

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO. 2009-1590-AIR-E RN105660625 CASE NO. 38569
RESPONDENT NAME: STONEHAM MILL, INC.

ORDER TYPE:		
<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	

CASE TYPE:		
<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: 19300 Farm-to-Market Road 787 West, Cleveland, Liberty County

TYPE OF OPERATION: sawmill

SMALL BUSINESS: Yes No

OTHER SIGNIFICANT MATTERS: One complaint was received, alleging that dust was leaving the site. There is no record of additional pending enforcement actions regarding this facility location.

INTERESTED PARTIES: The complainant has not indicated a desire to protest this action or speak at Agenda. No one other than the ED and Respondent expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired August 23, 2010. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney: Ms. Anna Treadwell, Litigation Division, MC 175, (512) 239-0974
 Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-3400

TCEQ Enforcement Coordinator: Ms. Miriam Hall, Air Enforcement Section, MC 128, (512) 239-1044

TCEQ Regional Contact: Mr. Jason Harris, Houston Regional Office, MC R-12, (713) 767-3609

Respondent: Mr. I.L. Martin, President, Stoneham Mill, Inc., 12475 FM Road 149, Montgomery, Texas 77356

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

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date of Complaint Relating to this Case: November 18, 2008</p> <p>Dates of Investigation Relating to this Case: November 21, 2008 (complaint); March 17, 2009 (record review)</p> <p>Dates of NOEs Relating to this Case: January 31, 2009, and August 24, 2009</p> <p>Background Facts: The EDRP was filed on April 27, 2010, and mailed to Respondent via certified mail, return receipt requested, and via first class mail, postage prepaid. According to the return receipt "green card," Respondent received notice of the EDRP on May 3, 2010. Respondent failed to file an answer, failed to request a hearing, and failed to schedule a settlement conference.</p> <p>AIR:</p> <ol style="list-style-type: none"> Failed to comply with operating hour limits which are restricted to one hour before sunrise to one hour after sunset [30 TEX. ADMIN. CODE § 116.115(c), Standard Permit for Sawmills Special Condition 2A, and TEX. HEALTH & SAFETY CODE § 382.085(b)]. Failed to prevent open fires [30 TEX. ADMIN. CODE § 116.115(c), Standard Permit for Sawmills Special Condition 2B, and TEX. HEALTH & SAFETY CODE § 382.085(b)]. Failed to have fire extinguishers in vehicles working the scrap piles [30 TEX. ADMIN. CODE § 116.115(c), Standard Permit for Sawmills Special Condition 2C, and TEX. HEALTH & SAFETY CODE § 382.085(b)]. Failed to control dust emissions by watering the in-plant roads, truck loading and unloading areas, parking areas, and other traffic areas [30 TEX. ADMIN. CODE § 116.115(c), Standard Permit for Sawmills Special Condition 2E, and TEXAS HEALTH & SAFETY CODE § 382.085(b)]. Failed to minimize fugitive particulate emissions by watering sawdust and shaving piles at the plant [30 TEX. ADMIN. CODE § 116.115(c), Standard Permit for Sawmills Special Condition 2F, and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 	<p>Total Assessed: \$7,500</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Order <input type="checkbox"/> Financial Inability to Pay <input type="checkbox"/> SEP Conditional Offset</p> <p>Total Due to General Revenue: \$7,500</p> <p>This is a Default Order. 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>Site Compliance History Classification: <input checked="" type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification: <input checked="" type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Ordering Provisions:</p> <p>Respondent shall undertake the following technical requirements:</p> <ol style="list-style-type: none"> Immediately: <ol style="list-style-type: none"> Restrict operating hours to one hour before sunrise to one hour after sunset; Cease all outdoor burning; Equip vehicles working with the scrap piles with fire extinguishers; Apply water, effective dust suppressants, or paving to all in-plant roads, truck loading and unloading areas, parking areas, and other traffic areas as needed to control dust emissions; Water sawdust and shaving piles as needed to control dust emissions; Maintain records of the annual throughput at the plant for a rolling 24-month period; and Maintain a copy of the Standard Permit for Sawmills at the Plant. Within 30 days, submit written certification demonstrating compliance.

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>6. Failed to maintain records of the annual throughput for a rolling 24-month period at the Plant [30 TEX. ADMIN. CODE §§ 116.115(c) and 116.615(8), Standard Permit for Sawmills Special Condition 2M, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>7. Failed to maintain a copy of the Standard Permit for Sawmills at the plant [30 TEX. ADMIN CODE § 116.615(8), and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>		



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	24-Aug-2009	Screening	20-Oct-2009	EPA Due	
	PCW	12-Jan-2010				

RESPONDENT/FACILITY INFORMATION			
Respondent	Stoneham Mill, Inc.		
Reg. Ent. Ref. No.	RN105660625		
Facility/Site Region	12-Houston	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	38569	No. of Violations	7
Docket No.	2009-1590-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Miriam Hall
		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit	Minimum	\$0	Maximum
			\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$7,500
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	-10.0% Enhancement	Subtotals 2, 3, & 7	-\$750
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Notes	The penalty was reduced for High Performer classification.
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Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes	The Respondent does not meet the culpability criteria.
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Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$854	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$9,600	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$6,750
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OTHER FACTORS AS JUSTICE MAY REQUIRE	11.1%	Adjustment	\$750
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	The penalty has been offset for the High Performer classification.
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Final Penalty Amount	\$7,500
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$7,500
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes	Deferral not offered for non-expedited settlement.
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PAYABLE PENALTY	\$7,500
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Screening Date 20-Oct-2009

Docket No. 2009-1590-AIR-E

PCW

Respondent Stoneham Mill, Inc.

Policy Revision 2 (September 2002)

Case ID No. 38569

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN105660625

Media [Statute] Air

Enf. Coordinator Miriam Hall

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>)	0	0%
	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) 0%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

High Performer

Adjustment Percentage (Subtotal 7) -10%

>> Compliance History Summary

Compliance History Notes

The penalty was reduced for High Performer classification.

Total Adjustment Percentage (Subtotals 2, 3, & 7) -10%

Screening Date	20-Oct-2009	Docket No.	2009-1590-AIR-E	PCW
Respondent	Stoneham Mill, Inc.	<i>Policy Revision 2 (September 2002)</i>		
Case ID No.	38569	<i>PCW Revision October 30, 2008</i>		
Reg. Ent. Reference No.	RN105660625			
Media [Statute]	Air			
Enf. Coordinator	Miriam Hall			
Violation Number	1			
Rule Cite(s)	30 Tex. Admin. Code § 116.115(c), Standard Permit for Sawmills Special Condition 2A, and Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failed to comply with operating hour limits which are restricted to one hour before sunrise to one hour after sunset. Specifically, at the time of the March 17, 2009 investigation, the second shift was operating from 5:00 p.m. to 3:00 a.m.			
Base Penalty				\$10,000

>> Environmental, Property and Human Health Matrix

OR	Harm			
	Release	Major	Moderate	Minor
	Actual			
	Potential		x	
				Percent <input type="text" value="10%"/>

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent <input type="text" value="0%"/>
Matrix Notes	Human health or the environment could have been exposed to a significant amount of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of this violation.				
Adjustment					\$9,000

\$1,000

Violation Events

Number of Violation Events	<input type="text" value="3"/>	<input type="text" value="217"/>	Number of violation days	
<i>mark only one with an x</i>	daily	<input type="text"/>		Violation Base Penalty <input type="text" value="\$3,000"/>
	weekly	<input type="text"/>		
	monthly	<input type="text"/>		
	quarterly	<input checked="" type="checkbox"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	<input type="text"/>		
<div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> Three quarterly events are recommended from the date of the investigation (March 17, 2009) to the screening date (October 20, 2009). </div>				

Good Faith Efforts to Comply Reduction

	Before NOV		NOV to EDPRP/Settlement	
Extraordinary	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Notes	The Respondent does not meet the good faith criteria for this violation.			
Violation Subtotal				\$3,000

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount	<input type="text" value="\$84"/>	Violation Final Penalty Total	<input type="text" value="\$3,000"/>
This violation Final Assessed Penalty (adjusted for limits)		<input type="text" value="\$3,000"/>	

Economic Benefit Worksheet

Respondent Stoneham Mill, Inc.
Case ID No. 38569
Reg. Ent. Reference No. RN105660625
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				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				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				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,500	17-Mar-2009	30-Apr-2010	1.12	\$84	n/a	\$84

Notes for DELAYED costs

The estimated cost for additional oversight from the first day the violation was documented to the estimated compliance date.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$84

Screening Date	20-Oct-2009	Docket No.	2009-1590-AIR-E	PCW
Respondent	Stoneham Mill, Inc.	<i>Policy Revision 2 (September 2002)</i>		
Case ID No.	38569	<i>PCW Revision October 30, 2008</i>		
Reg. Ent. Reference No.	RN105660625			
Media [Statute]	Air			
Enf. Coordinator	Miriam Hall			
Violation Number	2			
Rule Cite(s)	30 Tex. Admin. Code § 116.115(c), Standard Permit for Sawmills Special Condition 2B, and Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failed to prevent open fires. During the November 21, 2008 investigation, several comfort fires were observed.			
Base Penalty				\$10,000

>> Environmental, Property and Human Health Matrix

OR	Harm			Percent	
	Release	Major	Moderate		Minor
	Actual				x
	Potential				
				10%	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0%

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

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events Number of violation days

<i>mark only one with an x</i>	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$1,000

One single event is recommended for the comfort fires observed on November 21, 2008.

Good Faith Efforts to Comply Reduction

	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 for this violation.

Violation Subtotal \$1,000

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount \$101 **Violation Final Penalty Total** \$1,000

This violation Final Assessed Penalty (adjusted for limits) \$1,000

Economic Benefit Worksheet

Respondent Stoneham Mill, Inc.
Case ID No. 38569
Reg. Ent. Reference No. RN105660625
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment	\$1,000	21-Nov-2008	30-Apr-2010	1.44	\$5	\$96	\$101
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				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				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

The estimated cost of buying heaters from the date the violation was observed to the estimated date corrective actions are taken.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$101

Screening Date	20-Oct-2009	Docket No.	2009-1590-AIR-E	PCW
Respondent	Stoneham Mill, Inc.	<i>Policy Revision 2 (September 2002)</i>		
Case ID No.	38569	<i>PCW Revision October 30, 2008</i>		
Reg. Ent. Reference No.	RN105660625			
Media [Statute]	Air			
Enf. Coordinator	Miriam Hall			
Violation Number	3			
Rule Cite(s)	30 Tex. Admin. Code § 116.115(c), Standard Permit for Sawmills Special Condition 2C, and Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failed to have fire extinguishers in vehicles working the scrap piles on November 21, 2008.			
Base Penalty	\$10,000			

>> Environmental, Property and Human Health Matrix

OR	Harm				Percent
	Release	Major	Moderate	Minor	
	Actual				
	Potential			x	5%

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
Human health or the environment could have been exposed to an insignificant amount of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of this violation.					
Adjustment					\$9,500

\$500

Violation Events

Number of Violation Events Number of violation days

<i>mark only one with an x</i>	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$500

One single event is recommended.

Good Faith Efforts to Comply Reduction

	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 for this violation.

Violation Subtotal \$500

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 Stoneham Mill, Inc.
Case ID No. 38569
Reg. Ent. Reference No. RN105660625
Media Air
Violation No. 3

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	\$500	21-Nov-2008	30-Apr-2010	1.44	\$2	\$48	\$50
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				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				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

The estimated cost for purchasing and installing fire extinguishers in the vehicles from the date the violation was documented to the estimated compliance date.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$50

Screening Date 20-Oct-2009 **Docket No.** 2009-1590-AIR-E **PCW**
Respondent Stoneham Mill, Inc. *Policy Revision 2 (September 2002)*
Case ID No. 38569 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN105660625
Media [Statute] Air
Enf. Coordinator Miriam Hall

Violation Number 4
Rule Cite(s) 30 Tex. Admin. Code § 116.115(c), Standard Permit for Sawmills Special Condition 2E, and Tex. Health & Safety Code § 382.085(b)
Violation Description Failed to control dust emissions by watering the in-plant roads, truck loading and unloading areas, parking areas, and other traffic areas. During the November 21, 2008 investigation, there was no dust suppression equipment or material in the parking lot or on in-plant roads.
Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				5%
	Potential			x	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0%

Matrix Notes Human health or the environment could have been exposed to an insignificant amount of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment \$9,500

\$500

Violation Events

Number of Violation Events 1 1 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$500

One single event is recommended.

Good Faith Efforts to Comply 0.0% Reduction \$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 for this violation.

Violation Subtotal \$500

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount \$252 **Violation Final Penalty Total** \$500

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

Economic Benefit Worksheet

Respondent Stoneham Mill, Inc.
Case ID No. 38569
Reg. Ent. Reference No. RN105660625
Media Air
Violation No. 4

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	\$2,500	21-Nov-2008	30-Apr-2010	1.44	\$12	\$240	\$252
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				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				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

The estimated cost of adding a tank and converting an existing vehicle to a watering truck from the day the violation was documented to the estimated date that corrective actions are completed.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,500

TOTAL

\$252

Screening Date	20-Oct-2009	Docket No.	2009-1590-AIR-E	PCW
Respondent	Stoneham Mill, Inc.	<i>Policy Revision 2 (September 2002)</i>		
Case ID No.	38569	<i>PCW Revision October 30, 2008</i>		
Reg. Ent. Reference No.	RN105660625			
Media [Statute]	Air			
Enf. Coordinator	Miriam Hall			
Violation Number	5			
Rule Cite(s)	30 Tex. Admin. Code § 116.115(c), Standard Permit for Sawmills Special Condition 2F, and Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failed to minimize fugitive particulate emissions by watering sawdust and shaving piles at the plant, as documented during the investigation conducted on November 21, 2008.			
Base Penalty				\$10,000

>> Environmental, Property and Human Health Matrix

OR	Harm			Percent
	Major	Moderate	Minor	
	Actual			
Potential		x		

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent

Matrix Notes: Human health or the environment could have been exposed to an insignificant amount of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment \$9,500

\$500

Violation Events

Number of Violation Events: 1 1 Number of violation days

<i>mark only one with an x</i>	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$500

One single event is recommended.

Good Faith Efforts to Comply **0.0%** Reduction \$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 for this violation.

Violation Subtotal \$500

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount \$252

Violation Final Penalty Total \$500

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

Economic Benefit Worksheet

Respondent Stoneham Mill, Inc.
Case ID No. 38569
Reg. Ent. Reference No. RN105660625
Media Air
Violation No. 5

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	\$2,500	21-Nov-2008	30-Apr-2010	1.44	\$12	\$240	\$252
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				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				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

The estimated cost of installing sprinklers or implementing some kind of watering system from the date the violation was documented to the estimated date that corrective actions are completed.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,500

TOTAL

\$252

Screening Date	20-Oct-2009	Docket No.	2009-1590-AIR-E	PCW
Respondent	Stoneham Mill, Inc.	<i>Policy Revision 2 (September 2002)</i>		
Case ID No.	38569	<i>PCW Revision October 30, 2008</i>		
Reg. Ent. Reference No.	RN105660625			
Media [Statute]	Air			
Enf. Coordinator	Miriam Hall			
Violation Number	6			
Rule Cite(s)	30 Tex. Admin. Code §§ 116.115(c) and 116.615(8), Standard Permit for Sawmills Special Condition 2M, and Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failed to maintain records of the annual throughput for a rolling 24-month period at the Plant, as documented during the investigation conducted on November 21, 2008.			
Base Penalty				\$10,000

>> Environmental, Property and Human Health Matrix

OR	Harm				Percent
	Release	Major	Moderate	Minor	
	Actual				
Potential				0%	

>>Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
		x			
	The Respondent failed to meet 100% of the rule requirement.				

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events Number of violation days

<i>mark only one with an x</i>	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$1,000

One single event is recommended for November 21, 2008 as no records were available during the investigation.

Good Faith Efforts to Comply Reduction

	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 for this violation.

Violation Subtotal \$1,000

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 Stoneham Mill, Inc.
Case ID No. 38569
Reg. Ent. Reference No. RN105660625
Media Air
Violation No. 6

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				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$1,500	21-Nov-2008	30-Apr-2010	1.44	\$108	n/a	\$108
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				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

The estimated cost of developing a recordkeeping system from the first day the violation was documented to the estimated compliance date.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$108

Screening Date	20-Oct-2009	Docket No.	2009-1590-AIR-E	PCW
Respondent	Stoneham Mill, Inc.	<i>Policy Revision 2 (September 2002)</i>		
Case ID No.	38569	<i>PCW Revision October 30, 2008</i>		
Reg. Ent. Reference No.	RN105660625			
Media [Statute]	Air			
Enf. Coordinator	Miriam Hall			
Violation Number	7			
Rule Cite(s)	30 Tex. Admin. Code § 116.615(8) and Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failed to maintain a copy of the Standard Permit for Sawmills on site. On November 21, 2008, Stoneham Mill did not have a copy of the Standard Permit at the Plant.			
Base Penalty				\$10,000

>> Environmental, Property and Human Health Matrix

OR	Harm			Percent	
	Release	Major	Moderate		Minor
	Actual				
	Potential				
				0%	

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
		x			
	The Respondent failed to meet 100% of the rule requirement.				
					Adjustment
					\$9,000

Violation Events

	<input type="text" value="1"/>	<input type="text" value="1"/>	Number of violation days
<i>mark only one with an x</i>	daily	<input type="text"/>	Violation Base Penalty
	weekly	<input type="text"/>	
	monthly	<input type="text"/>	
	quarterly	<input type="text"/>	
	semiannual	<input type="text"/>	
	annual	<input type="text"/>	
	single event	<input checked="" type="checkbox"/>	
<input type="text" value="1"/>			\$1,000
<input type="text" value="One single event is recommended for November 21, 2008 as a copy of the Standard permit was not available during the investigation."/>			

Good Faith Efforts to Comply

	<input type="text" value="0.0%"/>	Reduction	<input type="text" value="\$0"/>
		Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>	
Ordinary	<input type="text"/>	<input type="text"/>	
N/A	<input checked="" type="checkbox"/>	(mark with x)	
Notes	<input type="text" value="The Respondent does not meet the good faith criteria for this violation."/>		
Violation Subtotal			\$1,000

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount	<input type="text" value="\$7"/>	Violation Final Penalty Total	<input type="text" value="\$1,000"/>
		This violation Final Assessed Penalty (adjusted for limits)	<input type="text" value="\$1,000"/>

Economic Benefit Worksheet

Respondent Stoneham Mill, Inc.
Case ID No. 38569
Reg. Ent. Reference No. RN105660625
Media Air
Violation No. 7

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				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$100	21-Nov-2008	30-Apr-2010	1.44	\$7	n/a	\$7
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				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

The estimated cost of maintaining a copy of the permit at the plant from the first day the violation was documented to the estimated compliance date.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$7

Compliance History Report

Customer/Respondent/Owner-Operator: CN603445081 Stoneham Mill, Inc. Classification: HIGH Rating: 0.00
Regulated Entity: RN105660625 STONEHAM MILL Classification: HIGH Site Rating: 0.00
ID Number(s):
Location: 19300 FM 787 WEST, CLEVELAND, TX, 77327
TCEQ Region: REGION 12 - HOUSTON
Date Compliance History Prepared: October 23, 2009
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: October 23, 2004 to October 23, 2009
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Miriam Hall Phone: (512) 239 1044

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/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s) ? N/A
5. When did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2009 Repeat Violator: NO

Components (Multimedia) for the Site:

- A. Final Enforcement Orders, court judgments, 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 08/24/2009 (738922)
 - E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
N/A
 - 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
STONEHAM MILL, INC.;
RN105660625**

§
§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

**DEFAULT ORDER
DOCKET NO. 2009-1590-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 ch. 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 Stoneham Mill, Inc. (“Stoneham”).

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

FINDINGS OF FACT

1. At the time of the investigation, Stoneham owned and operated a sawmill located at 19300 Farm-to-Market Road (“FM”) 787 West, Cleveland, Liberty 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 March 17, 2009, a TCEQ Houston Regional Office investigator documented that Stoneham failed to comply with operating hour limits which are restricted to one hour before sunrise to one hour after sunset. Specifically, the second shift was operating from 5:00 p.m. to 3:00 a.m.;
4. During an investigation conducted on November 21, 2008, a TCEQ Houston Regional Office investigator documented that Stoneham:
 - a. Failed to prevent open fires. Specifically, several comfort fires were observed;
 - b. Failed to have fire extinguishers in vehicles working the scrap piles;

- c. Failed to control dust emissions by watering the in-plant roads, truck loading and unloading areas, parking areas, and other traffic areas. Specifically, there was no dust suppression equipment or material in the parking lot or on in-plant roads;
 - d. Failed to minimize fugitive particulate emissions by watering sawdust and shaving piles at the Plant;
 - e. Failed to maintain records of the annual throughput for a rolling 24-month period at the Plant; and
 - f. Failed to maintain a copy of the Standard Permit for Sawmills at the Plant.
5. Stoneham received notice of the violations on or about February 5, 2009 and August 29, 2009.
 6. 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 Stoneham Mill, Inc.” (the “EDPRP”) in the TCEQ Chief Clerk’s office on April 27, 2010.
 7. By letter dated April 27, 2010, sent via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Stoneham with notice of the EDPRP. According to the return receipt “green card,” Stoneham received notice of the EDPRP on May 3, 2010, as evidenced by the signature on the card.
 8. More than 20 days have elapsed since Stoneham received notice of the EDPRP, provided by the Executive Director. Stoneham 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 Findings of Fact Nos. 1 and 2, Stoneham is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE ch. 7, TEX. HEALTH & SAFETY CODE ch. 382, and the rules of the Commission.
2. As evidenced by Finding of Fact No. 3, Stoneham failed to comply with operating hour limits which are restricted to one hour before sunrise to one hour after sunset, in violation of 30 TEX. ADMIN. CODE § 116.115(c), Standard Permit for Sawmills Special Condition 2A, and TEX. HEALTH & SAFETY CODE § 382.085(b).

3. As evidenced by Finding of Fact No. 4.a., Stoneham failed to prevent open fires, in violation of 30 TEX. ADMIN. CODE § 116.115(c), Standard Permit for Sawmills Special Condition 2B, and TEX. HEALTH & SAFETY CODE § 382.085(b).
4. As evidenced by Finding of Fact No. 4.b., Stoneham failed to have fire extinguishers in vehicles working the scrap piles, in violation of 30 TEX. ADMIN. CODE § 116.115(c), Standard Permit for Sawmills Special Condition 2C, and TEX. HEALTH & SAFETY CODE § 382.085(b).
5. As evidenced by Finding of Fact No. 4.c., Stoneham failed to control dust emissions by watering the in-plant roads, truck loading and unloading areas, parking areas, and other traffic areas, in violation of 30 TEX. ADMIN. CODE § 116.115(c), Standard Permit for Sawmills Special Condition 2E, and TEX. HEALTH & SAFETY CODE § 382.085(b).
6. As evidenced by Finding of Fact No. 4.d., Stoneham failed to minimize fugitive particulate emissions by watering sawdust and shaving piles at the Plant, in violation 30 TEX. ADMIN. CODE § 116.115(c), Standard Permit for Sawmills Special Condition 2F, and TEX. HEALTH & SAFETY CODE § 382.085(b).
7. As evidenced by Finding of Fact No. 4.e., Stoneham failed to maintain records of the annual throughput for a rolling 24-month period at the Plant, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 116.615(8), Standard Permit for Sawmills Special Condition 2M, and TEX. HEALTH & SAFETY CODE § 382.085(b).
8. As evidenced by Finding of Fact No. 4.f., Stoneham failed to maintain a copy of the Standard Permit for Sawmills at the Plant, in violation of 30 TEX. ADMIN. CODE § 116.615(8) and TEX. HEALTH & SAFETY CODE § 382.085(b).
9. As evidenced by Findings of Fact Nos. 6 and 7, the Executive Director timely served Stoneham with proper notice of the EDPRP, as required by TEX. WATER CODE § 7.055 and 30 TEX. ADMIN. CODE § 70.104(a).
10. As evidenced by Finding of Fact No. 8, Stoneham failed to file a timely answer 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 Stoneham and assess the penalty recommended by the Executive Director.
11. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against Stoneham 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.

12. An administrative penalty in the amount of seven thousand five hundred dollars (\$7,500.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053.
13. 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. Stoneham is assessed an administrative penalty in the amount of seven thousand five hundred dollars (\$7,500.00) for violations of state statutes and rules of the TCEQ. The payment of this administrative penalty and Stoneham'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: Stoneham Mill, Inc.; Docket No. 2009-1590-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. Stoneham shall undertake the following technical requirements:
 - a. Immediately upon the effective date of this Order, Stoneham shall:
 - i. Restrict operating hours to one hour before sunrise to one hour after sunset;
 - ii. Cease all outdoor burning;
 - iii. Equip vehicles working with the scrap piles with fire extinguishers;

- iv. Apply water, effective dust suppressants, or paving to all in-plant roads, truck loading and unloading areas, parking areas, and other traffic areas as needed to control dust emissions;
 - v. Water sawdust and shaving piles as needed to control dust emissions;
 - vi. Maintain records of the annual throughput at the Plant for a rolling 24-month period in accordance with the Standard Permit for Sawmills; and
 - vii. Maintain a copy of the Standard Permit for Sawmills at the Plant.
- b. Within 30 days after the effective date of this Order, Stoneham 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.vii. 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.”

Stoneham shall submit the written certification and copies of documentation necessary to demonstrate compliance with Ordering Provision Nos. 2.a.i. through 2.a.vii. 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
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas 77023-1486

3. All relief not expressly granted in this Order is denied.
4. The provisions of this Order shall apply to and be binding upon Stoneham. Stoneham 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 Stoneham 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, Stoneham's failure to comply is not a violation of this Order. Stoneham shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Stoneham shall notify the Executive Director within seven days after Stoneham 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 Stoneham shall be made in writing to the Executive Director. Extensions are not effective until Stoneham 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 Stoneham if the Executive Director determines that Stoneham 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.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

AFFIDAVIT OF ANNA M. TREADWELL

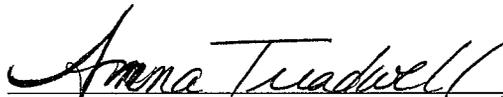
STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

“My name is Anna M. Treadwell. 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 Stoneham Mill, Inc.” (the “EDPRP”) was filed with the Office of the Chief Clerk on April 27, 2010.

The EDPRP was mailed to Stoneham at its last known address on April 27, 2010, via certified mail, return receipt requested, and via first class mail, postage prepaid. According to the return receipt “green card,” Stoneham received notice of the EDPRP on May 3, 2010, as evidenced by the signature on the card.

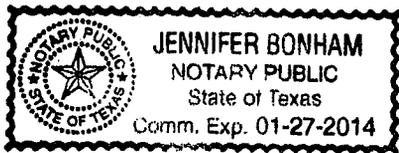
More than 20 days have elapsed since Stoneham received notice of the EDPRP. Stoneham failed to file an answer, failed to request a hearing, and failed to schedule a settlement conference.”



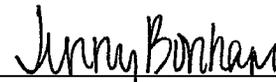
Anna M. Treadwell, Attorney
Office of Legal Services, Litigation Division
Texas Commission on Environmental Quality

Before me, the undersigned authority, on this day personally appeared Anna M. Treadwell, 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 8th day of July, A.D., 2010.



Notary Without Bond



Notary Signature