

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 3
DOCKET NO.: 2009-0822-AIR-E **TCEQ ID:** RN102004314 **CASE NO.:** 37735
RESPONDENT NAME: W & W Fiberglass Tank 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: W&W Fiberglass Tank, 116 South Price Road, Pampa, Gray County</p> <p>TYPE OF OPERATION: Fiberglass tank manufacturing plant</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 December 21, 2009. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Suzanne Walrath, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-2134; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387 Respondent: Mr. Judd Wilson, President, W & W Fiberglass Tank Company, 116 South Price Road, Pampa, Texas 79065 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 26, 2009</p> <p>Date of NOV/NOE Relating to this Case: May 28, 2009 (NOE)</p> <p>Background Facts: This was a record review investigation.</p> <p>AIR</p> <p>1) The Respondent exceeded the rolling 12 month volatile organic compound ("VOC") permitted emission limit of 39.44 tons per year ("TPY"). Specifically, the Respondent exceeded the allowable limit for styrene in October 2008 (42.24 TPY), November 2008 (42.82 TPY), December 2008 (43.87 TPY), and January 2009 (43.54 TPY) [30 TEX. ADMIN. CODE § 116.115(b)(2)(F), Air Permit No. 47294, General Condition No. 8 and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>2) Failure to submit four semi-annual compliance reports on or before the required due date. Specifically, the reports that were due on July 31, 2006, December 3, 2006, June 2, 2007, and December 3, 2007 were not submitted until June 2, 2008 [30 TEX. ADMIN. CODE §§ 101.20(2) and 116.115(c), 40 CODE OF FEDERAL REGULATIONS ("CFR") §§ 63.5910(b) and 63.9(h), Air Permit No. 47294, Special Condition ("SC") 4 and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>3) Failure to report all instances of deviations on five submitted deviation reports covering the periods of April 21, 2006 through June 30, 2006, July 1, 2006 through November 3, 2006, November 4, 2006 through May 3, 2007, May 4, 2007 through November 3, 2007, and May 4,</p>	<p>Total Assessed: \$19,944</p> <p>Total Deferred: \$3,988 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid (Due) to General Revenue: \$461 (remaining \$15,495 due in 32 monthly payments of \$477 each and one final payment of \$231)</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input 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. Submitted four semi-annual compliance reports on June 2, 2008; and</p> <p>b. Submitted the permit compliance certification for the time period of November 4, 2007 through May 3, 2008 on June 1, 2009.</p> <p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order, certify compliance with Air Permit No. 47294 VOC TPY emission limits or submit an administratively complete permit amendment application to increase VOC emissions limits;</p> <p>b. If a permit amendment application is submitted, then respond completely and adequately, as determined by the TCEQ, to all requests for information concerning its permit application within 30 days after the date of such requests, or by any other deadline specified in writing;</p> <p>c. Within 30 days after the effective date of this Agreed Order, implement measures designed to ensure that all permit compliance certifications and semi-annual deviation reports are submitted completely, accurately, and timely;</p> <p>d. Within 30 days after the effective date of this Agreed Order, implement procedures to ensure records maintained are complete and accurate;</p> <p>e. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provisions c. and d.;</p> <p>f. If a permit amendment application is submitted, then within 270 days after the effective date of this Agreed Order, submit written certification that either a permit</p>

<p>2008 through November 3, 2008. Specifically, the information missing from all of the reports was the failure to submit semi-annual compliance reports, and for the report for the period of May 4, 2008 through November 3, 2008, the Respondent failed to include the deviation of failure to operate emission capture and abatement equipment properly and failed to adhere to the permitted maximum allowable emission rate table limits for VOCs during the rolling 12 month period which ended on October 30, 2008 [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2), Federal Operating Permit ("FOP") No. O-02448, General Terms and Conditions and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>4) Failure to timely submit a permit compliance certification for the time period of November 4, 2007 through May 3, 2008. Specifically, the certification was due on June 2, 2008, but it was not submitted until June 1, 2009 [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.146(2), FOP No. O-02448, General Terms and Conditions and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>5) Failure to maintain and have available on file for two years records in order to demonstrate compliance with permit conditions and the maximum allowable emission rates table. Specifically, no documentation was available to indicate the maximum composition of all constituents in the resin that had been in use for the previous two years [30 TEX. ADMIN. CODE § 116.115(c), Air Permit No. 47294, SC 11A and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>		<p>amendment has been obtained or that operation has ceased until such time that appropriate authorization is obtained; and</p> <p>g. Written certifications required by Ordering Provisions a., e., and f. shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance.</p>
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Additional ID No(s): GH0099A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

DATES	Assigned	1-Jun-2009			
	PCW	14-Jul-2009	Screening	2-Jun-2009	EPA Due 21-Feb-2010

RESPONDENT/FACILITY INFORMATION	
Respondent	W & W Fiberglass Tank Company
Reg. Ent. Ref. No.	RN102004314
Facility/Site Region	1-Amarillo
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	37735	No. of Violations	5
Docket No.	2009-0822-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Suzanne Walrath
		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

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History Enhancement Subtotals 2, 3, & 7

Notes

Culpability Enhancement Subtotal 4

Notes

Good Faith Effort to Comply 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

PAYABLE PENALTY

Screening Date 2-Jun-2009

Docket No. 2009-0822-AIR-E

PCW

Respondent W & W Fiberglass Tank Company

Policy Revision 2 (September 2002)

Case ID No. 37735

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102004314

Media [Statute] Air

Enf. Coordinator Suzanne Walrath

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)	0	0%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
<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) 24%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

The Respondent has received two Notices of Violation for dissimilar violations, and has received one Agreed Order containing a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 24%

Screening Date 2-Jun-2009	Docket No. 2009-0822-AIR-E	PCW		
Respondent W & W Fiberglass Tank Company	<small>Policy Revision 2 (September 2002)</small>			
Case ID No. 37735	<small>PCW Revision October 30, 2008</small>			
Reg. Ent. Reference No. RN102004314				
Media [Statute] Air				
Enf. Coordinator Suzanne Walrath				
Violation Number <input type="text" value="1"/>				
Rule Cite(s)	30 Tex. Admin. Code § 116.115(b)(2)(F), Air Permit No. 47294, General Condition No. 8 and Tex. Health & Safety Code § 382.085(b)			
Violation Description	The Respondent exceeded the rolling 12 month volatile organic compound ("VOC") permitted emission limit of 39.44 tons per year ("TPY"). Specifically, the Respondent exceeded the allowable limit for styrene in October 2008 (42.24 TPY), November 2008 (42.82 TPY), December 2008 (43.87 TPY), and January 2009 (43.54 TPY).			
Base Penalty		<input type="text" value="\$10,000"/>		
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	
		Percent	<input type="text" value="25%"/>	
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
		Percent	<input type="text" value="0%"/>	
Matrix Notes	Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors.			
		Adjustment	<input type="text" value="\$7,500"/>	
		Subtotal	<input type="text" value="\$2,500"/>	
Violation Events				
Number of Violation Events	<input type="text" value="2"/>	Number of violation days	<input type="text" value="93"/>	
<small>mark only one with an x</small>	daily	<input type="text"/>	Violation Base Penalty	
	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"/>		
<input type="text" value="\$5,000"/>				
<input type="text" value="\$5,000"/>				
<input type="text" value="\$5,000"/>				
Good Faith Efforts to Comply				
		<input type="text" value="0.0%"/>	Reduction	
		Before NOV	NOV to ED-PRP/Settlement Offer	
Extraordinary	<input type="text"/>	<input type="text"/>	Violation Subtotal	
Ordinary	<input type="text"/>	<input type="text"/>		
N/A	<input checked="" type="checkbox"/>	<input type="text" value="(mark with x)"/>		
Notes	The Respondent does not meet the good faith criteria for this violation.		<input type="text" value="\$0"/>	
Economic Benefit (EB) for this violation				
Estimated EB Amount		<input type="text" value="\$168"/>		
Statutory Limit Test		<input type="text" value="\$6,200"/>		
Violation Final Penalty Total		<input type="text" value="\$6,200"/>		
This violation Final Assessed Penalty (adjusted for limits)		<input type="text" value="\$6,200"/>		

Economic Benefit Worksheet

Respondent W & W Fiberglass Tank Company
Case ID No. 37735
Reg. Ent. Reference No. RN102004314
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
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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	\$2,500	31-Oct-2008	7-Mar-2010	1.35	\$168	n/a	\$168
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

These are estimated costs for obtaining a permit amendment in order to comply with permitted MAERT limits. Date required is the beginning of the violation period. Final date is the projected date of compliance.

Avoided Costs

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

Disposal				0.00	\$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

\$168

Screening Date 2-Jun-2009	Docket No. 2009-0822-AIR-E	PCW
Respondent W & W Fiberglass Tank Company		<small>Policy Revision 2 (September 2002)</small>
Case ID No. 37735		<small>PCW Revision October 30, 2009</small>
Reg. Ent. Reference No. RN102004314		
Media [Statute] Air		
Enf. Coordinator Suzanne Walrath		
Violation Number <input type="text" value="2"/>		
Rule Cite(s)	30 Tex. Admin. Code §§ 101.20(2) and 116.115(c), 40 Code of Federal Regulations ("CFR") §§ 63.6910(b) and 63.9(h), Air Permit No. 47294, Special Condition ("SC") 4 and Tex. Health & Safety Code § 382.085(b)	
Violation Description	Failed to submit four semi-annual compliance reports on or before the required due date. Specifically, the reports that were due on July 31, 2006, December 3, 2006, June 2, 2007, and December 3, 2007 were not submitted until June 2, 2008.	
	Base Penalty	<input type="text" value="\$10,000"/>
>> Environmental, Property and Human Health Matrix		
	Harm	
	Release	Major Moderate Minor
OR	Actual	<input type="text"/> <input type="text"/> <input type="text"/>
	Potential	<input type="text"/> <input type="text"/> <input type="text"/>
	Percent	<input type="text" value="0%"/>
>> Programmatic Matrix		
	Falsification	
	Major	Moderate Minor
	<input type="text"/>	<input type="text" value="x"/> <input type="text"/>
	Percent	<input type="text" value="25%"/>
Matrix Notes	<input type="text" value="100% of the rule requirement was not met."/>	
	Adjustment	<input type="text" value="\$7,500"/>
		<input type="text" value="\$2,500"/>
Violation Events		
	Number of Violation Events <input type="text" value="4"/>	<input type="text" value="1767"/> Number of violation days
<small>mark only one with an x</small>	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 type="text" value="x"/>
	Violation Base Penalty	<input type="text" value="\$10,000"/>
	<input type="text" value="Four single events are recommended for the four reports that were not submitted timely."/>	
Good Faith Efforts to Comply	<input type="text" value="25.0%"/> Reduction	<input type="text" value="\$2,500"/>
	<small>Before NOV NOV to ED/PRP/Settlement Offer</small>	
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text" value="x"/>	<input type="text"/>
N/A	<input type="text"/>	<input type="text"/>
	<small>(mark with x)</small>	
Notes	<input type="text" value="The Respondent achieved compliance for this violation on June 2, 2008."/>	
	Violation Subtotal	<input type="text" value="\$7,500"/>
Economic Benefit (EB) for this violation	Statutory Limit Test	
Estimated EB Amount <input type="text" value="\$77"/>	Violation Final Penalty Total	<input type="text" value="\$9,900"/>
	This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$9,900"/>	

Economic Benefit Worksheet

Respondent W & W Fiberglass Tank Company
Case ID No. 37735
Reg. Ent. Reference No. RN102004314
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
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$600	31-Jul-2008	2-Jun-2008	1.84	\$4	\$74	\$77
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
 This is the estimated cost to submit four compliance reports, beginning on the date the first report was due, and ending on the date compliance was achieved.

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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 **TOTAL**
\$77

Screening Date 2-Jun-2009	Docket No. 2008-0822-AIR-E	PCW																	
Respondent W & W Fiberglass Tank Company	<small>Policy Revision 2 (September 2002)</small>																		
Case ID No. 37735	<small>PCW Revision October 30, 2008</small>																		
Reg. Ent. Reference No. RN102004314																			
Media [Statute] Air																			
Enf. Coordinator Suzanne Walrath																			
Violation Number <input type="text" value="3"/>																			
Rule Cite(s)	30 Tex. Admin. Code §§ 122.143(4) and 122.145(2), Federal Operating Permit ("FOP") No. O-02448, General Terms and Conditions and Tex. Health & Safety Code § 382.085(b)																		
Violation Description	Failed to report all instances of deviations on five submitted deviation reports covering the periods of April 21, 2006 through June 30, 2006, July 1, 2006 through November 3, 2006, November 4, 2006 through May 3, 2007, May 4, 2007 through November 3, 2007, and May 4, 2008 through November 3, 2008. Specifically, the information missing from all of the reports was the failure to submit semi-annual compliance reports, and for the report for the period of May 4, 2008 through November 3, 2008, the company failed to include the deviation of failure to operate emission capture and abatement equipment properly and failed to adhere to the permitted maximum allowable emission rate table limits for VOCs during the rolling 12 month period which ended on October 30, 2008.																		
	Base Penalty	<input type="text" value="\$10,000"/>																	
>> Environmental, Property and Human Health Matrix																			
	Harm																		
	Major	Moderate	Minor																
OR	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">Actual</td> <td style="width:50px;"><input type="text"/></td> <td style="width:50px;"><input type="text"/></td> <td style="width:50px;"><input type="text"/></td> </tr> <tr> <td style="text-align: center;">Potential</td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> </table>		Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0%"/>								
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>																
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>																
>> Programmatic Matrix																			
	Falsification	Major	Moderate	Minor															
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>															
				Percent <input type="text" value="1%"/>															
Matrix Notes	<input type="text" value="Less than 30% of the rule requirement was not met."/>																		
	Adjustment			<input type="text" value="\$9,900"/>															
				<input type="text" value="\$100"/>															
Violation Events																			
	Number of Violation Events	<input type="text" value="5"/>	Number of violation days	<input type="text" value="5"/>															
	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50px;">daily</td> <td><input type="text"/></td> </tr> <tr> <td>weekly</td> <td><input type="text"/></td> </tr> <tr> <td>monthly</td> <td><input type="text"/></td> </tr> <tr> <td>quarterly</td> <td><input type="text"/></td> </tr> <tr> <td>semiannual</td> <td><input type="text"/></td> </tr> <tr> <td>annual</td> <td><input type="text"/></td> </tr> <tr> <td>single event</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> </table>			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="checkbox"/>	Violation Base Penalty	<input type="text" value="\$500"/>
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="checkbox"/>																		
	<input type="text" value="Five single events are recommended for the five deviation reports that were submitted with missing information."/>																		
Good Faith Efforts to Comply																			
	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			<input type="text" value="\$500"/>															
Economic Benefit (EB) for this violation																			
	Estimated EB Amount		<input type="text" value="\$342"/>																
	Statutory Limit Test			<input type="text" value="\$620"/>															
	Violation Final Penalty Total			<input type="text" value="\$620"/>															
	This violation Final Assessed Penalty (adjusted for limits)			<input type="text" value="\$620"/>															

Economic Benefit Worksheet

Respondent W & W Fiberglass Tank Company
Case ID No. 37735
Reg. Ent. Reference No. RN102004314
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
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	\$2,000	30-Jul-2008	30-Dec-2009	3.42	\$342	n/a	\$342
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: This is the estimated cost for conducting training for personnel responsible for submitting deviation reports to ensure they are completed accurately. Date required is the date that the first report was due. Final date is the projected date of compliance.

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

\$2,000	\$342
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Screening Date 2-Jun-2009	Docket No. 2009-0822-AIR-E	PCW	
Respondent W & W Fiberglass Tank Company	<small>Policy Revision 2 (September 2002)</small>		
Case ID No. 37735	<small>PCW Revision October 30, 2009</small>		
Reg. Ent. Reference No. RN102004314			
Media [Statute] Air			
Enf. Coordinator Suzanne Walrath			
Violation Number 4			
Rule Cite(s)	30 Tex. Admin. Code §§ 122.143(4), 122.148(2), FOP No. O-02448, General Terms and Conditions and Tex. Health & Safety Code § 382.085(b)		
Violation Description	Failed to timely submit a permit compliance certification for the time period of November 4, 2007 through May 3, 2008. Specifically, the certification was due on June 2, 2008, but it was not submitted until June 1, 2009.		
Base Penalty		\$10,000	
>> Environmental, Property and Human Health Matrix			
Harm			
Release	Major	Moderate	Minor
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>
OR			Percent 0%
>> Programmatic Matrix			
Falsification			
Major	Moderate	Minor	
<input type="text"/>	<input checked="" type="text"/>	<input type="text"/>	<input type="text"/>
		Percent	25%
Matrix Notes	100% of the rule requirement was not met.		
Adjustment		\$7,500	
		\$2,500	
Violation Events			
Number of Violation Events		1	Number of violation days
		364	
<small>mark only one with an x</small>	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"/>	
		Violation Base Penalty	\$2,500
One single event is recommended for the certification that was not submitted timely.			
Good Faith Efforts to Comply			
		0.0% Reduction	\$0
		<small>Before NOV NOV to EOPRP/Settlement Offer</small>	
Extraordinary	<input type="text"/>	<input type="text"/>	
Ordinary	<input type="text"/>	<input type="text"/>	
N/A	<input checked="" type="text"/>	<small>(mark with x)</small>	
Notes	The Respondent does not meet the good faith criteria for this violation.		
Violation Subtotal		\$2,500	
Economic Benefit (EB) for this violation			
Estimated EB Amount		\$118	Violation Final Penalty Total
		\$3,100	
This violation Final Assessed Penalty (adjusted for limits)		\$3,100	

Economic Benefit Worksheet

Respondent W & W Fiberglass Tank Company
Case ID No. 37735
Reg. Ent. Reference No. RN102004314
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
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	\$1,500	2-Jun-2008	30-Dec-2009	1.58	\$118	n/a	\$118
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
 This is the estimated cost for conducting training for personnel responsible for submitting permit compliance certifications. Date required is the date that the certification was due. Final date is the projected date of compliance.

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

\$1,500	\$118
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Screening Date 2-Jun-2009	Docket No. 2009-0822-AIR-E	PCW
Respondent W & W Fiberglass Tank Company		<i>Policy Revision 2 (September 2002)</i>
Case ID No. 37735		<i>PCW Revision October 30, 2008</i>
Reg. Ent. Reference No. RN102004314		
Media [Statute] Air		
Enf. Coordinator Suzanne Walrath		
Violation Number 5		
Rule Cite(s)	30 Tex. Admin. Code § 116.115(c), Air Permit No. 47294, SC 11A and Tex. Health & Safety Code § 382.085(b)	
Violation Description	Failed to maintain and have available on file for two years records to demonstrate compliance with permit conditions and the maximum allowable emission rates table. Specifically, no documentation was available to indicate the maximum composition of all constituents in the resin that had been in use for the previous two years.	
	Base Penalty	\$10,000
>> Environmental, Property and Human Health Matrix		
	Harm	
	Major	Moderate
OR	Minor	
Actual	<input type="checkbox"/>	<input type="checkbox"/>
Potential	<input type="checkbox"/>	<input type="checkbox"/>
	Percent	0%
>> Programmatic Matrix		
	Major	Moderate
	Minor	
Falsification	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Percent	1%
Matrix Notes	Less than 30% of the rule requirement was not met.	
	Adjustment	\$9,900
		\$100
Violation Events		
Number of Violation Events	1	1
		Number of violation days
<i>mark only one with an x</i>	daily	<input type="checkbox"/>
	weekly	<input type="checkbox"/>
	monthly	<input type="checkbox"/>
	quarterly	<input type="checkbox"/>
	semiannual	<input type="checkbox"/>
	annual	<input type="checkbox"/>
single event	<input checked="" type="checkbox"/>	
	Violation Base Penalty	\$100
	One single event is recommended for the records that were incomplete.	
Good Faith Efforts to Comply		
	0.0% Reduction	\$0
	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>
Ordinary	<input type="checkbox"/>	<input type="checkbox"/>
N/A	<input checked="" type="checkbox"/>	<i>(mark with x)</i>
Notes	The Respondent does not meet the good faith criteria for this violation.	
	Violation Subtotal	\$100
Economic Benefit (EB) for this violation		
Estimated EB Amount	\$213	
Statutory Limit Test		
	Violation Final Penalty Total	\$124
	This violation Final Assessed Penalty (adjusted for limits)	
		\$124

Economic Benefit Worksheet

Respondent W & W Fiberglass Tank Company
Case ID No. 37735
Reg. Ent. Reference No. RN102004314
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
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	26-Feb-2007	30-Dec-2009	2.84	\$213	n/a	\$213
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 This is the estimated cost to improve the record-keeping system at the Plant and make available information that indicates the maximum composition of all constituents in the resin in use for the previous two years. Date required is two years prior to the investigation date. Final date is the projected date of compliance.

Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.00	\$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 TOTAL

\$1,500	\$213
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Compliance History Report

Customer/Respondent/Owner-Operator: CN601098882 W & W Fiberglass Tank Company Classification: AVERAGE Rating: 7.67
Regulated Entity: RN102004314 W&W FIBERGLASS TANK Classification: AVERAGE Site Rating: 12.33

ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	GH0099A
	AIR OPERATING PERMITS	PERMIT	2448
	AIR NEW SOURCE PERMITS	AFS NUM	4817900042
	AIR NEW SOURCE PERMITS	PERMIT	47294
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	GH0099A
	AIR NEW SOURCE PERMITS	REGISTRATION	79702
	WATER QUALITY NON PERMITTED	ID NUMBER	R01ST0072
	STORMWATER	PERMIT	TXR05W706

Location: 116 S PRICE RD, PAMPA, TX, 79065

TCEQ Region: REGION 01 - AMARILLO

Date Compliance History Prepared: June 02, 2009

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: June 02, 2004 to June 02, 2009

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

Name: Suzanne Walrath Phone: 239 - 2134

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: 9/1/2008 Repeat Violator: NO

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: 12/22/2006

ADMINORDER 2004-1427-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Permit No. 47294 PERMIT

Description: W&W is alleged to have violated 30 Tex. Admin. Code § 116.115(c); TCEQ Permit No. 47294; and Tex. Health & Safety Code § 382.085(b) by failing to equip the exhaust stack with filters that achieve an arrestance of at least ninety-five (95%) for all particle sizes.

Classification: Minor

Citation: 2A TWC Chapter 5, SubChapter A 5.702

5B THC Chapter 370, SubChapter B 370.008

Description: W&W is alleged to have violated Tex. Health & Safety Code § 370.008 and Tex. Water Code § 5.702, by failing to pay past due Toxic Chemical Release fees for Financial Account No. 0502493 as documented during a record review conducted on August 10, 2004.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(C)

30 TAC Chapter 122, SubChapter B 122.146(2)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: W&W is alleged to have violated 30 Tex. Admin. Code §§ 122.145(2)(C), 122.146(2) and Tex. Health & Safety Code § 382.085(b) by failing to submit deviation reports no later than 30 days after the end of each reporting period.

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	08/06/2004	(272859)
2	07/06/2005	(398528)
3	06/08/2006	(482630)
4	07/18/2006	(486727)
5	07/23/2007	(569078)
6	12/12/2007	(555812)
7	02/14/2008	(617831)
8	03/06/2008	(637516)
9	09/04/2008	(700792)
10	05/27/2009	(743634)

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

Date:	12/12/2007	(555812)	CN601098882
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TXR05W706 Pt.III.A.5.(b)(5) PERMIT		
Description:	The facility has failed to implement the required clean up of spilled resin and acetone.		

Date:	07/29/2008	(687539)	CN601098882
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)		
Description:	Failure to properly operate emission capture and abatement equipment during normal facility operations		

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
W & W FIBERGLASS TANK
COMPANY
RN102004314

§
§
§
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§
§

BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2009-0822-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 W & W Fiberglass Tank 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 a fiberglass tank manufacturing plant at 116 South Price Road in Pampa, Gray 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 June 2, 2009.
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 Nineteen Thousand Nine Hundred Forty-Four Dollars (\$19,944) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Four Hundred Sixty-One Dollars (\$461) of the administrative penalty and Three Thousand Nine Hundred Eighty-Eight Dollars (\$3,988) 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.

The remaining amount of Fifteen Thousand Four Hundred Ninety-Five Dollars (\$15,495) of the administrative penalty shall be payable in 32 monthly payments of Four Hundred Seventy-Seven Dollars (\$477) each and one final payment of Two Hundred Thirty-One Dollars (\$231). The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:
 - a. Submitted four semi-annual compliance reports on June 2, 2008; and
 - b. Submitted the permit compliance certification for the time period of November 4, 2007 through May 3, 2008 on June 1, 2009.
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:

§ 116.115(b)(2)(F), Air Permit No. 47294, General Condition No. 8 and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on February 26, 2009. Specifically, the Respondent exceeded the allowable limit for styrene in October 2008 (42.24 TPY), November 2008 (42.82 TPY), December 2008 (43.87 TPY), and January 2009 (43.54 TPY).

2. Failed to submit four semi-annual compliance reports on or before the required due date, in violation of 30 TEX. ADMIN. CODE §§ 101.20(2) and 116.115(c), 40 CODE OF FEDERAL REGULATIONS ("CFR") §§ 63.5910(b) and 63.9(h), Air Permit No. 47294, Special Condition ("SC") 4 and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on February 26, 2009. Specifically, the reports that were due on July 31, 2006, December 3, 2006, June 2, 2007, and December 3, 2007 were not submitted until June 2, 2008.
3. Failed to report all instances of deviations on five submitted deviation reports covering the periods of April 21, 2006 through June 30, 2006, July 1, 2006 through November 3, 2006, November 4, 2006 through May 3, 2007, May 4, 2007 through November 3, 2007, and May 4, 2008 through November 3, 2008, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2), Federal Operating Permit ("FOP") No. O-02448, General Terms and Conditions and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on February 26, 2009. Specifically, the information missing from all of the reports was the failure to submit semi-annual compliance reports, and for the report for the period of May 4, 2008 through November 3, 2008, the company failed to include the deviation of failure to operate emission capture and abatement equipment properly and failed to adhere to the permitted maximum allowable emission rate table limits for VOCs during the rolling 12 month period which ended on October 30, 2008.
4. Failed to timely submit a permit compliance certification for the time period of November 4, 2007 through May 3, 2008, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.146(2), FOP No. O-02448, General Terms and Conditions and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on February 26, 2009. Specifically, the certification was due on June 2, 2008, but it was not submitted until June 1, 2009.
5. Failed to maintain and have available on file for two years records in order to demonstrate compliance with permit conditions and the maximum allowable emission rates table, in violation of 30 TEX. ADMIN. CODE § 116.115(c), Air Permit No. 47294, SC 11A and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on February 26, 2009. Specifically, no documentation was available to indicate the maximum composition of all constituents in the resin that had been in use for the previous two years.

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: W & W Fiberglass Tank Company, Docket No. 2009-0822-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. 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, certify compliance with Air Permit No. 47294 VOC TPY emission limits or submit an administratively complete permit amendment application to increase VOC emissions limits to:

Air Permits Division, MC 162
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087
 - b. If a permit amendment application is submitted, then respond completely and adequately, as determined by the TCEQ, to all requests for information concerning its permit application within 30 days after the date of such requests, or by any other deadline specified in writing;
 - c. Within 30 days after the effective date of this Agreed Order, implement measures designed to ensure that all permit compliance certifications and semi-annual deviation reports are submitted completely, accurately, and timely;
 - d. Within 30 days after the effective date of this Agreed Order, implement procedures to ensure records maintained are complete and accurate;
 - e. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision Nos. 2.c. and 2.d. to the addresses listed in Ordering Provision No. 2.g.;
 - f. If a permit amendment application is submitted, then within 270 days after the effective date of this Agreed Order, submit written certification that either a permit amendment has been obtained or that operation has ceased until such time that appropriate authorization is obtained; and
 - g. Written certifications required by Ordering Provision Nos. 2.a., 2.e., and 2.f. shall be as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance. The certifications 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
Amarillo Regional Office
Texas Commission on Environmental Quality
3918 Canyon Drive
Amarillo, Texas 79109-4933

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This 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

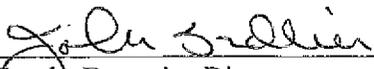
by facsimile transmission to the other parties, which shall constitute an original signature for all purposes under this Agreed Order.

8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

12/8/2009
Date

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

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

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

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



Signature

10-7-09
Date

Todd Wilson

Name (Printed or typed)
Authorized Representative of
W & W Fiberglass Tank Company

PRESIDENT

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.

