

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

**DOCKET NO.: 2007-1480-AIR-E TCEQ ID: RN100215342 CASE NO.: 34588  
RESPONDENT NAME: ELEGANT CRAFTWORKS, INC. DBA ALLAN PRODUCTS**

<b>ORDER TYPE:</b>		
<input type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input checked="" 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 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

**SITE WHERE VIOLATION(S) OCCURRED:** 825 Shepherd Drive, Garland, Dallas County

**TYPE OF OPERATION:** Wood product manufacturing plant.

**SMALL BUSINESS:**  Yes  No

**OTHER SIGNIFICANT MATTERS:** There is no record of additional pending enforcement actions regarding this facility location.

**INTERESTED PARTIES:** No one other than the ED and the Respondent has expressed an interest in this matter.

**COMMENTS RECEIVED:** The *Texas Register* comment period expired on January 12, 2009. No comments were received.

**CONTACTS AND MAILING LIST:**

**TCEQ Attorney:** Ms. Anna M. Cox, Litigation Division, MC 175, (512) 239-0974  
Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019

**TCEQ Enforcement Coordinator:** Ms. Cheryl Thompson, Air Enforcement Section, MC R-4, (817) 588-5886

**TCEQ Regional Contact:** Ms. Alyssa Taylor, DFW Regional Office, MC R-4, (817) 588-5828

**Respondent:** Mr. Indravadan P. Patel, Director, Elegant Craftworks, Inc., 918 Sara Dunn Drive, Garland, Texas 75042

**Respondent's Attorney:** Not represented by counsel on this enforcement matter.

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b></p> <p><input type="checkbox"/> Complaint  <input type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input checked="" type="checkbox"/> Records Review</p> <p><b>Date of Complaint Relating to this Case:</b>                      N/A</p> <p><b>Date of Investigation Relating to this Case:</b>                      August 20, 2007</p> <p><b>Date of NOE Relating to this Case:</b>                      August 29, 2007</p> <p><b>Background Facts:</b>                      The EDPRP was filed on March 5, 2008 and mailed to the Respondent via certified mail, return receipt requested, and via first class mail, postage prepaid. According to the return receipt "green card," the Respondent received notice of the EDPRP on March 17, 2008, as evidenced by the signature on the card. The Respondent has failed to answer the EDPRP, failed to request a hearing, and failed to schedule a settlement conference.</p> <p><b>Current Compliance Status:</b>                      The Respondent no longer owns or operates the Plant.</p> <p><b>AIR:</b></p> <p>1. Failed to submit the required annual compliance certifications for the periods of April 1, 2005 through March 31, 2006 and April 1, 2006 through March 31, 2007 [TEX. HEALTH &amp; SAFETY CODE § 382.085(b) and 30 TEX. ADMIN. CODE § 122.46(1) and (2)].</p> <p>2. Failed to pay outstanding Air Emission fees for Financial Administration Account no. 21006231 [TEX. WATER CODE § 5.702 and 30 TEX. ADMIN. CODE § 101.27(c)(1)].</p>	<p><b>Total Assessed:</b> \$5,250</p> <p><b>Total Deferred:</b> \$0</p> <p><input type="checkbox"/> Expedited Order  <input type="checkbox"/> Financial Inability to Pay  <input type="checkbox"/> SEP Conditional Offset</p> <p><b>Total Due to General Revenue:</b> \$5,250</p> <p>This is a Default Order. The Respondent has not actually paid any of the assessed penalty but will be required to do so under the terms of this Order.</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>Technical Requirements</b></p> <p>The Respondent shall undertake the following technical requirements:</p> <p>1. Within 30 days:</p> <p>a. Submit the annual compliance certification for the periods of April 1, 2005 through March 31, 2006 and April 1, 2006 through March 31, 2007; and</p> <p>b. Submit payment for all outstanding fees, including any associated penalties and interest.</p> <p>2. Within 45 days, submit written certification and detailed supporting documentation to demonstrate compliance with the Ordering Provisions above.</p>



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision May 25, 2007

<b>DATES</b>	<b>Assigned</b>	4-Sep-2007	<b>Screening</b>	4-Sep-2007	<b>EPA Due</b>	16-May-2008
	<b>PCW</b>	9-Sep-2007				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Elegant Craftworks, Inc. dba Allan Products
<b>Reg. Ent. Ref. No.</b>	RN100215342
<b>Facility/Site Region</b>	4-Dallas/Fort Worth
<b>Major/Minor Source</b>	Major

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	34588	<b>No. of Violations</b>	2
<b>Docket No.</b>	2007-1480-AIR-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Air	<b>Enf. Coordinator</b>	Cheryl Thompson
<b>Multi-Media</b>		<b>EC's Team</b>	EnforcementTeam 3
<b>Admin. Penalty \$</b>	<b>Limit Minimum</b>	\$0	<b>Maximum</b>
			\$10,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1**

**ADJUSTMENTS (+/-) TO SUBTOTAL 1**

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

**Compliance History**  Enhancement **Subtotals 2, 3, & 7**

**Notes**

**Culpability**   Enhancement **Subtotal 4**

**Notes**

**Good Faith Effort to Comply**  Reduction **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"/> X	(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**  **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**  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-Sep-2007

**Docket No.** 2007-1480-AIR-E

**PCW**

**Respondent** Elegant Craftworks, Inc. dba Allan Products

Policy Revision 2 (September 2002)

**Case ID No.** 34588

PCW Revision May 25, 2007

**Reg. Ent. Reference No.** RN100215342

**Media [Statute]** Air

**Enf. Coordinator** Cheryl Thompson

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

**Adjustment Percentage (Subtotal 2)** 5%

>> **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**

The respondent received one NOV for the same/similar type violations.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 5%

**Screening Date** 4-Sep-2007 **Docket No.** 2007-1480-AIR-E **PCW**  
**Respondent** Elegant Craftworks, Inc. dba Allan Products *Policy Revision 2 (September 2002)*  
**Case ID No.** 34588 *PCW Revision May 25, 2007*  
**Reg. Ent. Reference No.** RN100215342  
**Media [Statute]** Air  
**Enf. Coordinator** Cheryl Thompson  
**Violation Number**   
**Rule Cite(s)** 30 Tex. Admin. Code § 122.46(1) and (2) and Tex. Health and Safety Code § 382.085(b)  
**Violation Description** Failed to submit the required annual compliance certifications for the periods of April 1, 2005 through March 31, 2006 and April 1, 2006 through March 31, 2007.  
**Base Penalty**

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

OR

		Harm			
Release		Major	Moderate	Minor	
Actual					Percent <input type="text" value="0%"/>
Potential					

**>> Programmatic Matrix**

		Falsification	Major	Moderate	Minor	
			x			Percent <input type="text" value="25%"/>
Matrix Notes	100% of the rule requirement was not met.					

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

**Violation Base Penalty**

Two single events are recommended.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$21"/>	Violation Final Penalty Total <input type="text" value="\$5,250"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$5,250"/>	

### Economic Benefit Worksheet

**Respondent** Elegant Craftworks, Inc. dba Allan Products  
**Case ID No.** 34588  
**Reg. Ent. Reference No.** RN100215342  
**Media** Air  
**Violation No.** 1

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

**Item Description**    **Item Cost**    **Date Required**    **Final Date**    **Yrs**    **Interest Saved**    **Onetime Costs**    **EB Amount**  
No commas or \$

**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)	\$200	1-Apr-2006	30-Apr-2008	2.1	\$21	n/a	\$21

**Notes for DELAYED costs**    Estimated cost to submit the required annual compliance certifications. Date required is the date the first annual compliance certification was due. Final date is the projected date of compliance.

**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**    **\$200**    **TOTAL**    **\$21**

Screening Date 4-Sep-2007

Docket No. 2007-1480-AIR-E

PCW

Respondent Elegant Craftworks, Inc. dba Allan Products

Policy Revision 2 (September 2002)

Case ID No. 34588

PCW Revision May 25, 2007

Reg. Ent. Reference No. RN100215342

Media [Statute] Air

Enf. Coordinator Cheryl Thompson

Violation Number

Rule Cite(s) 30 Tex. Admin. Code § 101.27( c)(1) and Tex. Water Code § 5.702

Violation Description Failed to pay outstanding Air Emission fees for Financial Administration Account No. 21006231.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0%"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

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

Matrix Notes

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

Violation Base Penalty

No penalty is recommended at this time because penalty and interest will be assessed at the next billing.

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** Elegant Craftworks, Inc. dba Allan Products  
**Case ID No.** 34588  
**Reg. Ent. Reference No.** RN100215342  
**Media** Air  
**Violation No.** 2

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

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

No commas or \$

**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)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: N/A

**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: N/A

Approx. Cost of Compliance: \$0 TOTAL: \$0

# Compliance History

Customer/Respondent/Owner-Operator:	CN602950149	Elegant Craftworks, Inc.	Classification: Average	Rating: 0.50
Regulated Entity:	RN100215342	ALLAN PRODUCTS	Classification: Average	Site Rating: 0.50
ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	DB1864U	
	AIR OPERATING PERMITS	PERMIT	2096	
	AIR NEW SOURCE PERMITS	PERMIT	18710	
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	DB1864U	
	AIR NEW SOURCE PERMITS	AFS NUM	4811300766	
	STORMWATER	PERMIT	TXR05K913	
Location:	825 SHEPHERD DR, GARLAND, TX, 75042		Rating Date: 9/1/2007 Repeat Violator: NO	
TCEQ Region:	REGION 04 - DFW METROPLEX			
Date Compliance History Prepared:	September 05, 2007			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	September 05, 2001 to September 05, 2006			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History				
Name:	Cheryl Thompson		Phone:	(817)588-5886

## 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?    | Yes                      |
| 3. If Yes, who is the current owner?   | Elegant Craftworks, Inc. |
| 4. If Yes, who was/were the prior owner(s)?  | Allan Products, Inc.     |
| 5. When did the change(s) in ownership occur?  | 11-Aug-05                |

### Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.  
N/A
- B. Any criminal convictions of the state of Texas and the federal government.  
N/A
- C. Chronic excessive emissions events.  
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
- |   |            |          |
|---|------------|----------|
| 1 | 09/19/2003 | (262948) |
| 2 | 08/20/2004 | (289788) |
| 3 | 01/11/2005 | (344448) |
| 4 | 10/13/2005 | (433157) |
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
- |              |  |          |                          |
|--------------|--|----------|--------------------------|
| Date:        | 09/03/2003   | (262948) |                          |
| 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: | Failure to submit emissions inventory for calendar year 2002 on or before 6/26/2003. |          |                          |
- 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  
ELEGANT CRAFTWORKS, INC.  
DBA ALLAN PRODUCTS;  
RN100215342

§  
§  
§  
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BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

**DEFAULT ORDER**  
**DOCKET NO. 2007-1480-AIR-E**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality, ("Commission" or "TCEQ") considered the Executive Director's Preliminary Report and Petition filed pursuant to TEX. WATER CODE chs. 5 and 7, TEX. HEALTH & SAFETY CODE ch. 382, and the rules of the TCEQ, which requests appropriate relief, including the imposition of an administrative penalty and corrective action of the respondent. The respondent made the subject of this Order is Elegant Craftworks, Inc. dba Allan Products ("Elegant Craftworks").

The Commission makes the following Findings of Fact and Conclusions of Law:

**FINDINGS OF FACT**

1. At the time of the violations, Elegant Craftworks owned and operated a wood product manufacturing plant located at 825 Shepherd Drive, Garland, Dallas County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. During a record review conducted on August 20, 2007, a TCEQ Dallas/Fort Worth Regional Office investigator documented that Elegant Craftworks:
  - a. Failed to submit the required annual compliance certifications for the periods of April 1, 2005 through March 31, 2006 and April 1, 2006 through March 31, 2007; and
  - b. Failed to pay outstanding Air Emission fees for Financial Administration Account No. 21006231.
4. Elegant Craftworks received notice of the violations on or about September 3, 2007.

5. The Executive Director filed the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Elegant Craftworks, Inc. dba Allan Products" (the "EDPRP") in the TCEQ Chief Clerk's office on March 5, 2008.
6. By letter dated March 5, 2008, sent via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Elegant Craftworks with notice of the EDPRP. According to the return receipt "green card," Elegant Craftworks received notice of the EDPRP on March 17, 2008, as evidenced by the signature on the card.
7. More than 20 days have elapsed since Elegant Craftworks received notice of the EDPRP, provided by the Executive Director. Elegant Craftworks failed to file an answer to the EDPRP, failed to request a hearing, and failed to schedule a settlement conference.

#### CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact Nos. 1 and 2, Elegant Craftworks is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 5 and 7, TEX. HEALTH & SAFETY CODE ch. 382, and the rules of the Commission.
2. As evidenced by Finding of Fact No. 3.a., Elegant Craftworks failed to submit the required annual compliance certifications for the periods of April 1, 2005 through March 31, 2006 and April 1, 2006 through March 31, 2007, in violation TEX. HEALTH & SAFETY CODE § 382.085(b) and 30 TEX. ADMIN. CODE § 122.46(1) and (2).
3. As evidenced by Finding of Fact No. 3.b., Elegant Craftworks failed to pay outstanding Air Emission fees for Financial Administration Account No. 21006231, in violation of TEX. WATER CODE § 5.702 and 30 TEX. ADMIN. CODE § 101.27(c)(1).
4. As evidenced by Finding of Fact Nos. 5 and 6, the Executive Director timely served Elegant Craftworks with proper notice of the EDPRP, as required by TEX. WATER CODE § 7.055 and 30 TEX. ADMIN. CODE § 70.104(a).
5. As evidenced by Finding of Fact No. 7, Elegant Craftworks failed to file a timely answer to the EDPRP, as required by TEX. WATER CODE § 7.056 and 30 TEX. ADMIN. CODE § 70.105. Pursuant to TEX. WATER CODE § 7.057 and 30 TEX. ADMIN. CODE § 70.106, the Commission may enter a Default Order against Elegant Craftworks and assess the penalty recommended by the Executive Director.

6. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against Elegant Craftworks for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
7. An administrative penalty in the amount of five thousand two hundred fifty dollars (\$5,250.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053.
8. TEX. WATER CODE §§ 5.102 and 7.002 authorize the Commission to issue orders and make determinations necessary to effectuate the purposes of the statutes within its jurisdiction.

#### ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. Elegant Craftworks is assessed an administrative penalty in the amount of five thousand two hundred fifty dollars (\$5,250.00) for violations of the TEX. WATER CODE ch. 5, TEX. HEALTH & SAFETY CODE ch. 382, and the rules of the TCEQ. The payment of this administrative penalty and Elegant Craftworks's compliance with all the terms and conditions set forth in this Order completely resolve the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations which are not raised here. All checks submitted to pay the penalty imposed by this Order shall be made out to the "Texas Commission on Environmental Quality." The administrative penalty assessed by this Order shall be paid within 30 days after the effective date of this Order and shall be sent with the notation "Re: Elegant Craftworks, Inc. dba Allan Products; Docket No. 2007-1480-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. Elegant Craftworks shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Order, Elegant Craftworks shall:
    - i. Submit the annual compliance certification for the periods of April 1, 2005

through March 31, 2006 and April 1, 2006 through March 31, 2007, in accordance with 30 TEX. ADMIN. CODE § 122; and

- ii. Submit payment for all outstanding fees, including any associated penalties and interest, with the notation "Elegant Craftworks, Inc. dba Allan Products, Financial Administration Account No. 21006231" 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

- b. Within 45 days after the effective date of this Order, Elegant Craftworks shall submit written certification and detailed supporting documentation, including photographs, receipts, and other records, to demonstrate compliance with Ordering Provision Nos. 2.a.i through 2.a.ii. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

Elegant Craftworks shall submit the written certification and copies of documentation necessary to demonstrate compliance with Ordering Provision Nos. 2.a.i. through 2.a.ii to:

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

with a copy to:

Alyssa Taylor, Air Section Manager  
Texas Commission on Environmental Quality  
Dallas/Fort Worth Regional Office  
2309 Gravel Drive  
Fort Worth, Texas 76118-6951

3. All relief not expressly granted in this Order is denied.
4. The provisions of this Order shall apply to and be binding upon Elegant Craftworks. Elegant Craftworks is ordered to give notice of this Order to personnel who maintain day-to-day control over the Plant operations referenced in this Order.
5. If Elegant Craftworks fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Elegant Craftworks's failure to comply is not a violation of this Order. Elegant Craftworks shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Elegant Craftworks shall notify the Executive Director within seven days after Elegant Craftworks becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by Elegant Craftworks shall be made in writing to the Executive Director. Extensions are not effective until Elegant Craftworks receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Elegant Craftworks if the Executive Director determines that Elegant Craftworks has not complied with one or more of the terms or conditions in this Order.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Chief Clerk shall provide a copy of this Order to each of the parties. By law, the effective date of this Order shall be the date the Order is final, as provided by 30 TEX. ADMIN. CODE § 70.106(d) and TEX. GOV'T CODE § 2001.144.

Elegant Craftworks, Inc. dba Allan Products  
Docket No. 2007-1480-AIR-E  
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## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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For the Commission

**AFFIDAVIT OF ANNA M. COX**

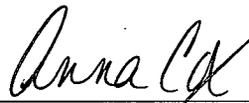
STATE OF TEXAS           §  
  §  
COUNTY OF TRAVIS       §

“My name is Anna M. Cox. I am of sound mind, capable of making this affidavit, and the facts stated in this affidavit are within my personal knowledge and are true and correct.

On behalf of the Executive Director of the Texas Commission on Environmental Quality, the “Executive Director’s Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Elegant Craftworks, Inc. dba Allan Products” (the “EDPRP”) was filed with the Office of the Chief Clerk on March 5, 2008.

The EDPRP was mailed to Elegant Craftworks at its last known address on March 5, 2008, via certified mail, return receipt requested, and via first class mail, postage prepaid. According to the return receipt “green card,” Elegant Craftworks received notice of the EDPRP on March 17, 2008, as evidenced by the signature on the card.

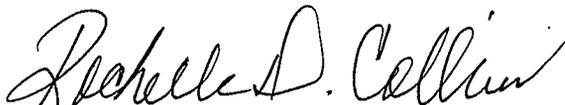
More than 20 days have elapsed since Elegant Craftworks received notice of the EDPRP. Elegant Craftworks failed to file an answer to the EDPRP, failed to request a hearing, and failed to schedule a settlement conference.”



\_\_\_\_\_  
Anna M. Cox, Attorney  
Office of Legal Services, Litigation Division  
Texas Commission on Environmental Quality

Before me, the undersigned authority, on this day personally appeared Anna M. Cox, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes and consideration herein expressed.

Given under my hand and seal of office this 18<sup>th</sup> day of November, A.D., 2008.

  
\_\_\_\_\_  
Notary Signature