

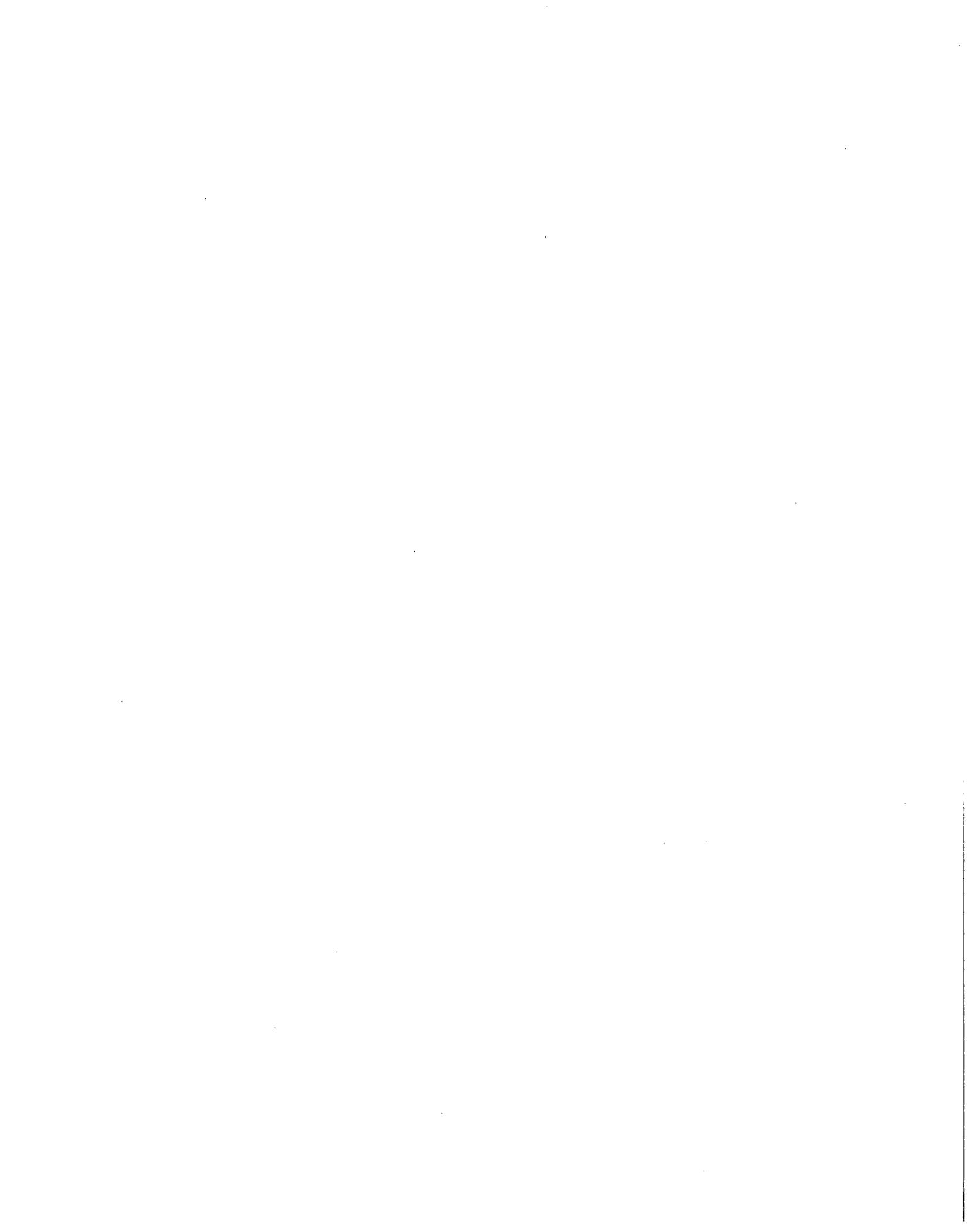
EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2010-0620-AIR-E **TCEQ ID:** RN102679867 **CASE NO.:** 39538
RESPONDENT NAME: McWane, Inc. dba Tyler Pipe Company

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Tyler Pipe Company, 11721 United States Highway 69 North, Smith County</p> <p>TYPE OF OPERATION: Iron foundry</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on October 4, 2010. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: Mr. Phillip Hampsten, SEP Coordinator, Enforcement Division, MC 219, (512) 239-6732 TCEQ Enforcement Coordinator: Ms. Trina Grieco, Enforcement Division, Enforcement Team 5, MC R-13, (210) 403-4006; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495 Respondent: Mr. Greg Simmons, Assistant General Manager, McWane, Inc., 11910 County Road 492, Tyler, Texas 75706-5840 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: February 10, 2010</p> <p>Date of NOV/NOE Relating to this Case: April 9, 2010 (NOE)</p> <p>Background Facts: This was a records review.</p> <p>AIR</p> <p>1) Failed to comply with permitted emissions limits of 11.87 pounds per hour ("lbs/hr") of non-methane/non-ethane volatile organic compounds ("VOCs") from the Fittings Casting/Cooling, Shell Core, Change Handling - South Stack, emission point number ("EPN") E2-5-3. Specifically, during stack tests conducted October 15, 2008 and November 13, 2008, emissions were 35.65 lbs/hr and 58.42 lbs/hr, respectively [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Federal Operating Permit ("FOP") No. O-01407, General Terms and Conditions and Special Condition 7, and New Source Review ("NSR") Permit No. 70403, Special Condition 1].</p> <p>2) Failed to comply with permitted emissions limits of 8.48 lbs/hr of non-methane/non-ethane VOCs from the 40 Ton Furnace Baghouse exhaust, EPN E1-5-3. Specifically, during a stack test conducted October 14 and 15, 2008, emissions were 11.85 lbs/hr [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP No. O-01407, General Terms and Conditions and Special Condition 7, and NSR Permit No. 70403, Special Condition 1].</p>	<p>Total Assessed: \$73,168</p> <p>Total Deferred: \$14,633 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$29,267</p> <p>Total Paid to General Revenue: \$29,268</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <input checked="" type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:</p> <p>a. Reported the October 15, 2008 failed stack test of EPN E2-5-3 in the semi-annual deviation report submitted on June 16, 2009;</p> <p>b. Retested EPN E2-5-3 on January 21 and 22, 2009 with passing results; and</p> <p>c. Amended NSR Permit No. 70403 on February 9, 2009 to increase VOC emission limits for EPN E1-5-3 and PM emission limits for EPN E1-43-3 to demonstrate that the results from stack tests conducted on October 14 and 15, 2008 are within current permitted limits.</p> <p>Ordering Provisions:</p> <p>1) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A)</p> <p>2) The Order will also require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order, implement measures designed to ensure that all deviations are reported and within the required timeframes; and</p> <p>b. Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.</p>

<p>3) Failed to comply with permitted emissions limits of 0.78 lbs/hr of particulate matter ("PM") from the New Pipe Machine Regenerative Thermal Oxidizer Outlet Stack exhaust, EPN E1-43-3. Specifically, during a stack test conducted October 14 and 15, 2008, emissions were 0.81 lbs/hr [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP No. O-01407, General Terms and Conditions and Special Condition 7, and NSR Permit No. 70403, Special Condition 1].</p>		
<p>4) Failed to report three deviations on the May 18, 2008 to November 18, 2008 semi-annual deviation report, and consequently failed to certify the deviations in the May 18, 2008 to May 17, 2009 annual compliance certification. Specifically, although the Respondent reported permit exceedances at EPNs E1-5-3 and E1-43-3 to the TCEQ as stack test results, the Respondent failed to include those exceedances as deviations on the semi-annual deviation report or annual compliance certification; and although the Respondent reported a permit exceedance that occurred at EPN E2-5-3 to the TCEQ as a stack test result, the Respondent incorrectly reported the exceedance as a deviation in the semi-annual deviation report for the November 19, 2008 to May 17, 2009 deviation reporting period, instead of the May 18, 2008 to November 18, 2008 deviation reporting period, and not on the annual compliance certification [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP No. O-01407, General Terms and Conditions].</p>		

Additional ID No(s): SK0041T



Attachment A

Docket Number: 2010-0620-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: McWane, Inc. dba Tyler Pipe Company

Payable Penalty Amount: Fifty-Eight Thousand Five Hundred Thirty-Five Dollars (\$58,535)

SEP Amount: Twenty-Nine Thousand Two Hundred Sixty-Seven Dollars (\$29,267)

Type of SEP: Pre-approved

Third-Party Recipient: Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")- Clean School Buses

Location of SEP: Texas Air Quality Control Region 022 – Shreveport-Texarkana-Tyler

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 to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to aid local school districts, area transit agencies, and local governments in need of funding assistance to pay for the cost of the following activities to reduce emissions: 1) replacing older diesel buses with alternative fuelled or clean diesel buses; or 2) retrofitting older diesel buses with new, cleaner technology. The funds will be disbursed on a needs-rated basis, using non-attainment area status, condition of buses, and economic status of the recipient as possible rating factors if competition for the funds exists. To maximize funds, retrofitting will take priority over replacement of buses. Older buses deemed not suitable for retrofitting will be permanently retired and sold only for scrap.

Acceptable retrofit technologies include particulate matter traps, diesel particulate matter filters, nitrogen oxides (NO_x) reduction catalyst technology in combination with diesel particulate filters, and other emission control technologies that are developed and approved by the United States Environmental Protection Agency ("EPA") or the California Air Resources Board.

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 reducing particulate matter and hydrocarbon emissions from buses, to meet the new, more stringent emissions standards introduced by the EPA which will be phased in between 2007 and 2010.

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:

Texas Association of Resource Conservation and Development Areas, Inc.
1716 Briarcrest Drive, Suite 510
Bryan, Texas 77802-2700

3. Records and Reporting

Concurrent with the payment of the SEP amount, the Respondent shall provide the Enforcement Division 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.

McWane, Inc. dba Tyler Pipe Company
Agreed Order - Attachment A

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 Enforcement Division 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 October 30, 2008

TCEQ

DATES	Assigned	12-Apr-2010	Screening	21-Apr-2010	EPA Due	4-Jan-2011
	PCW	12-Jul-2010				

RESPONDENT/FACILITY INFORMATION

Respondent	McWane, Inc. dba Tyler Pipe Company		
Reg. Ent. Ref. No.	RN102679867		
Facility/Site Region	5-Tyler	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	39538	No. of Violations	4	
Docket No.	2010-0620-AIR-E	Order Type	1660	
Media Program(s)	Air	Government/Non-Profit	No	
Multi-Media		Enf. Coordinator	Trina Grieco	
		EC's Team	Enforcement Team 5	
Admin. Penalty \$	Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

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

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History Enhancement Subtotals 2, 3, & 7

Notes: Penalty enhancement due to two NOV's issued for same or similar violations, 24 NOV's issued for dissimilar violations, two Agreed Orders containing a denial of liability, one Agreed Order without a denial of liability, and one EPA consent decree containing a denial of liability. Penalty reduction due to an environmental management system in place since September 18, 2003.

Culpability Enhancement Subtotal 4

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments Subtotal 5

Economic Benefit Enhancement* Subtotal 6

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

SUM OF SUBTOTALS 1-7 Final Subtotal

OTHER FACTORS AS JUSTICE MAY REQUIRE Adjustment

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty

DEFERRAL Reduction Adjustment

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

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY

Screening Date 21-Apr-2010

Docket No. 2010-0620-AIR-E

PCW

Respondent McWane, Inc. dba Tyler Pipe Company

Policy Revision 2 (September 2002)

Case ID No. 39538

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102679867

Media [Statute] Air

Enf. Coordinator Trina Grieco

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)	2	10%
	Other written NOVs	24	48%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	2	40%
	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	1	25%
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)	1	30%
	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%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	Yes	-10%
	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) 143%

>> Repeat Violator (Subtotal 3)

Yes

Adjustment Percentage (Subtotal 3) 25%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Penalty enhancement due to two NOVs issued for same or similar violations, 24 NOVs issued for dissimilar violations, two Agreed Orders containing a denial of liability, one Agreed Order without a denial of liability, and one EPA consent decree containing a denial of liability. Penalty reduction due to an environmental management system in place since September 18, 2003.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 168%

Screening Date 21-Apr-2010

Docket No. 2010-0620-AIR-E

PCW

Respondent **McWane, Inc. dba Tyler Pipe Company**

Policy Revision 2 (September 2002)

Case ID No. 39538

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102679867

Media [Statute] Air

Enf. Coordinator Trina Grieco

Violation Number

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c) and 122.143(4), Tex. Health & Safety Code § 382.085(b), Federal Operating Permit ("FOP") No. O-01407, General Terms and Conditions and Special Condition 7, and New Source Review ("NSR") Permit No. 70403, Special Condition 1

Violation Description Failed to comply with permitted emissions limits of 11.87 pounds per hour ("lbs/hr") of non-methane/non-ethane volatile organic compounds ("VOCs") from the Fittings Casting/Cooling, Shell Core, Change Handling - South Stack, emission point number ("EPN") E2-5-3. Specifically, during stack tests conducted October 15, 2008 and November 13, 2008, emissions were 35.65 lbs/hr and 58.42 lbs/hr, respectively.

Base Penalty

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual		x		<input type="text" value="50%"/>
Potential				

>> Programmatic Matrix

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

Matrix Notes Human health or the environment was exposed to significant amounts of contaminants that did not exceed protective levels as a result of the violation.

Adjustment

Violation Events

Number of Violation Events Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty

Four monthly events are recommended from the first failed stack test date of October 15, 2008 to the passing stack test date of January 22, 2009.

Good Faith Efforts to Comply

Reduction

	Before NOV	NOV to EDFRP/Settlement
Extraordinary		
Ordinary	x	
N/A		(mark with x)

Notes The Respondent completed corrective actions on January 22, 2009 (prior to the April 9, 2010 NOE).

Violation Subtotal

Economic Benefit (EB) for this violation

Estimated EB Amount

Statutory Limit Test

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent McWane, Inc. dba Tyler Pipe Company
Case ID No. 39538
Reg. Ent. Reference No. RN102879867
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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Item Description 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
Other (as needed)	\$2,000	15-Oct-2008	8-Dec-2008	0.15	\$15	n/a	\$15
Other (as needed)	\$5,000	15-Oct-2008	22-Jan-2009	0.27	\$88	n/a	\$88

Notes for DELAYED costs

Estimated cost (\$2,000) to conduct engineering tests and operating scenarios to determine the appropriate Qualified Facility Change Alteration ("QFCA") and to conduct a stack test (\$5,000). The date required is the date of the failed stack test and the final dates are the date the QFCA was implemented (12/08/08) and the passing stack test (compliance) date (1/22/09).

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

\$7,000

TOTAL

\$83

Screening Date 21-Apr-2010

Docket No. 2010-0620-AIR-E

PCW

Respondent: McWane, Inc. dba Tyler Pipe Company

Policy Revision 2 (September 2002)

Case ID No: 39538

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102679867

Media [Statute] Air

Enf. Coordinator: Trina Grieco

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c) and 122.143(4); Tex. Health & Safety Code § 382.085(b), FOP No. O-01407, General Terms and Conditions and Special Condition 7, and NSR Permit No. 70403, Special Condition 1

Violation Description

Failed to comply with permitted emissions limits of 8.48 lbs/hr of non-methane/non-ethane VOCs from the 40 Ton Furnace Baghouse exhaust, EPN E1-5-3. Specifically, during a stack test conducted October 14 and 15, 2008, emissions were 11.85 lbs/hr.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment was exposed to insignificant amounts of contaminants that did not exceed protective levels as a result of the violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 2

117 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$5,000

Two quarterly events are recommended from the failed stack test date of October 15, 2008 to the permit amendment issuance date of February 9, 2009.

Good Faith Efforts to Comply

25.0% Reduction

\$1,250

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

Notes: The Respondent completed corrective actions on February 9, 2009 (prior to the April 9, 2010 NOE).

Violation Subtotal \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$32

Violation Final Penalty Total \$12,150

This violation Final Assessed Penalty (adjusted for limits) \$12,150

Economic Benefit Worksheet

Respondent: McWane, Inc. dba Tyler Pipe Company

Case ID No.: 39538

Reg. Ent. Reference No.: RN102679867

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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)	\$2,000	15-Oct-2008	9-Feb-2009	0.32	\$32	n/a	\$32

Notes for DELAYED costs

Estimated cost to amend permit with higher emission limits. The date required is the date of the failed stack test and the final date is the date the amended permit was issued (compliance date).

Avoided Costs

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

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

\$2,000

TOTAL

\$32

Screening Date 21-Apr-2010

Docket No. 2010-0620-AIR-E

PCW

Respondent McWane, Inc. dba Tyler Pipe Company

Policy Revision 2 (September 2002)

Case ID No. 39538

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102679867

Media [Statute] Air

Enf. Coordinator Trina Grieco

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c) and 122.143(4), Tex. Health & Safety Code § 382.085(b), POP No. O-01407, General Terms and Conditions and Special Condition 7, and NSR Permit No. 70403, Special Condition 1

Violation Description

Failed to comply with permitted emissions limits of 0.78 lbs/hr of particulate matter from the New Pipe Machine Regenerative Thermal Oxidizer Outlet Stack exhaust, EPN E1-43-3. Specifically, during a stack test conducted October 14 and 15, 2008, emissions were 0.81 lbs/hr.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment was exposed to insignificant amounts of contaminants that did not exceed protective levels as a result of the violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 2

117 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	X
	semiannual	
	annual	
	single event	

Violation Base Penalty \$5,000

Two quarterly events are recommended from the failed stack test date of October 15, 2008 to the permit amendment issuance date of February 9, 2009.

Good Faith Efforts to Comply

	25.0% Reduction	
	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		(mark with x)

\$1,250

Notes The Respondent completed corrective actions on February 9, 2009 (prior to the April 9, 2010 NOE).

Violation Subtotal \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$12,150

This violation Final Assessed Penalty (adjusted for limits) \$12,150

Economic Benefit Worksheet

Respondent McWane, Inc. dba Tyler Pipe Company
Case ID No. 39538
Reg. Ent. Reference No. RN102679867
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				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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The economic benefit for this violation is included in the economic benefit calculated for Violation 2.

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

\$0

TOTAL

\$0

Screening Date 21-Apr-2010

Docket No. 2010-0620-AIR-E

PCW

Respondent **McWane, Inc. dba Tyler Pipe Company**

Policy Revision 2 (September 2002)

Case ID No. 39538

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102679867

Media [Statute] Air

Enf. Coordinator Trina Grieco

Violation Number

Rule Cite(s)

30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(A), Tex. Health & Safety Code § 382.085(b), and FOP No. O-01407, General Terms and Conditions

Violation Description

Failed to report three deviations on the May 18, 2008 to November 18, 2008 semi-annual deviation report, and consequently failed to certify the deviations in the May 18, 2008 to May 17, 2009 annual compliance certification. Specifically, although the Respondent reported permit exceedances at EPNs E1-5-3 and E1-43-3 to the TCEQ as stack test results, the Respondent failed to include those exceedances as deviations on the semi-annual deviation report or annual compliance certification; and although the Respondent reported a permit exceedance that occurred at EPN E2-5-3 to the TCEQ as a stack test result, the Respondent incorrectly reported the exceedance as a deviation in the semi-annual deviation report for the November 19, 2008 to May 17, 2009 deviation reporting period, instead of the May 18, 2008 to November 18, 2008 deviation reporting period, and not on the annual compliance certification.

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Matrix Notes	Falsification			Percent
	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text" value="x"/>	<input type="text" value="1%"/>
The Respondent failed to comply with approximately 8% of the rule requirements (3 of 40 deviations not reported).				

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

daily	<input type="text"/>
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="text" value="x"/>

Violation Base Penalty

One single event is recommended for the one deficient report.

Good Faith Efforts to Comply

	0.0% Reduction	
	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="text" value="x"/>	(mark with x)

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal

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 McWane, Inc. dba Tyler Pipe Company
Case ID No. 39538
Reg. Ent. Reference No. RN102679867
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				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)	\$50	19-Dec-2008	1-Dec-2010	1.95	\$5	n/a	\$5

Notes for DELAYED costs

Estimated cost to implement measures designed to ensure that all deviations are reported as required in semi-deviation reports. The date required is the date the deficient report was submitted and the final date is the date corrective actions are projected to be 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

\$50

TOTAL

\$5

Compliance History Report

Customer/Respondent/Owner-Operator:	CN602243313 McWane, Inc.	Classification: AVERAGE	Rating: 25.07
Regulated Entity:	RN102679867 TYLER PIPE COMPANY	Classification: POOR	Site Rating: 47.14

ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	SK0041T
	AIR OPERATING PERMITS	PERMIT	1407
	WASTEWATER	PERMIT	WQ0001793000
	WASTEWATER	PERMIT	TPDES0001465
	WASTEWATER	PERMIT	TX0001465
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD066349770
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30140
	INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50141
	PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	42476
	AIR NEW SOURCE PERMITS	PERMIT	4073
	AIR NEW SOURCE PERMITS	PERMIT	4246
	AIR NEW SOURCE PERMITS	PERMIT	7512
	AIR NEW SOURCE PERMITS	PERMIT	9425
	AIR NEW SOURCE PERMITS	PERMIT	10569
	AIR NEW SOURCE PERMITS	REGISTRATION	11209
	AIR NEW SOURCE PERMITS	REGISTRATION	14118
	AIR NEW SOURCE PERMITS	REGISTRATION	15584
	AIR NEW SOURCE PERMITS	PERMIT	17175
	AIR NEW SOURCE PERMITS	REGISTRATION	23831
	AIR NEW SOURCE PERMITS	REGISTRATION	23973
	AIR NEW SOURCE PERMITS	REGISTRATION	41902
	AIR NEW SOURCE PERMITS	REGISTRATION	48924
	AIR NEW SOURCE PERMITS	REGISTRATION	49603
	AIR NEW SOURCE PERMITS	REGISTRATION	50174
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	SK0041T
	AIR NEW SOURCE PERMITS	REGISTRATION	52208
	AIR NEW SOURCE PERMITS	REGISTRATION	52302
	AIR NEW SOURCE PERMITS	REGISTRATION	55428
	AIR NEW SOURCE PERMITS	REGISTRATION	76209
	AIR NEW SOURCE PERMITS	REGISTRATION	76210
	AIR NEW SOURCE PERMITS	AFS NUM	4842300004
	AIR NEW SOURCE PERMITS	PERMIT	56407
	AIR NEW SOURCE PERMITS	PERMIT	70403
	AIR NEW SOURCE PERMITS	REGISTRATION	71019
	AIR NEW SOURCE PERMITS	REGISTRATION	54117
	AIR NEW SOURCE PERMITS	REGISTRATION	74036
	AIR NEW SOURCE PERMITS	REGISTRATION	74959
	AIR NEW SOURCE PERMITS	REGISTRATION	74795
	AIR NEW SOURCE PERMITS	REGISTRATION	74955
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX1046
	AIR NEW SOURCE PERMITS	REGISTRATION	78463
	AIR NEW SOURCE PERMITS	REGISTRATION	78855
	AIR NEW SOURCE PERMITS	REGISTRATION	81113

AIR NEW SOURCE PERMITS	REGISTRATION	80981
AIR NEW SOURCE PERMITS	REGISTRATION	81413
AIR NEW SOURCE PERMITS	REGISTRATION	81945
AIR NEW SOURCE PERMITS	REGISTRATION	82313
AIR NEW SOURCE PERMITS	REGISTRATION	82672
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	2120023
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30140
INDUSTRIAL AND HAZARDOUS WASTE COMPLIANCE PLANS	PERMIT	50141
AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	SK0041T

Location: 11721 US HIGHWAY 69 N, SMITH COUNTY

TCEQ Region: REGION 05 - TYLER

Date Compliance History Prepared: April 14, 2010

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: April 14, 2005 to April 14, 2010

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

Name: Trina Grieco Phone: (210) 403-4006

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: YES

Components (Multimedia) for the Site :

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

Effective Date: 07/15/2005 ADMINORDER 2003-0618-MLM-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 11 PERMIT

Description: Failure to maintain and operate the coatings application system within the limits and specifications set forth by the manufacturer as required by Special Condition 11 of TCEQ New Source Review Permit No. 26203.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 8 PERMIT

Description: Failure to comply with the 0.20 gallons per hour thinner usage rate as outlined in Special Condition 8 of TCEQ New Source Review Permit No. 26203.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 16, 18, & 20 PERMIT

Description: Failure to exercise good environmental housekeeping practices as outlined in Special Conditions 16, 18, and 20 of TCEQ New Source Review Permit No. 26203.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 14(B) PERMIT

Description: Failure to maintain and provide an accurate report of complete usage records and have them readily available upon request, as required by Special Condition 14(B) of TCEQ NSR Permit No. 26203.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.116(b)(1)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: application misrepresentation PERMIT

Description: Failure to conduct the mixing process in accordance with the representations included with the permit application for TCEQ New Source Review Permit No. 26203.

Classification: Major

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)
5C THC Chapter 382, SubChapter A 382.0518(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: No. 9425 PERMIT

Description: Failure to obtain TCEQ New Source Review permit authorization for all emission points and pollutants prior to constructing and operating the Impact Molding Process (FIN No. P3-1).

Classification: Major

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.160
40 CFR Chapter 51, SubChapter C, PT 51, SubPT I 51.166
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to obtain Prevention Of Significant Deterioration (PSD) permit authorization prior to completing a major modification where the new emission increases in TSP are greater than or equal to 15 tpy and CO is greater than or equal to 100 tpy, as outlined in Title 40 Code of Federal Regulations Part 51.166.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.10(b)(2)(A)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to accurately report actual carbon monoxide emissions generated by the Impact Molding Process (FIN No. P3-1) and the Hermann Moldmaster process in the 2000 Emissions Inventory Questionnaire.

Classification: Major

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)
5C THC Chapter 382, SubChapter A 382.0518(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to obtain prior to construction and operation of the South Plant Impact Millroom Dip Tank without obtaining a permit or other authorization.

Classification: Major

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)
5C THC Chapter 382, SubChapter A 382.0518(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to obtain TCEQ New Source Review permit authorization for emissions generated by the JJR2 process line as a result of a ductile iron throughput increase at the South Plant cupola.

Classification: Major

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)
5C THC Chapter 382, SubChapter A 382.0518(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 8157 PERMIT

Description: Failure to obtain TCEQ New Source Review (NSR) permit authorization for all emission points and pollutants prior to constructing and operating the Hermann Moldmaster Process (FIN No. P2-1 and P2-2).

Classification: Major

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.160
40 CFR Chapter 51, SubChapter C, PT 51, SubPT I 51.166
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 8157 PERMIT

Description: Failure to obtain Prevention Of Significant Deterioration (PSD) permit authorization prior to completing a major modification to the process causing emission increases in TSP greater than or equal to 15 tpy and CO greater than or equal to 100 tpy outlined in Title 40 Code of Federal Regulations Part 51.166.

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)
5C THC Chapter 382, SubChapter A 382.0518(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to verify that actual emissions were within the emission rate represented in the permit application for the Torrit Baghouse.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.116
5C THC Chapter 382, SubChapter A 382.0518(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Permit No. 4581 PERMIT

Description: Failure to operate the ductile inoculation fugitive emission collection system on the 65 ton furnace with an efficiency of 99% as presented in the 1991 permit amendment application.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.221(a)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 4246 PERMIT
8157 PERMIT

Description: Failure to maintain all air pollution and abatement equipment in good working order and operating properly during Plant operations, which resulted in the failure to control visible emissions.

Classification: Major

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(1)
5C THC Chapter 382, SubChapter A 382.0518(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Permit No. 26516 PERMIT

Description: Failure to represent all emissions generated from the graphite/isopropanol mixing and application operations (EPN No. FE1-15-16) and the core wash process in its application for Air Quality Permit under the New Source Review (NSR) permit no. 26516.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)
5C THC Chapter 382, SubChapter A 382.0518(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: application representation PERMIT

Description: Failure to obtain NSR authorization for engaging in modifications involving the usage of "Mag Rods" and a Bubbling Pot.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to notify the TCEQ Tyler Regional office of an estimated reportable quantity emission within 24 hours of the event being discovered.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)(1)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Permit No. 45728 PERMIT

Description: Failure to take prompt action and route all VOC emissions from the Impact Millroom Drying Tunnel to the thermal oxidizer as represented in McWayne's permit application.

Classification: Major

Citation: 30 TAC Chapter 106, SubChapter E 106.144(4)
30 TAC Chapter 116, SubChapter B 116.110(a)(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Permit By Rule no. 53044 PA

Description: Failure to submit Registration Form PI-7 to the TCEQ New Source Review Permit by Rule (PBR) 30 TAC §106.144 authorization prior to relocating Sand Storage Silo No. 7.

Classification: Major

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(1)
5C THC Chapter 382, SubChapter A 382.0518(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to obtain TCEQ New Source Review permit authorization prior to constructing and

operating the P.M. Stands Process line (FIN No.P34-1) .

Classification: Major

Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Permit No. 22200 PERMIT

Description: Failure to accurately represent the VOC emissions associated with the 4260 Pipe Casting and Coating Process (FIN No. P39-1).

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Permit No. 70403, Special Condition 1 PERMIT

Description: Failure to maintain the maximum allowable emission rate for hydrogen chloride and hydrogen fluoride at the North Plant Cupola.

Classification: Moderate

Citation: TWC Chapter 26 26.121

Rqmt Prov: MGSP No. TXR05P127, Part III, Section A. PERMIT

Description: Failure to conduct a survey of potential non-storm water sources and to test or inspect the storm sewer system for the presence of non-storm water discharges.

Classification: Moderate

Citation: TWC Chapter 26 26.121

Rqmt Prov: Sec A(5)(h) PERMIT

Description: Failure to complete the required quarterly visual monitoring of the storm water discharge from each of the four storm water outfalls on the facility's site for the first two calendar quarters of 2002.

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: Prov No. 1 PERMIT

Prov. No. 2 PERMIT

Description: Exceeded the permitted effluent limits for COD, oil and grease, and Zinc as shown in the Effluent Limitations and Monitoring Requirements Table 1 and 2 as specified in Permit No. 01793.

Classification: Moderate

Citation: 30 TAC Chapter 319, SubChapter A 319.11(a)
30 TAC Chapter 319, SubChapter A 319.11(b)

Rqmt Prov: Prov No. 2 PERMIT

Description: Failure to properly collect and preserve samples in one instance by using approved method.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)
5C THC Chapter 382, SubChapter A 382.0518(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Permit No. 22200 PERMIT

Description: Failed to renew Permit No. 22200 prior to its expiration date of May 24, 2003, thus, the Respondent operated the North Plant without a valid permit.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)

Description: Failure to record and report all of the information required in the final record for the emission events from Incident Nos. 50643 and 50800.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Air Permit No. 4246, Special Provisions OP

Air Permit No. 70403, Special Cond. No.1 PERMIT

Description: Failure to prevent unauthorized emissions during an emissions event (Incident #50643).

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)

Description: Failure to submit an initial notification within 24 hours of the discovery of the event (Incident #50809).

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.160
40 CFR Chapter 51, SubChapter C, PT 51, SubPT I 51.166
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to obtain PSD authorization prior to completing a major modification where the actual to potential emission increases in PM10 are greater than or equal to 15 tpy and CO are greater than or equal to 100 tpy.

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: Permit No. 70403, Special Condition 1 PERMIT
Description: Failure to prevent exceedance of the maximum allowable emission rate for particulate matter at the North Plant Millroom.

Effective Date: 06/05/2008 ADMINORDER 2007-1417-AIR-E

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: 9425/PSD-TX-1046 SC 1 PA
O-01407 STC 7 OP
Description: Failure to meet the maximum allowable emission rate (MAER) for the South Plant Cupola Baghouse (EPN ENB-2). Tyler Pipe reported that during a stack test on April 25 and 26, 2006 the CO emissions exceeded the allowable. NSR Permit 9425/PSD-TX-1046 authorizes CO emissions of 1.46 lb/hr. During the test, the CO emissions were 4.42 lbs/hr.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: 9425/PSD-TX-1046 SC 1 PA
O-01407 STC 7 OP
Description: Failure to meet the maximum allowable emission rate (MAER) for the Vanaire Acid Scrubber (EPN E6-15-11). Tyler Pipe reported that on October 27, 2006, it was discovered that the scrubber pump was not operating for 4 hours. During the 4 hours, the emissions of triethylamine (TEA) were calculated at 57 lbs with an allowable of 0.02 lbs/hr of VOC.

Classification: Moderate
Citation: 30 TAC Chapter 106, SubChapter S 106.433(4)(C)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: O-01407 STC 7 OP
Description: Failure to meet the maximum allowable emission rate of 0.25 lbs/hr of VOC emissions at the pattern shop. Tyler Pipe reported that on November 1, 2006 and April 17, 2007, the rate was exceeded by emitting 0.268 lbs/hr and 0.577 lbs/hr, respectively. 30 TAC 106.433(4)(C) [Permit by Rule] limits the emissions to 0.25 lbs/hr if the entity chooses not to register.

Effective Date: 10/06/2008 ADMINORDER 2008-0192-AIR-E

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: FOP O-01407 ST&C 7 NSR OP
NSR Permit No. 9425 S.C. 1 PERMIT
Description: Failure to control Volatile Organic Compounds (VOCs) emissions from the Impact FlexKleen Baghouse #2 (EPN E2-3-1) below the emission limit of 9.56 lbs/hr as listed in the Maximum Allowable Emissions Rate Table attached to TCEQ Air Quality Permit Numbers 9425 and PSD-TX-1046.

See addendum for information regarding federal actions.

- 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. (CEEDS Inv. Track. No.)

1	04/20/2005	(377410)
2	04/20/2005	(377468)
3	05/18/2005	(574680)
4	06/13/2005	(574683)
5	07/08/2005	(398031)
6	07/20/2005	(574686)
7	08/17/2005	(574689)
8	08/26/2005	(407410)
9	09/12/2005	(574691)
10	09/28/2005	(432244)
11	10/17/2005	(574693)
12	11/15/2005	(574695)
13	12/12/2005	(439793)
14	12/14/2005	(574697)
15	01/10/2006	(574699)
16	01/30/2006	(453366)
17	01/30/2006	(453417)
18	02/03/2006	(454281)
19	02/06/2006	(454489)
20	02/16/2006	(574674)
21	02/27/2006	(457461)
22	03/15/2006	(574676)
23	04/19/2006	(462002)
24	04/19/2006	(574678)
25	05/15/2006	(456452)
26	05/15/2006	(465503)
27	05/18/2006	(574681)
28	06/16/2006	(574684)
29	07/13/2006	(574687)
30	08/11/2006	(484869)
31	08/14/2006	(574690)
32	09/28/2006	(574692)
33	10/18/2006	(513693)
34	10/18/2006	(516276)
35	10/19/2006	(574694)
36	11/20/2006	(574696)
37	11/22/2006	(516188)
38	12/11/2006	(533767)
39	12/19/2006	(517528)
40	12/22/2006	(574698)
41	01/18/2007	(574700)
42	02/26/2007	(574675)
43	03/16/2007	(574677)
44	04/19/2007	(574679)
45	05/02/2007	(541962)
46	05/21/2007	(574682)
47	06/15/2007	(574685)
48	07/19/2007	(574688)
49	08/23/2007	(571889)
50	09/20/2007	(607482)
51	10/18/2007	(607483)
52	10/18/2007	(607484)
53	10/18/2007	(607485)
54	01/16/2008	(613934)
55	03/10/2008	(638275)
56	03/12/2008	(637818)
57	03/12/2008	(637963)
58	03/13/2008	(619107)

59 03/13/2008 (619186)
60 03/13/2008 (636376)
61 03/13/2008 (637302)
62 03/13/2008 (637453)
63 04/09/2008 (641197)
64 04/10/2008 (641410)
65 05/12/2008 (641615)
66 05/12/2008 (646385)
67 05/20/2008 (653690)
68 05/20/2008 (671406)
69 05/22/2008 (671512)
70 06/14/2008 (453474)
71 08/29/2008 (701102)
72 09/07/2008 (616788)
73 11/24/2008 (708026)
74 02/27/2009 (736385)
75 07/09/2009 (761041)
76 09/10/2009 (766097)
77 01/11/2010 (785441)
78 03/15/2010 (795447)
79 04/09/2010 (791544)

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

Date: 05/31/2005 (574683) CN602243313
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 06/30/2005 (574686) CN602243313
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 08/31/2005 (574691) CN602243313
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 09/30/2005 (574693) CN602243313
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 10/31/2005 (574695) CN602243313
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 03/31/2006 (574678) CN602243313
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date: 04/30/2006 (574681) CN602243313
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date: 07/31/2006 (574690) CN602243313
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date: 08/31/2006 (574692) CN602243313
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date: 09/30/2006 (574694) CN602243313
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date: 10/31/2006 (574696) CN602243313
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date: 11/27/2006 (516188) CN602243313
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)

Description: Failure to maintain the fence against intruder entry at the gate to the ground storage tanks.

Date: 11/30/2006 (574698) CN602243313
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date: 12/31/2006 (574700) CN602243313
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date: 01/31/2007 (574675) CN602243313
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date: 02/28/2007 (574677) CN602243313
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date: 03/31/2007 (574679) CN602243313
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 04/30/2007 (574682) CN602243313
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 05/31/2007 (574685) CN602243313
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 06/30/2007 (574688) CN602243313
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 08/23/2007 (572476) Classification: Moderate
Self Report? NO
Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)
30 TAC Chapter 116, SubChapter F 116.617(b)(1)(F)
30 TAC Chapter 122, SubChapter B 122.143(4)
55428 PA
5C THC Chapter 382, SubChapter D 382.085(b)
O-01407 STC 9B OP
Description: Failure to operate the Hot Dip Asphalt Pipe Coating Baghouse (EPN E2103113) while the dipping lines were operating. Tyler Pipe reported that the dipping lines were operating while the baghouse had been shutdown. Tyler Pipe represented in the standard permit application (Permit 55428) that the baghouse would operate when the dipping lines were operating.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
4246 SC 8 PA
5C THC Chapter 382, SubChapter D 382.085(b)
O-01407 STC 7 OP
Description: Failure to operate the NP Sand Handling Dust Collector (EPN E5-23-7) while the cannonball crusher was still in operation. Tyler Pipe reported that the baghouse had been shutdown following the completion of maintenance on the core machines, but the cannonball crusher was still in operation and venting to the baghouse.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 113, SubChapter C 113.1140
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEEEE 63.7741(a)(2)(iv)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEEEE 63.7746(a)
5C THC Chapter 382, SubChapter D 382.085(b)
9425 SC 4 PA
O-01407 STC 1E OP
O-01407 STC 7 OP
Description: Failure to perform a monthly transducer calibration check with a manometer on the South Plant Cupola Baghouse and failure to report the deviation in the first six

month deviation report. Tyler Pipe reported that the manometer was not installed properly and therefore the monthly transducer check could not be performed as required.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 113, SubChapter C 113.1140
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEEEE 63.7740(f)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEEEE 63.7740(f)(2)
5C THC Chapter 382, SubChapter D 382.085(b)
9425 SC 4 PA
O-01407 STC 1K OP
O-01407 STC 7 OP

Description: Failure to record the Dakota (EPN E2-15-11) and Vanaire (EPN E6-15-11) scrubbers fluid pH and fluid flow rates. Tyler Pipe reported that the 3-hour average fluid pH and fluid flow rates were not recorded on 12 days from April 23, 2007 to May 16, 2007.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 113, SubChapter C 113.100
30 TAC Chapter 113, SubChapter C 113.1140
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.10(b)(2)(v)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.6(e)(3)(iii)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEEEE 63.7752(a)(2)
5C THC Chapter 382, SubChapter D 382.085(b)
9425 SC 4 PA
O-01407 STC 1K OP
O-01407 STC 7 OP

Description: Failure to maintain SSMP logs for the Dakota and Vanaire scrubbers. Tyler Pipe reported that due to a miscommunication error, the logs were not maintained for 12 days from April 23, 2007 to May 16, 2007.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 113, SubChapter C 113.100
30 TAC Chapter 113, SubChapter C 113.1140
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.10(b)(2)(v)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.6(e)(1)(i)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEEEE 63.7710(a)
5C THC Chapter 382, SubChapter D 382.085(b)
70403 SC 14D PA
70403 SC 17 PA
9425 SC 4 PA
O-01407 STC 1K OP
O-01407 STC 7 OP

Description: Failure to operate 3 baghouses on three occasions while operating the foundry. Tyler Pipe reported that on May 7, 2007, the South Plant cupola baghouse was not operating while the cupola was on spill. Tyler Pipe also reported that on May 9, 2007, the North Plant cupola baghouse lost control and shutdown due to a human programming error while the cupola was still operating. Tyler Pipe also reported that on May 17, 2007, the North Plant baghouse associated with the Small Wheel was shutdown while

Date: 08/31/2007 (607482) CN602243313

Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 09/30/2007 (607483) CN602243313

Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 05/27/2008 (671512) CN602243313
Self Report? NO Classification: Major
Citation: 30 TAC Chapter 281, SubChapter A 281.25(a)(4)
TPDES MULTI SECTOR GENERAL PERMIT
Description: Failure to identify and describe, in the SWP3, all activities and significant materials that may potentially be pollutant sources.

Date: 08/29/2008 (701102) CN602243313
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 113, SubChapter C 113.1140
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEEEE 63.7741(f)(2)
5C THSC Chapter 382 382.085(b)
SC 17 PA
STC 7 OP

Description: Failure to record for the North Plant Cupola, the correct cupola afterburner combustion zone temperatures between January 3, 2007 through May 23, 2007 (EPN E3-5-1).

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 113, SubChapter C 113.1140
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEEEE 63.7710(b)(4)(iii)
5C THSC Chapter 382 382.085(b)
SC 37 PA
STC 1.K. OP
STC 7 OP

Description: Failure to maintain the site-specific monitoring plan for the North Plant Cupola bag leak detection system to be consistent with Quality Assurance procedures contained in the U.S. EPA's guidance document "Fabric Filter Bag Leak Detection Guidance" (EPA-454/R-98-015) [EPN FE1-5-1].

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 113, SubChapter C 113.1140
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEEEE 63.7740(g)(2)
5C THSC Chapter 382 382.085(b)
STC 1.K. OP
STC 7 OP

Description: Failure to record correctly the Isocure Production Acid Scrubber (EPN E10-23-1) pH after a long shutdown of the scrubber.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 113, SubChapter C 113.1140
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEEEE 63.7710(b)
5C THSC Chapter 382 382.085(b)
SC 37 PA
STC 1.K. OP
STC 7 OP

Description: Failure to complete the required Work Orders identified in the Operations and Maintenance Plan for the Isocure Production Acid Scrubber (EPN E10-23-1), for 2 shifts on June 13, 2007.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 113, SubChapter C 113.1140
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEEEE 63.7710(b)(4)(iii)
5C THSC Chapter 382 382.085(b)
SC 4 PA
STC 1.K. OP
STC 7 OP

Description: Failure to maintain the site-specific monitoring plan for the South Plant Cupola bag leak detection system to be consistent with Quality Assurance procedures contained in the U.S. EPA's guidance document "Fabric Filter Bag Leak Detection Guidance" (EPA-454/R-98-015) [EPN ENB-2].

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.1140
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEEEE 63.7741(e)(2)
5C THSC Chapter 382 382.085(b)
SC 4 PA
STC 1.K. OP
STC 7 OP

Description: Failure to properly calibrate the South Plant VanAire scrubber (EPN E6-15-11) pH probe.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 113, SubChapter C 113.1140
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEEEE 63.7710(b)(4)(iii)
5C THSC Chapter 382 382.085(b)
SC 4 PA
SC 5 PA
STC 1.K. OP
STC 7 OP

Description: Failure to maintain the site-specific monitoring plan for the South Plant Impact Molding Line bag leak detection system to be consistent with Quality Assurance procedures contained in the U.S. EPA's guidance document "Fabric Filter Bag Leak Detection Guidance" (EPA-454/R-98-015) [EPN ENB-3].

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
SC 31.B. PA
STC 7 OP

Description: Failure to conduct daily visible emissions observations for the North Plant's emissions points (EPNs: E3-5-1, E1-5-3, E2-5-3) on February 25, 2008 and February 28, 2008.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.1140
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEEEE 63.7740(g)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEEEE 63.7740(g)(2)
5C THSC Chapter 382 382.085(b)
SC 4 PA
STC 1.K. OP
STC 7 OP

Description: Failure to record the Dakota (EPN E2-15-11) and Vanair (EPN E6-15-11) scrubbers pH and fluid flow rates.

Date: 04/09/2010 (791544)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.1140
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEEEE 63.7710(b)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 37 PA
Special Terms and Conditions No. 1(K) OP
Special Terms and Conditions No. 7 OP

Description: Failure to complete inspection of NP Cupola Baghouse Leak Detection System (EPN E3-5-1).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition No. 14B PA
Special Terms and Conditions No. 7 OP
Description: Failure to operate the NP Millroom baghouse (EPN E4-19-2) during grinding operations as required.

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

Non-Chapter 90 EMS in place at the site since September 18, 2003.

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

Addendum to Compliance History Federal Enforcement Actions

Reg Entity Name: TYLER PIPE COMPANY

Reg Entity Add: HWY. 69, 4 MILES N. O **Reg Entity No:**

Reg Entity City: TYLER **RN102679867**

Customer Name: McWane

Customer No: CN602243313

EPA Case No: 06-2006-3319

Order Issue Date (yyyymmdd): 20060929

Case Result:

Statute: CAA **Sect of Statute:** 110

Classification: MODERATE

Program: State Implementation Pla **Citation:**

Violation Type:

Cite Sect: **Cite Part:**

Enforcement Action: Administrative Penalty Order

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
MCWANE, INC. DBA TYLER PIPE
COMPANY
RN102679867

§
§
§
§
§
§

BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2010-0620-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 McWane, Inc. dba Tyler Pipe Company ("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 an iron foundry at 11721 United States Highway 69 North, Smith 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 April 14, 2010.
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 Seventy-Three Thousand One Hundred Sixty-Eight Dollars (\$73,168) is assessed by the Commission in settlement of the violations alleged in Section

II ("Allegations"). The Respondent has paid Twenty-Nine Thousand Two Hundred Sixty-Eight Dollars (\$29,268) of the administrative penalty and Fourteen Thousand Six Hundred Thirty-Three Dollars (\$14,633) 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. Twenty-Nine Thousand Two Hundred Sixty-Seven Dollars (\$29,267) shall be conditionally offset by 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. Reported the October 15, 2008 failed stack test of emission point number ("EPN") E2-5-3 in the semi-annual deviation report submitted on June 16, 2009;
 - b. Retested EPN E2-5-3 on January 21 and 22, 2009 with passing results; and
 - c. Amended New Source Review ("NSR") Permit No. 70403 on February 9, 2009 to increase volatile organic compound ("VOC") emission limits for EPN E1-5-3 and particulate matter ("PM") emission limits for EPN E1-43-3 to demonstrate that the results from stack tests conducted on October 14 and 15, 2008 are within current permitted limits.
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 permitted emissions limits of 11.87 pounds per hour ("lbs/hr") of non-methane/non-ethane VOCs from the Fittings Casting/Cooling, Shell Core, Change Handling - South Stack, EPN E2-5-3, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Federal Operating Permit ("FOP") No. O-01407, General Terms and Conditions and Special Condition 7, and NSR Permit No. 70403, Special Condition 1, as documented during a record review conducted on February 10, 2010. Specifically, during stack tests conducted October 15, 2008 and November 13, 2008, emissions were 35.65 lbs/hr and 58.42 lbs/hr, respectively.
2. Failed to comply with permitted emissions limits of 8.48 lbs/hr of non-methane/non-ethane VOCs from the 40 Ton Furnace Baghouse exhaust, EPN E1-5-3, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP No. O-01407, General Terms and Conditions and Special Condition 7, and NSR Permit No. 70403, Special Condition 1, as documented during a record review conducted on February 10, 2010. Specifically, during a stack test conducted October 14 and 15, 2008, emissions were 11.85 lbs/hr.
3. Failed to comply with permitted emissions limits of 0.78 lbs/hr of PM from the New Pipe Machine Regenerative Thermal Oxidizer Outlet Stack exhaust, EPN E1-43-3, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP No. O-01407, General Terms and Conditions and Special Condition 7, and NSR Permit No. 70403, Special Condition 1, as documented during a record review conducted on February 10, 2010. Specifically, during a stack test conducted October 14 and 15, 2008, emissions were 0.81 lbs/hr.
4. Failed to report three deviations on the May 18, 2008 to November 18, 2008 semi-annual deviation report, and consequently failed to certify the deviations in the May 18, 2008 to May 17, 2009 annual compliance certification, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP No. O-01407, General Terms and Conditions, as documented during a record review conducted on February 10, 2010. Specifically, although the Respondent reported permit exceedances at EPNs E1-5-3 and E1-43-3 to the TCEQ as stack test results, the Respondent failed to include those exceedances as deviations on the semi-annual deviation report or annual compliance certification; and although the Respondent reported a permit exceedance that occurred at EPN E2-5-3 to the TCEQ as a stack test result, the Respondent incorrectly reported the exceedance as a deviation in the semi-annual deviation report for the November 19, 2008 to May 17, 2009 deviation reporting period, instead of the May 18, 2008 to November 18, 2008 deviation reporting period, and not on the annual compliance certification.

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: McWane, Inc. dba Tyler Pipe Company, Docket No. 2010-0620-AIR-E" to:

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

2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Twenty-Nine Thousand Two Hundred Sixty-Seven Dollars (\$29,267) of the assessed administrative penalty shall be offset with the condition that 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. Within 30 days after the effective date of this Agreed Order, implement measures designed to ensure that all deviations are reported and within the required timeframes; and
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a. 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 fines 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
Tyler Regional Office
Texas Commission on Environmental Quality
2916 Teague Drive
Tyler, Texas 75701-3734

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 Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes under this Agreed Order.

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

Date 9/13/2010

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

Date 7/19/10

GREG SIMMONS

Name (Printed or typed)
Authorized Representative of
McWane, Inc. dba Tyler Pipe Company

AGM
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: 2010-0620-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: McWane, Inc. dba Tyler Pipe Company

Payable Penalty Amount: Fifty-Eight Thousand Five Hundred Thirty-Five Dollars (\$58,535)

SEP Amount: Twenty-Nine Thousand Two Hundred Sixty-Seven Dollars (\$29,267)

Type of SEP: Pre-approved

Third-Party Recipient: Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")- Clean School Buses

Location of SEP: Texas Air Quality Control Region 022 – Shreveport-Texarkana-Tyler

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 to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to aid local school districts, area transit agencies, and local governments in need of funding assistance to pay for the cost of the following activities to reduce emissions: 1) replacing older diesel buses with alternative fuelled or clean diesel buses; or 2) retrofitting older diesel buses with new, cleaner technology. The funds will be disbursed on a needs-rated basis, using non-attainment area status, condition of buses, and economic status of the recipient as possible rating factors if competition for the funds exists. To maximize funds, retrofitting will take priority over replacement of buses. Older buses deemed not suitable for retrofitting will be permanently retired and sold only for scrap.

Acceptable retrofit technologies include particulate matter traps, diesel particulate matter filters, nitrogen oxides (NO_x) reduction catalyst technology in combination with diesel particulate filters, and other emission control technologies that are developed and approved by the United States Environmental Protection Agency ("EPA") or the California Air Resources Board.

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 reducing particulate matter and hydrocarbon emissions from buses, to meet the new, more stringent emissions standards introduced by the EPA which will be phased in between 2007 and 2010.

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:

Texas Association of Resource Conservation and Development Areas, Inc.
1716 Briarcrest Drive, Suite 510
Bryan, Texas 77802-2700

3. Records and Reporting

Concurrent with the payment of the SEP amount, the Respondent shall provide the Enforcement Division 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.

McWane, Inc. dba Tyler Pipe Company
Agreed Order - Attachment A

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 Enforcement Division 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.

