extraordinary	V to EDPRP/Settlement Offer		
	Ordinary x			
Transported to the state of the		k with x)	•	
·				,
	Notes The Responde	nt returned to compliance or	n June 18, 2008.	
		A second	Violation Subtotal	\$750
Engage Parage (FD) (C. (C. (C. C. (C. C. (C. C. (C. C. (C. C. C. (C. C. (C. C. C. (C. C. C. (C. C. C. C. C. C. (C. C. C		2.		
Economic Benefit (EB) for this	violation	St	atutory Limit Test	
Estimated	EB Amount	\$1	Violation Final Penalty Total	\$890
	Th	is violation Final Assessed	l Penalty (adjusted for limits)	\$890
A CONTRACT OF THE PROPERTY OF	- ALONS (1991)		CONTRACTOR OF THE PROPERTY OF	commonococcocción (contractor)

Respondent Case ID No. Reg. Ent. Reference No	Favelle Favco (36369	conomic E Cranes USA, Inc.		<u> </u>			Period (September 1997)
Media Violation No	Air					Percent Interest	Years of Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$	A 177 California (Maria Laci	Caracara, ar ar a saiste	Marie 1			
Delayed Costs				Sangil's			
Equipment				0.00	\$0	\$0	\$0
Buildings	Control Wild St	J. 1027-747, 2. VS. 1007-		0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	SALE AND A			0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$500	10-Jun-2008	18-Jun-2008	0.02	\$1	n/a	\$1
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal		Jan 7 A. J. Tellinov, A. A.		0.00	\$0	n/a	\$0
Permit Costs			1.0000000000000000000000000000000000000	0.00	\$0	n/a	\$0
Other (as needed)	KHANELKAN			0.00	\$0	n/a	\$0
Notes for DELAYED costs	Esumated Cosi	is to improve the rec Final Date			nt provided a copy		ugauon, and un
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	ANI	NUALIZE [1] avoide	d costs before e	0.00 0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0	sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	AN Light from the control of the co	NUALIZE [1] avoide	ed costs before e	0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0

Screening Date 11-Aug-2008 Docket No. 2008-1300-MLM-E	PCW
Respondent Favelle Favco Cranes USA, Inc.	Policy Revision 2 (September 2002)
Case ID No. 36369 Reg. Ent. Reference No. RN102952983	PCW Revision June 12, 2008
Media [Statute] Air	
Enf. Coordinator Terry Murphy	
Violation Number 5	
Rule Cite(s) TPDES General Permit Number TXR05W625, Part III.A.5.(b)(3) and 30 Tex. Admir § 281.25(a)(4)	i. Code
Failed to clearly label drums, tanks, or other containers. Specifically, several drums violation Description container storage area were not labeled, as documented during an investigation coron June 10, 2008.	s in the nducted
Base F	Penalty \$10,000
>> Environmental, Property and Human Health Matrix	
Harm Release Major Moderate Minor OR Actual	
Potential Percent 0%	
>>Programmatic Matrix Falsification Major Moderate Minor	
X Percent 1%	
Matrix The Respondent failed to comply with less than 30% of the rule;	\$66741 1200 1300 1300 1300 1300 1300 1300 1300 1300 1300 1300 1300 1300 1300 1300 1300
Notes	7 (15 (15 (15 (15 (15 (15 (15 (15 (15 (15
Adjustment	\$9,900
	\$100
Violation Events	
Number of Violation Events 1 8 Number of violation days	
daily	
mark only one quarterly Violation Base F	Penalty \$100
mark only one with an x semiannual Violation Base F	renalty
annual single event x	
One single event is recommended.	
	<u> </u>
Good Faith Efforts to Comply Before NOV NOV to EDPRP/Settlement Offer	\$25
Extraordinary Extraordinary	
Ordinary	
N/A (mark with x) Notes The Respondent returned to compliance on June 18, 2008.	
Violation Si	ubtotal . \$75
Economic Benefit (EB) for this violation Statutory Limit Test	
Estimated EB Amount \$0 Violation Final Penalt	y Total \$89
This violation Final Assessed Penalty (adjusted for	limits) \$89

Reg. Ent. Reference No Media	a Air					Percent Interest	Years of
Violation No	45 Second					- 0	Depreciation
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	5.0 Onetime Costs	1: EB Amount
Item Description	1 No commas or \$						
Delayed Costs		Vojen pragotak en two disconstruction					Taran Casas
Equipment	Late film being mass		l sa kahalili di	0.00	\$0	\$0	x10,2005)\$0
Buildings	The state of the s		and the second second	0.00	\$0	\$0	\$0
Other (as needed)	\$200	10-Jun-2008	18-Jun-2008	0.02	\$0	\$0	\$0
Engineering/construction	<u> </u>			0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	<u> </u>			0.00	\$0	n/a	\$0
Training/Sampling	10 10 10 10 10 10 10 10 10 10 10 10 10 1			0.00	\$0	n/a	\$0
Remediation/Disposal			<u> </u>	0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs	Estimated co	osts to provide label	s for drums. The	Date Re	quired is the date	of the investigation,	and the Final
Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]		Date is the date th	e Respondent pr	ovided p	hotos of the drums	of the investigation, s with labels affixed. one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0	
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment		Date is the date th	e Respondent pr	entering 0.00 0.00 0.00 0.00	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	s with labels affixed. one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$	osts) \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]		Date is the date th	e Respondent pr	entering 0.00 0.00 0.00 0.00 0.00	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0	s with labels affixed. one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	osts) \$0 \$0 \$0 \$0 \$0 \$0

Screening Date	The state of the s	008-1300-MLM-E	PCW
* 도착한 점점하다 16 전 10 전	Favelle Favco Cranes USA, Inc.	Policy Re	evision 2 (September 2002)
Case ID No.		PO	CW Revision June 12, 2008
Reg. Ent. Reference No. Media [Statute]			
Enf. Coordinator			
Violation Number	6		***
Rule Cite(s)	TPDES General Permit Number TXR05W625, Part III.A.5. § 281.25(a)(4)	(b)(6) and 30 Tex. Admin. Code	
Violation Description	Failed to make materials and equipment necessary for personnel, as documented during an investigation co		•
		Base Penalty	\$10,000
>> Environmental, Property ar	d Human Health Matrix		
Release	Harm Major Moderate Minor		
OR Actual	Walder Wooderate William		
Potential	. P	ercent 5%	
>>Programmatic Matrix			***************************************
Falsification	Major Moderate Minor		
	Po	ercent 0%	
	alth or the environment could have been exposed to insignific evels protective of human health or environmental receptor		
Notes	evels protective of number reading of environmental receptors	s as a result of the violation.	
	Adi	ustment \$9,500	
		<u> </u>	
		· [\$500
Violation Events	Carley Leading Clare		
Number of Vi	plation Events N	umber of violation days	
	daily and the second		
	monthiy	•	
mark only one with an x	quarterly	Violation Base Penalty	\$500
, , , , , , , , , , , , , , , , , , ,	semiannual annual		
4	single event x		
8	POZNOSTI PONOSTI POR		
	One single event is recommended.		
Good Faith Efforts to Comply	25.0% Reduction		\$125
	Before NOV NOV to EDPRP/Settlement Offer		Ψ120
	Extraordinary		
	Ordinary x	· ·	
	N/A [(mark with x)		
	Notes The Respondent returned to compliance of	on June 18, 2008.	
		Violation Subtotal	\$375
Economic Benefit (EB) for this	violation	tatutory Limit Test	
			0445
Estimate	I EB Amount \$1	Violation Final Penalty Total	\$445
	This violation Final Assesse	ed Penalty (adjusted for limits)	\$445

Respondent Case ID No. Reg. Ent. Reference No.	Favelle Favco	CONOMIC I Cranes USA, Inc.	Benefit W	orks	sheet		Committee Commit
Media Violation No.	Air					Percent Interest	Years of Depreciation
						5.0	· 15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$			danimini ji	ya jiriye. Xi safetan xa aba saabaa ka kee	A. A. A. Salah	
Delayed Costs	Part of the second						
Equipment	\$500	10-Jun-2008	18-Jun-2008	0.02	\$0	\$1	\$1
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction			A. Islandani atti	0.00	\$0	\$0	\$0
Land			America Balanci na disensa di ancienti	0.00	\$0	n/a	\$0
Record Keeping System	134, 5, 24, 21, 13, 62,		U of kindle of our robotice	0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal			90.5 C 420.0 KG 30 NACODA 	0.00	\$0	n/a n/a	\$0 \$0
Permit Costs Other (as needed)				0.00	\$0 \$0	n/a	\$0 \$0
Notes for DELAYED costs		Date is the date the	Respondent prov	vided pho	otos of the materia	e of the investigation ils in place at the site	9.
Avoided Costs	ANI	NUALIZE [1] avoide	ed costs before e			one-time avoided c	
Disposal	3 11 12 11 12 12 13 1			0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling	N			0.00	\$0	\$0	\$0
Supplies/equipment			<u> 17 17 19 19 19 19 19 19 </u>	0.00	\$0 \$0	\$0 \$0	\$0 \$0
Financial Assurance [2]				0.00	\$0 \$0	\$0 \$0	\$0 \$0
ONE-TIME avoided costs [3]				0,00	\$0 \$0	\$0 \$0	\$0 \$0
Other (as needed)				<u> 0.00</u>	η		
Notes for AVOIDED costs							And white out them to

Compliance History Customer/Respondent/Owner-Operator: CN601534175 Favelle Favco Cranes USA. Inc. Classification: AVERAGE Rating: 0.38 RN102952983 FAVELLE FAVCO CRANES USA INC Classification: AVERAGE Site Rating: 0.38 Regulated Entity: ID Number(s): STORMWATER **PERMIT** TXR05W625 AIR NEW SOURCE PERMITS REGISTRATION 72677 AIR NEW SOURCE PERMITS REGISTRATION 74116 26360 Farm-to-Market Road 106, HARLINGEN, TX, 78550 Rating Date: 9/1/2007 Repeat Violator: NO Location: **REGION 15 - HARLINGEN** TCEQ Region: Date Compliance History Prepared: August 12, 2008 Agency Decision Requiring Compliance History: Enforcement August 11, 2003 to August 12, 2008 Compliance Period: TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History (512) 239-5025 Name: Terry Murphy Phone: Site Compliance History Components 1. Has the site been in existence and/or operation for the full five year compliance period? Yes Νo 2. Has there been a (known) change in ownership of the site during the compliance period? N/A 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? Components (Multimedia) for the Site: Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government. Any criminal convictions of the state of Texas and the federal government. В. C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1 07/01/2004 (278492)2 10/05/2004 (291931)3 10/27/2004 (337249)4 12/16/2004 (344337)5 03/03/2005 (372809)6 04/18/2005 (377326)7 04/20/2005 (378149)8 06/30/2005 (397490)9 06/30/2005 (397494)10 08/19/2005 (405979)11 08/19/2005 (400387)12 11/30/2005 (438682)13 01/30/2006 (453410)14 03/21/2006 (459653)15 05/31/2006 (480466)16 08/16/2007 (511152)17 10/04/2007 (596352)18 10/16/2007 (597725)19 10/24/2007 (598775)20 10/24/2007 (598922)21 07/21/2008 (682948)22 07/21/2008 (682644)

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

Date: 08/18/2004 (278036)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 106, SubChapter S 106.433(9)

Description: Failure to have the required authorization from the TCEQ to conduct surface coating

operations.

(291293)09/17/2004 Date:

Self Report? Citation:

30 TAC Chapter 101, SubChapter A 101.4

Description:

Failure to prevent the discharge of any source whatsoever one or more air contaminants

or combinations thereof which may tend to be injurious to or adversely affect human health or welfare, animal life, vegetation, or property, or as to interfere with the normal

use and enjoyment of animal life, vegetation, or property

Self Report?

NO

Classification:

Classification:

Classification:

Minor

Minor

Minor

Citation:

30 TAC Chapter 106, SubChapter T 106.452

Description:

Failure to obtain written authorization prior to commencing dry abrasive cleaning (sand

blasting) from the executive director.

08/17/2007 Date:

(511152)

Self Report?

NO

30 TAC Chapter 106, SubChapter T 106.452(2)(A)

Citation: Description:

Failure to operate the outside blasting operation within the requirements where the daily usage for the operation does not exceed one ton per day, the monthly usage for the operation does not exceed 15 tons per month, and the total annual usage for the

operation does not exceed 150 tons.

Self Report?

NO

Classification:

Minor

Citation:

30 TAC Chapter 106, SubChapter A 106.8(c)(2)(B)

Description:

Failure to maintain records to contain sufficient information to demonstrate compliance in

all appropriate PBR conditions.

Self Report?

Citation:

30 TAC Chapter 106, SubChapter S 106.433(6)(A)

Description:

Failure to operate the paint booth within the required limits of six lbs/hr of VOC emissions

averaged over any five hour period.

Date: 10/12/2007

(597725)

Self Report?

Classification: .

Major

Citation:

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

Failure to obtain authorization to discharge storm water associated with industrial activity Description:

to water in the state through an individual permit, the Multi-Sector General Permit (MSGP) TXR050000 issued under the Texas Pollutant Discharge Elimination System.

Environmental audits.

N/A

Type of environmental management systems (EMSs). G.

Voluntary on-site compliance assessment dates. Η.

N/A

Participation in a voluntary pollution reduction program. I.

N/A

Early compliance. J.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
FAVELLE FAVCO	§	
CRANES USA, INC.	§	
RN102952983	§	ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2008-1300-MLM-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 Favelle Favco Cranes USA, Inc. ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE chs. 7 and 26. 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 crane component manufacturing plant at 26360 Farm-to-Market Road 106 in Harlingen, Cameron 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 Respondent has caused, suffered, allowed or permitted the discharge of any waste or the performance of any activity in violation of TEX. WATER CODE ch. 26 or any rule, permit, or order of the Commission.
- 4. 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.
- 5. The Respondent received notice of violations alleged in Section II ("Allegations") on or about July 27, 2008.

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- 6. 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.
- 7. An administrative penalty in the amount of Four Thousand One Hundred Twenty-Eight Dollars (\$4,128) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid One Thousand Six Hundred Fifty-Two Dollars (\$1,652) of the administrative penalty and Eight Hundred Twenty-Five Dollars (\$825) 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. One Thousand Six Hundred Fifty-One Dollars (\$1,651) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project.
- 8. 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.
- 9. 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.
- 10. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Plant:
 - a. On June 18, 2008:
 - i. Began maintaining a storm water pollution prevention plan ("SWP3") onsite and readily available for review;
 - ii. Provided photographs of properly labeled drums in the container storage area; and
 - iii. Provided photographs of spill clean up equipment located on site;
 - b. On August 18, 2008, increased the painting time from three hours to five hours in order to comply with the pounds per hour permit limit;
 - c. On August 5, 2008, hired a safety coordinator to provide further recordkeeping oversight; and
 - d. By August 30, 2008, provided filters with the required removal efficiency and increased paint booth oversight with the hiring of the safety coordinator.
- 11. 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.
- 12. 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.

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13. 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 paint booth's pounds per hour emissions limit, in violation of New Source Review Permit by Rule Registration ("NSRPBRR") Number 72677, 30 Tex. ADMIN. CODE § 106.433(6)(A) and Tex. Health & Safety Code § 382.085(b), as documented during an investigation conducted on June 11, 2008. Specifically, the NSRPBRR limits volatile organic compound ("VOC") emissions to six pounds per hour, averaged over any five-hour period, and the Respondent exceeded that limit on August 8, October 24, December 7, and December 18, 2007. VOC pounds per hour emissions on those dates were 6.8, 9.2, 6.5, and 6.5, respectively.
- 2. Failed to maintain sufficient records to demonstrate compliance with the NSRPBRR, in violation of NSRPBRR Number 72677, 30 TEX. ADMIN. CODE § 106.8(c)(2)(B) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on June 11, 2008. Specifically, the Respondent's records for November 22, 2007 contain contradictory data that shows 16 pounds of VOC per gallon of epoxy were used on that day; however, no epoxy was used that day.
- 3. Failed to use a filter with a manufacturer-documented minimal 95% removal efficiency to abate emissions from paint spraying operations, in violation of NSRPBRR Number 72677, 30 TEX. ADMIN. CODE § 106.433(6)(C) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on June 11, 2008. Specifically, the Respondent was using a 3M Ultra Allergen 1250 filter rated at only 90% removal efficiency.
- 4. Failed to have a SWP3 onsite and readily available for review, in violation of Texas Pollutant Discharge Elimination System ("TPDES") General Permit Number TXR05W625, Part III.A.1.(a) and 30 Tex. ADMIN. CODE § 281.25(a)(4), as documented during an investigation conducted on June 10, 2008.
- 5. Failed to clearly label drums, tanks, or other containers, in violation of TPDES General Permit Number TXR05W625, Part III.A.5.(b)(3) and 30 TEX. ADMIN. CODE § 281.25(a)(4), as documented during an investigation conducted on June 10, 2008. Specifically, several drums in the container storage area were not labeled.
- 6. Failed to make materials and equipment necessary for spill clean up available to personnel, in violation of TPDES General Permit Number TXR05W625, Part III.A.5.(b)(6) and 30 TEX. ADMIN. CODE § 281.25(a)(4), as documented during an investigation conducted on June 10, 2008.

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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 7 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: Favelle Favco Cranes USA, Inc., Docket No. 2008-1300-MLM-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 Respondent shall implement and complete a Supplemental Environmental Project ("SEP") in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 7 above, One Thousand Six Hundred Fifty-One Dollars (\$1,651) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
- 3. 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.
- 4. If the Respondent 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, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent 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 the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

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Favelle Favco Cranes USA, Inc. DOCKET NO. 2008-1300-MLM-E Page 5

- 6. 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.
- 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), 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.

Favelle Favco Cranes USA, Inc.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission	
For the Executive Director	11912009 Date
I, the undersigned, have read and understand the atta attached Agreed Order on behalf of the entity indica and conditions specified therein. I further acknowl penalty amount, is materially relying on such represen	ted below my signature, and I do agree to the termi- ledge that the TCEQ, in accepting payment for the
I also understand that failure to comply with the Orde timely pay the penalty amount, may result in: A negative impact on compliance history; Greater scrutiny of any permit applications su Referral of this case to the Attorney General penalties, and/or attorney fees, or to a collective increased penalties in any future enforcement Automatic referral to the Attorney General's TCEQ seeking other relief as authorized by la In addition, any falsification of any compliance documents.	abmitted; I's Office for contempt, injunctive relief, additional on agency; actions; Office of any future enforcement actions; and aw.
Michigalia Signature	Date 11/10/08
Name (Printed or typed) Authorized Representative of	Title MANAGER

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.

Attachment A Docket Number: 2008-1300-MLM-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: Favelle Favco Cranes USA, Inc.

Penalty Amount: Three Thousand Three Hundred Three Dollars (\$3,303)

SEP Offset Amount: One Thousand Six Hundred Fifty-One Dollars (\$1,651)

Type of SEP: Pre-approved

Third-Party Recipient: Friends of Laguna Atascosa National Wildlife Refuge

Location of SEP: Cameron County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient named above. The contribution will be to *Friends of Laguna Atascosa National Wildlife Refuge* for the *Flooding of Bahia Grande Project* in Cameron County as set forth in an agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to work with the United States Fish and Wildlife Service to re-flood the Bahia Grande. This will restore tidal wetland habitats that went dry with the construction of the Brownsville ship channel. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

The Respondent certifies that it has no prior commitment to make this contribution and that it is being done solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by restoring the native wetland habitat of the Bahia Grande. This will have an effect of reducing dust storms that have caused havoc in the area and will provide a habitat for marine invertebrates, fish, birds, and aquatic vegetation.

C. <u>Minimum Expenditure</u>

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

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Favelle Favco Cranes USA, Inc. Agreed Order Docket No. 2008-1300-MLM-E – Attachment A

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Recipient. The Respondent shall mail a copy of the Agreed Order with the contribution to:

Friends of Laguna Atascosa National Wildlife Refuge Attn: Shane Wilson 22817 Ocelot Road Los Fresnos, Texas 78566

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division Attention: SEP Coordinator, MC 219 Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Offset Amount.

In the event of incomplete performance, the Respondent shall include on the check the docket number of this Agreed Order and a note that it is for reimbursement of a SEP. The Respondent shall make the payment for the amount due to "Texas Commission on Environmental Quality" and mail it to:

Litigation Division Attention: SEP Coordinator, MC 175 Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

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Favelle Favco Cranes USA, Inc. Agreed Order Docket No. 2008-1300-MLM-E - Attachment A

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

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