EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2007-1946-AIR-E **TCEQ ID:** RN101340818 **CASE NO.:** 35039

RESPONDENT NAME: Shumard Corporation dba Associated Fiberglass Enterprises

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:		
X AIR	__MULTI-MEDIA (check all that apply)	__INDUSTRIAL AND HAZARDOUS WASTE
__PUBLIC WATER SUPPLY	__PETROLEUM STORAGE TANKS	__OCCUPATIONAL CERTIFICATION
__WATER QUALITY	__SEWAGE SLUDGE	__UNDERGROUND INJECTION CONTROL
__MUNICIPAL SOLID WASTE	__RADIOACTIVE WASTE	__DRY CLEANER REGISTRATION

SITE WHERE VIOLATION(S) OCCURRED: Associated Fiberglass Enterprises, 2417 Weaver Street, Haltom City, Tarrant County

TYPE OF OPERATION: Fiberglass manufacturing operation

SMALL BUSINESS: X **Yes** ___ **No**

OTHER SIGNIFICANT MATTERS: There are no complaints. 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 June 9, 2008. No comments were received.

CONTACTS AND MAILING LIST:

SEP Coordinator: Ms. Melissa Keller, SEP Coordinator, Enforcement Division, MC 219, (512) 239-1768

TCEQ Enforcement Coordinator: Mr. Jorge Ibarra, P.E., Enforcement Division, Enforcement Team 3, MC R-04, (817) 588-5890; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171

Respondent: Mr. Glen Doskocil, General Manager, Shumard Corporation dba Associated Fiberglass Enterprises, 2417 Weaver Street, Haltom City, Texas 76117

Mr. James White, Director and Registered Agent, Shumard Corporation dba Associated Fiberglass Enterprises, 2417 Weaver Street, Haltom City, Texas 76117

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

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation: __ Complaint X Routine __ Enforcement Follow-up __ Records Review **Date(s) of Complaints Relating to this Case:** None **Date of Investigation Relating to this Case:** September 27, 2007 **Date of NOE Relating to this Case:** December 3, 2007 (NOE) **Background Facts:** This was a routine investigation. **AIR** 1) Failure to comply with the acetone annual usage limit of 4 tons per year ("tpy"). Specifically, the annual usage rate for calendar year ("CY") 2006 was 9.64 tpy [30 TEX. ADMIN. CODE § 116.115(c), Permit No. 4830, Special Condition No. 5, and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 2) Failure to conduct trimming and grinding operations in the trimming and grinding area as required [30 TEX. ADMIN. CODE § 116.115(c), Permit No. 4830, Special Condition No. 9, and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 3) Failure to timely submit the required deviation report for the period of August 30, 2006 through February 28, 2007. The report was due March 28, 2007, and was submitted on October 29, 2007 [30 TEX. ADMIN. CODE § 122.145(2)(B) and (C) and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 4) Failure to timely submit the required annual compliance certification for the period of August 30, 2006 through August 29, 2007. The report was due September 29, 2007, and was submitted on October 29, 2007 [30 TEX. ADMIN. CODE § 122.146(1) and (2) and TEX. HEALTH & SAFETY CODE § 382.085(b)].	**Total Assessed:** $32,500 **Total Deferred:** $6,500 X Expedited Settlement __Financial Inability to Pay **SEP Conditional Offset:** $13,000 **Total Paid to General Revenue:** $13,000 **Site Compliance History Classification** __ **High** X **Average** __ **Poor** **Person Compliance History Classification** __ **High** X **Average** __ **Poor** **Major Source:** X Yes ___ No **Applicable Penalty Policy:** September 2002	**Corrective Actions Taken:** 1) The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant: a) Submitted the required deviation report for the period of August 30, 2006 through February 28, 2007 on October 29, 2007; and b) Submitted the required annual compliance certification for the period of August 30, 2006 through August 29, 2007 on October 29, 2007. **Ordering Provisions:** 2) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP) (See SEP Attachment A). 3) The Order will also require the Respondent to: a) Immediately after the effective date of this Agreed Order, begin conducting trimming and grinding operations in the trimming and grinding area; b) Within 15 days after the effective date of this Agreed Order, begin maintaining a record of quarterly visible emissions; c) Within 30 days after the effective date of this Agreed Order, submit annual emissions inventory questionnaires for CYs 2005 and 2006; d) Within 30 days after the effective date of this Agreed Order, certify compliance with the current permit limits for acetone annual usage or submit an administratively complete permit amendment application for Permit No. 4830 to revise the acetone annual usage limit; e) Within 45 days after the effective date of this Agreed Order, submit initial notification, maintain records to

5) Failure to maintain a record of quarterly visible emissions for the period of August 30, 2005 through August 30, 2007 [30 TEX. ADMIN. CODE § 122.142(a), Federal Operating Permit ("FOP") No. O-02785, Special Terms and Conditions No. 2.A.(iii)2, and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 6) Failure to submit annual emissions inventory questionnaires for CYs 2005 and 2006 [30 TEX. ADMIN. CODE § 101.10(e) and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 7) Failure to submit initial notification, maintain records to demonstrate compliance, submit first and second semi-annual compliance reports, and submit notification of compliance status for operations demonstrating compliance based on a 12 month rolling average [30 TEX. ADMIN. CODE § 101.20(2), Permit No. 4830, Special Condition No. 3, 40 CODE OF FEDERAL REGULATIONS §§ 63.10(b)(3), 63.5810, 63.5910(a), (b)(1), (b)(2), (b)(4), 63.9(b)(2) and (h), and TEX. HEALTH & SAFETY CODE § 382.085(b)].		demonstrate compliance, submit first and second semi-annual compliance reports, and submit notification of compliance status for operations demonstrating compliance based on a 12 month rolling average; f) Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit amendment application within 30 days after the date of such requests, or by any other deadline specified in writing; g) If a permit amendment application is submitted, within 180 days after the effective date of this Agreed Order, submit written certification that authorization to operate at an increased annual usage limit for acetone was obtained; and h) All documentations and/or certifications required by Ordering Provision 3.a., 3.b., 3.c., 3.d., 3.e., and 3.g. shall include detailed supporting documentation including receipts and/or other records to demonstrate compliance.

Additional ID No(s).: TA0038R

Attachment A
Docket Number: 2007-1946-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	**Shumard Corporation dba Associated Fiberglass Enterprises**
Payable Penalty Amount:	**Twenty-Six Thousand Dollars (26,000)**
SEP Amount:	**Thirteen Thousand Dollars ($13,000)**
Type of SEP:	**Pre-approved**
Third-Party Recipient:	**City of Fort Worth-"Mow Down Air Pollution" lawn mower exchange event**
Location of SEP:	**Tarrant 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 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 Amount to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to host a one-day even in Tarrant County where 167 operational gas-powered walk-behind lawn mowers may be traded in for a discount on a clean-running electric mower. The City of Fort Worth ("the City") shall coordinate with retailers and/or manufacturers to provide a 20% discount off the retail cost of electric mowers. The City will pay 40% of the retail cost with SEP funds to keep out-of-pocket consumer costs comparable to that of buying a gas-powered mower. The discounted price for the consumer will be approximately $209 for an electric mower that usually costs $449.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by removing approximately 167 gasoline-powered mowers from service and result in an estimated reduction of seven tons of volatile organic compound emissions and removal of 15 tons of carbon monoxide emissions per year. The event will assist in educating citizens on ways they can reduce ozone-forming emissions.

C. Minimum Expenditure

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

2. Performance Schedule

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

City of Fort Worth
Attn: Haily Summerford, Environmental Management Department
1000 Throckmorton Street
Fort Worth, Texas 76102

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP 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 payment of the SEP 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 Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

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

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

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.

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 an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002) — *PCW Revision November 6, 2007*

TCEQ

DATES					
Assigned	3-Dec-2007				
PCW	11-Dec-2007	Screening	4-Dec-2007	EPA Due	29-Aug-2008

RESPONDENT/FACILITY INFORMATION

Respondent	Shumard Corporation dba Associated Fiberglass Enterprises		
Reg. Ent. Ref. No.	RN101340818		
Facility/Site Region	4-Fort Worth	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	35039	No. of Violations	6
Docket No.	2007-1946-AIR-E	Order Type	1660
Media Program(s)	Air	Enf. Coordinator	Jorge Ibarra, P.E.
Multi-Media		EC's Team	Enforcement Team 3
Admin. Penalty $ Limit Minimum	$0	Maximum	$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) — *Subtotal 1* $26,000

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History — 25% Enhancement — *Subtotals 2, 3, & 7* $6,500

Notes: The Respondent was issued one NOV with the same/similar type of violations and one Agreed Order with denial of liability.

Culpability — No — 0% Enhancement — *Subtotal 4* $0

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply — 0% Reduction — *Subtotal 5* $0

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

Notes: The Respondent does not meet the good faith criteria.

0% Enhancement* — *Subtotal 6* $0

**Capped at the Total EB $ Amount*

Total EB Amounts	$467
Approx. Cost of Compliance	$8,500

SUM OF SUBTOTALS 1-7 — *Final Subtotal* $32,500

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount $32,500

STATUTORY LIMIT ADJUSTMENT — *Final Assessed Penalty* $32,500

DEFERRAL — 20% Reduction — *Adjustment* -$6,500

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

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY $26,000

Screening Date 4-Dec-2007 **Docket No.** 2007-1946-AIR-E **PCW**

Respondent Shumard Corporation dba Associated Fiberglass Enterpr *Policy Revision 2 (September 2002)*

Case ID No. 35039 *PCW Revision November 6, 2007*

Reg. Ent. Reference No. RN101340818

Media [Statute] Air

Enf. Coordinator Jorge Ibarra, P.E.

Compliance History Worksheet

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (*number of NOVs meeting criteria*)	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (*number of orders meeting criteria*)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	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 (*number of judgements or consent decrees meeting criteria*)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (*number of counts*)	0	0%
Emissions	Chronic excessive emissions events (*number of events*)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 *(number of audits for which notices were submitted)*	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (*number of audits for which violations were disclosed*)	0	0%
		Please Enter Yes or No	
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 25%

>> **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 was issued one NOV with the same/similar type of violations and one Agreed Order with denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 25%

Screening Date 4-Dec-2007 **Docket No.** 2007-1946-AIR-E **PCW**

Respondent Shumard Corporation dba Associated Fiberglass Enterprises *Policy Revision 2 (September 2002)*

Case ID No. 35039 *PCW Revision November 6, 2007*

Reg. Ent. Reference No. RN101340818

Media [Statute] Air

Enf. Coordinator Jorge Ibarra, P.E.

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 116.115(c), Permit No. 4830, Special Condition No. 5, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to comply with the acetone annual usage limit of 4 tons per year ("tpy"). Specifically, the annual usage rate for calendar year ("CY") 2006 was 9.64 tpy.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual		x	
Potential			

Percent 50%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment $5,000

$5,000

Violation Events

Number of Violation Events 1 | 55 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	x
single event	

Violation Base Penalty $5,000

One annual event is recommended based on the investigation date of September 27, 2007.

Economic Benefit (EB) for this violation

Estimated EB Amount $93

Statutory Limit Test

Violation Final Penalty Total $6,250

This violation Final Assessed Penalty (adjusted for limits) $6,250

Economic Benefit Worksheet

Respondent Shumard Corporation dba Associated Fiberglass Enterprises
Case ID No. 35039
Reg. Ent. Reference No. RN101340818
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
	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)	$2,000	27-Sep-2007	1-Sep-2008	0.9	$93	n/a	$93

Notes for DELAYED costs: Estimated cost to apply and obtain a permit amendment to increase acetone usage. Date Required is the investigation date, Final Date is the expected compliance date.

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: $2,000

TOTAL: $93

Screening Date 4-Dec-2007 **Docket No.** 2007-1946-AIR-E **PCW**

Respondent Shumard Corporation dba Associated Fiberglass Enterprises *Policy Revision 2 (September 2002)*

Case ID No. 35039 *PCW Revision November 6, 2007*

Reg. Ent. Reference No. RN101340818

Media [Statute] Air

Enf. Coordinator Jorge Ibarra, P.E.

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 116.115(c), Permit No. 4830, Special Condition No. 9, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to conduct trimming and grinding operations in the trimming and grinding area as required.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			X

Percent 10%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Failure to conduct trimming and grinding operations in the trimming and grinding area could result in the release of insignificant amounts of pollutants which would not exceed levels that are protective of human health or the environment.

Adjustment $9,000

$1,000

Violation Events

Number of Violation Events 1 | 1 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $1,000

One single event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $76

Statutory Limit Test

Violation Final Penalty Total $1,250

This violation Final Assessed Penalty (adjusted for limits) $1,250

Economic Benefit Worksheet

Respondent Shumard Corporation dba Associated Fiberglass Enterprises
Case ID No. 35039
Reg. Ent. Reference No. RN101340818
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description (No commas or $)	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)	$2,000	27-Sep-2007	1-Jul-2008	0.8	$76	n/a	$76

Notes for DELAYED costs: Estimated cost to conduct trimming and grinding operations in the designated trimming and grinding area. Date Required is the investigation date, Final Date is the expected compliance date.

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: $2,000

TOTAL: $76

Screening Date 4-Dec-2007 **Docket No.** 2007-1946-AIR-E **PCW**

Respondent Shumard Corporation dba Associated Fiberglass Enterprises *Policy Revision 2 (September 2002)*

Case ID No. 35039 *PCW Revision November 6, 2007*

Reg. Ent. Reference No. RN101340818

Media [Statute] Air

Enf. Coordinator Jorge Ibarra, P.E.

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code §§ 122.145(2)(B) and (C) and 122.146(1) and (2) and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to timely submit the required deviation report for the period of August 30, 2006 through February 28, 2007 (due March 28, 2007) and the annual compliance certification for the period of August 30, 2006 through August 29, 2007 (due September 29, 2007).

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 25%

Matrix Notes: 100% of the rule requirement was not met.

Adjustment $7,500

$2,500

Violation Events

Number of Violation Events 1

215 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $2,500

One single event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $2

Statutory Limit Test

Violation Final Penalty Total $3,125

This violation Final Assessed Penalty (adjusted for limits) $3,125

Economic Benefit Worksheet

Respondent Shumard Corporation dba Associated Fiberglass Enterprises
Case ID No. 35039
Reg. Ent. Reference No. RN101340818
Media Air
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description (No commas or $)	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)	$500	27-Sep-2007	29-Oct-2007	0.1	$2	n/a	$2
Notes for DELAYED costs	Estimated cost to timely submit the required annual compliance certification and deviation reports. Date Required is the investigation date, Final Date is the compliance date.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance: $500

TOTAL: $2

PCW
Policy Revision 2 (September 2002)
PCW Revision November 6, 2007

Screening Date 4-Dec-2007 **Docket No.** 2007-1946-AIR-E
Respondent Shumard Corporation dba Associated Fiberglass Enterprises
Case ID No. 35039
Reg. Ent. Reference No. RN101340818
Media [Statute] Air
Enf. Coordinator Jorge Ibarra, P.E.
Violation Number 4
Rule Cite(s) 30 Tex. Admin. Code § 122.142(a), Federal Operating Permit ("FOP") No. O-02785, Special Terms and Conditions No. 2.A.(iii)2, and Tex. Health & Safety Code § 382.085(b)
Violation Description Failed to maintain a record of quarterly visible emissions for the period of August 30, 2005 through August 30, 2007.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 25%

Matrix Notes: 100% of the rule requirement was not met.

Adjustment $7,500

$2,500

Violation Events

Number of Violation Events 1 | 1 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $2,500

One single event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $40

Statutory Limit Test

Violation Final Penalty Total $3,125

This violation Final Assessed Penalty (adjusted for limits) $3,125

Economic Benefit Worksheet

Respondent Shumard Corporation dba Associated Fiberglass Enterprises
Case ID No. 35039
Reg. Ent. Reference No. RN101340818
Media Air
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description (No commas or $)	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)	$1,000	27-Sep-2007	15-Jul-2008	0.8	$40	n/a	$40
Notes for DELAYED costs	Estimated cost to document quarterly visible emissions. Date Required is the investigation date, Final Date is the expected compliance date.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance: $1,000

TOTAL: $40

Screening Date 4-Dec-2007 **Docket No.** 2007-1946-AIR-E **PCW**

Respondent Shumard Corporation dba Associated Fiberglass Enterprises *Policy Revision 2 (September 2002)*

Case ID No. 35039 *PCW Revision November 6, 2007*

Reg. Ent. Reference No. RN101340818

Media [Statute] Air

Enf. Coordinator Jorge Ibarra, P.E.

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code § 101.10(e) and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to submit annual emissions inventory questionnaires for CYs 2005 and 2006.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 25%

Matrix Notes: 100% of the rule requirement was not met.

Adjustment $7,500

$2,500

Violation Events

Number of Violation Events 2

2 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $5,000

Two single events are recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $167

Statutory Limit Test

Violation Final Penalty Total $6,250

This violation Final Assessed Penalty (adjusted for limits) $6,250

Economic Benefit Worksheet

Respondent Shumard Corporation dba Associated Fiberglass Enterprises
Case ID No. 35039
Reg. Ent. Reference No. RN101340818
Media Air
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Description (No commas or $)	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)	$1,000	31-Mar-2005	1-Aug-2008	3.3	$167	n/a	$167

Notes for DELAYED costs: Estimated cost to submit the required annual emissions inventory questionnaires. Date Required is the first due date, Final Date is the expected compliance date.

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

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

Notes for AVOIDED costs:

Approx. Cost of Compliance: $1,000

TOTAL: $167

PCW

Policy Revision 2 (September 2002)

PCW Revision November 6, 2007

Screening Date 4-Dec-2007 **Docket No.** 2007-1946-AIR-E

Respondent Shumard Corporation dba Associated Fiberglass Enterprises

Case ID No. 35039

Reg. Ent. Reference No. RN101340818

Media [Statute] Air

Enf. Coordinator Jorge Ibarra, P.E.

Violation Number 6

Rule Cite(s) 30 Tex. Admin. Code § 101.20(2), Permit No. 4830, Special Condition No. 3, Code of Federal Regulations §§ 63.10(b)(3), 63.5810, 63.5910(a), (b)(1), (b)(2), (b)(4), 63.9(b)(2) and (h), and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to submit initial notification, submit first and second semi-annual compliance reports, and submit notification of compliance status for operations demonstrating compliance based on a 12 month rolling average and maintain records to demonstrate compliance.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 25%

Matrix Notes: 100% of the rule requirement was not met.

Adjustment $7,500

$2,500

Violation Events

Number of Violation Events 4

365 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $10,000

Four single events are recommended, one for each report not submitted.

Economic Benefit (EB) for this violation

Estimated EB Amount $88

Statutory Limit Test

Violation Final Penalty Total $12,500

This violation Final Assessed Penalty (adjusted for limits) $12,500

Economic Benefit Worksheet

Respondent Shumard Corporation dba Associated Fiberglass Enterprises
Case ID No. 35039
Reg. Ent. Reference No. RN101340818
Media Air
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)	$2,000	27-Sep-2007	15-Aug-2008	0.9	$88	n/a	$88

Notes for DELAYED costs: Estimated cost to submit the required notifications. Date Required is the investigation date, Final Date is the expected compliance date.

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: $2,000

TOTAL: $88

Compliance History

Customer/Respondent/Owner-Operator:	CN603133927	SHUMARD CORPORATION	Classification: AVERAGE	Rating: 20.75
Regulated Entity:	RN101340818	ASSOCIATED FIBERGLASS ENTERPRISES	Classification: AVERAGE	Site Rating: 20.75

ID Number(s):

AIR NEW SOURCE PERMITS	PERMIT	4830
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	TA0038R
AIR NEW SOURCE PERMITS	AFS NUM	4843900142
AIR OPERATING PERMITS	ACCOUNT NUMBER	TA0038R
AIR OPERATING PERMITS	PERMIT	2785
STORMWATER	PERMIT	TXRNET848

Location: 2417 WEAVER ST, HALTOM CITY, TX, 76117 Rating Date: 9/1/2007 Repeat Violator: NO

TCEQ Region: REGION 04 - DFW METROPLEX

Date Compliance History Prepared: December 04, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: December 04, 2002 to December 04, 2007

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

Name: Jorge Ibarra, P.E. Phone: (817) 588-5890

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. if Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 11/24/2005 ADMINORDER 2005-0831-AIR-E
Classification: Major
Citation: 30 TAC Chapter 122, SubChapter B 122.121
5C THC Chapter 382, SubChapter A 382.054
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to obtain a Title V operating permit, as required by 30 TAC § 122.121.

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 02/28/2005 (340228)
2 11/30/2005 (432651)
3 11/29/2006 (517457)
4 10/03/2007 (596382)
5 11/30/2007 (600218)

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

Date: 11/30/2006 (517457)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.146(2)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to submit an annual permit compliance certification in a timely manner.

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	§	**BEFORE THE**
ENFORCEMENT ACTION	§	
CONCERNING	§	
SHUMARD CORPORATION DBA	§	**TEXAS COMMISSION ON**
ASSOCIATED FIBERGLASS	§	
ENTERPRISES	§	
RN101340818	§	**ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2007-1946-AIR-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Shumard Corporation dba Associated Fiberglass Enterprises ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a fiberglass items manufacturing operation at 2417 Weaver Street in Haltom City, Tarrant County, Texas (the "Plant").

2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).

3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.

4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about December 8, 2007.

5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Thirty-Two Thousand Five Hundred Dollars ($32,500) is assessed by the Commission in settlement of the violations alleged in Section II

("Allegations"). The Respondent has paid Thirteen Thousand Dollars ($13,000) of the administrative penalty and Six Thousand Five Hundred Dollars ($6,500) 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. Thirteen Thousand Dollars ($13,000) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.

8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.

9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:

   a. Submitted the required deviation report for the period of August 30, 2006 through February 28, 2007 on October 29, 2007; and

   b. Submitted the required annual compliance certification for the period of August 30, 2006 through August 29, 2007 on October 29, 2007.

10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.

11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.

12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have:

1. Failed to comply with the acetone annual usage limit of 4 tons per year ("tpy"), in violation of 30 TEX. ADMIN. CODE § 116.115(c), Permit No. 4830, Special Condition No. 5, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on September 27, 2007. Specifically, the annual usage rate for calendar year ("CY") 2006 was 9.64 tpy.

2. Failed to conduct trimming and grinding operations in the trimming and grinding area as required, in violation of 30 TEX. ADMIN. CODE § 116.115(c), Permit No. 4830, Special Condition No. 9, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on September 27, 2007.

3. Failed to timely submit the required deviation report for the period of August 30, 2006 through February 28, 2007, in violation of 30 TEX. ADMIN. CODE § 122.145(2)(B) and (C) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on September 27, 2007. The report was due March 28, 2007, and was submitted on October 29, 2007.

4. Failed to timely submit the required annual compliance certification for the period of August 30, 2006 through August 29, 2007, in violation of 30 TEX. ADMIN. CODE § 122.146(1) and (2) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on September 27, 2007. The report was due September 29, 2007, and was submitted on October 29, 2007.

5. Failed to maintain a record of quarterly visible emissions for the period of August 30, 2005 through August 30, 2007, in violation of 30 TEX. ADMIN. CODE § 122.142(a), Federal Operating Permit ("FOP") No. O-02785, Special Terms and Conditions No. 2.A.(iii)2, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on September 27, 2007.

6. Failed to submit annual emissions inventory questionnaires for CYs 2005 and 2006, in violation of 30 TEX. ADMIN. CODE § 101.10(e) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on September 27, 2007.

7. Failed to submit initial notification, maintain records to demonstrate compliance, submit first and second semi-annual compliance reports, and submit notification of compliance status for operations demonstrating compliance based on a 12 month rolling average, in violation of 30 TEX. ADMIN. CODE § 101.20(2), Permit No. 4830, Special Condition No. 3, 40 CODE OF FEDERAL REGULATIONS §§ 63.10(b)(3), 63.5810, 63.5910(a), (b)(1), (b)(2), (b)(4), 63.9(b)(2) and (h). and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on September 27, 2007.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Shumard Corporation dba Associated Fiberglass Enterprises, Docket No. 2007-1946-AIR-E" to:

Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Thirteen Thousand Dollars ($13,000) 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. It is further ordered that the Respondent shall undertake the following technical requirements:

   a. Immediately after the effective date of this Agreed Order, begin conducting trimming and grinding operations in the trimming and grinding area, in accordance with Permit No. 4830, Special Condition No. 9;

   b. Within 15 days after the effective date of this Agreed Order, begin maintaining a record of quarterly visible emissions, in accordance with FOP No. O-02785, Special Condition No. 2.A.(iii)2;

   c. Within 30 days after the effective date of this Agreed Order, submit annual emissions inventory questionnaires for CYs 2005 and 2006, in accordance with 30 TEX. ADMIN. CODE § 101.10;

   d. Within 30 days after the effective date of this Agreed Order, certify compliance with the current permit limits for acetone annual usage or submit an administratively complete permit amendment application for Permit No. 4830 to revise the acetone annual usage limit, in accordance with 30 TEX. ADMIN. CODE § 116.116 to:

      Air Permits Division, MC 162
      Texas Commission on Environmental Quality
      P.O. Box 13087
      Austin, Texas 78711-3087

   e. Within 45 days after the effective date of this Agreed Order, submit initial notification, maintain records to demonstrate compliance, submit first and second semi-annual compliance reports, and submit notification of compliance status for operations demonstrating compliance based on a 12 month rolling average, in accordance with 30 TEX. ADMIN. CODE § 101.20(2);

   f. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit amendment application within 30 days after the date of such requests, or by any other deadline specified in writing; and

   g. If a permit amendment application is submitted, within 180 days after the effective date of this Agreed Order, submit written certification that authorization to operate at an increased annual usage limit for acetone was obtained.

h. All documentations and/or certifications required by Ordering Provision 3.a., 3.b., 3.c., 3.d., 3.e., and 3.g. shall include detailed supporting documentation including receipts and/or other records to demonstrate compliance, be notarized by a State of Texas Notary Public, and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, 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."

The certification shall be submitted 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:

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

4. 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.

5. 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.

6. 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.

7. 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.

8. 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.

9. 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.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

For the Executive Director

2/16/2009
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Signature

1/30/2009
Date

Glen Doskocil
Name (Printed or typed)
Authorized Representative of
Shumard Corporation dba Associated Fiberglass Enterprises

General Manager
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

Attachment A
Docket Number: 2007-1946-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	**Shumard Corporation dba Associated Fiberglass Enterprises**
Payable Penalty Amount:	**Twenty-Six Thousand Dollars (26,000)**
SEP Amount:	**Thirteen Thousand Dollars ($13,000)**
Type of SEP:	**Pre-approved**
Third-Party Recipient:	**City of Fort Worth-"Mow Down Air Pollution" lawn mower exchange event**
Location of SEP:	**Tarrant 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 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 Amount to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to host a one-day even in Tarrant County where 167 operational gas-powered walk-behind lawn mowers may be traded in for a discount on a clean-running electric mower. The City of Fort Worth ("the City") shall coordinate with retailers and/or manufacturers to provide a 20% discount off the retail cost of electric mowers. The City will pay 40% of the retail cost with SEP funds to keep out-of-pocket consumer costs comparable to that of buying a gas-powered mower. The discounted price for the consumer will be approximately $209 for an electric mower that usually costs $449.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by removing approximately 167 gasoline-powered mowers from service and result in an estimated reduction of seven tons of volatile organic compound emissions and removal of 15 tons of carbon monoxide emissions per year. The event will assist in educating citizens on ways they can reduce ozone-forming emissions.

C. Minimum Expenditure

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

2. Performance Schedule

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

City of Fort Worth
Attn: Haily Summerford, Environmental Management Department
1000 Throckmorton Street
Fort Worth, Texas 76102

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP 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 payment of the SEP 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 Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

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

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

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.

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 an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.