

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2009-1138-AIR-E **TCEQ ID:** RNI00221811 **CASE NO.:** 37979

RESPONDENT NAME: Guardian Industries Corp.

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: Guardian Industries - Corsicana, 3801 South U.S. Highway 287, Corsicana, Navarro County</p> <p>TYPE OF OPERATION: Flat glass 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 March 8, 2010. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Terry Murphy, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-5025; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495 Respondent: Mr. George A. Longo, Plant Manager, Guardian Industries Corp., 3801 South U.S. Highway 287, Corsicana, Texas 75109 Respondent's Attorney: Ms. Laura L. LaValle, Partner, Beveridge & Diamond, 98 San Jacinto Boulevard, Suite 1420, Austin, Texas 78701-4039</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: July 8, 2009</p> <p>Date of NOV/NOE Relating to this Case: November 1, 2009 (NOE)</p> <p>Background Facts: This was a record review.</p> <p>AIR</p> <p>1) Failure to maintain the glass furnace [Emission Point Number ("EPN") 10] temperature continuously at or above 2,900 degrees Fahrenheit since October 31, 2008 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), New Source Review Permit ("NSRP") No. 8518/PSD-TX-370M3, Special Condition ("SC") 7, Federal Operating Permit ("FOP") No. O-1091, General Terms and Conditions ("GTC"), Special Terms and Conditions ("STC") 6, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>2) Failure to maintain records of, and thereby document compliance with, the mineral spirits daily usage limit and the hourly emissions limit for volatile organic compounds (mineral spirits) from the Cutting Area (EPN 0600) [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), NSRP No. 8518/PSD-TX-370M3, SC 21C, FOP No. O-1091, GTC, STC 6, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>3) Failure to limit the annual usage of mineral spirits to the amount allowed by permit. Specifically, the annual usage of mineral spirits from Cutting Area (EPN 0600) for the year 2008 was 11,575.0 gallons, while the permit limit was 10,551.9 gallons [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4),</p>	<p>Total Assessed: \$59,696</p> <p>Total Deferred: \$11,939 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$47,757</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. By February 28, 2009, trained and assigned a dedicated staff member to ensure that weekly visible emissions and monthly opacity observations are conducted;</p> <p>b. On April 23, 2009, completed improvements to the recordkeeping system in order to demonstrate compliance with maximum annual operating schedules for the fabric filter baghouses and their associated processes (EPNs 766, 766A, 767, 783, 784, 768c, and 786);</p> <p>c. On May 11, 2009, put into operation a mineral spirits flow meter and began determining and recording daily mineral spirits usage in the Cutting Area (EPN 0600); and</p> <p>d. On May 29, 2009, completed improvements to the deviation reporting system and submitted a deviation report that included all deviations previously undisclosed.</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, submit an administratively complete permit amendment request to revise NSRP No. 8518/PSD-TX-370M3 to change the requirements relating to:</p> <p>i. Argon usage monitoring for the Coater Vacuum Exhaust Stack (EPN 773);</p> <p>ii. The mineral spirits daily usage rate and hourly emissions limits for the Cutting Area (EPN 0600); and</p> <p>iii. PM/PM₁₀ emissions from the Bulk Elevator Baghouse Stack (EPN 767), the Batch Elevator Baghouse Stack (EPN 767A), and the Cullet Elevator Baghouse</p>

NSRP No. 8518/PSD-TX-370M3, SC 15, FOP No. O-1091, GTC, STC 6, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

4) Failure to maintain records of, and thereby document compliance with, the permitted argon hourly emissions rate limit of 4.91 pounds per hour, as well as a record of the hourly argon usage rate, for the Coater Vacuum Exhaust Stack (EPN 773) [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), NSRP No. 8518/PSD-TX-370M3, SC 21D, FOP No. O-1091, GTC, STC 6, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

5) Failure to maintain records of, and thereby demonstrate compliance with, the maximum annual operating schedules for the fabric filter baghouses and their associated processes for EPNs 766, 766A, 767, 783, 784, 768c and 786 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), NSRP No. 8518 and PSD-TX-370M3, SC 21F, FOP No. O-1091, GTC, STC 6, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

6) Failure to conduct opacity and visible emissions observations. Specifically, monthly opacity observations of the Glass Furnace Stack (EPN 10) were not performed during the months of April and December of 2007, and weekly visible emissions observations of the baghouse stacks (GRP-FABFLT) were not performed forty-eight times during the period October 28, 2005 to January 2, 2009 [30 TEX. ADMIN. CODE § 122.143(4), FOP No. O-1091, GTC, STC 5, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

7) Failure to comply with the permitted emissions limits for particulate matter ("PM"). Specifically, since October 27, 2006, emissions of PM, including particulate matter equal to or less than ten microns in diameter ("PM₁₀"), from the Bulk Elevator Baghouse Stack (EPN 767), the Batch Elevator Baghouse Stack (EPN 767A), and the Cullet Elevator Baghouse Stack (EPN 770), have exceeded the emissions limit for both tons per year and pounds per hour [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), NSRP No. 8518 and PSD-TX-370M3, SC 1, FOP No. O-1091, GTC, STC 6, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

8) Failure to include all deviations in semiannual deviation reports and failed to

Stack (EPN 770).

b. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the request to amend NSRP No. 8518/PSD-TX-370M3 within 30 days after the date of such requests, or by any other deadline specified in writing;

c. 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 Provisions a.i. through a.iii.;

d. Within 180 days after the effective date of this Agreed Order, submit written certification of compliance with the provisions of NSRP No. 8518/PSD-TX-370M3 relating to:

i. Argon usage monitoring for the Coater Vacuum Exhaust Stack (EPN 773);

ii. The mineral spirits daily usage rate and hourly emissions limits for the Cutting Area (EPN 0600); and

iii. PM/PM₁₀ emissions from the Bulk Elevator Baghouse Stack (EPN 767), the Batch Elevator Baghouse Stack (EPN 767A), and the Cullet Elevator Baghouse Stack (EPN 770).

submit accurate annual compliance certifications. Specifically, all deviations were not reported for the three semiannual reporting periods of October 26, 2005 through April 25, 2006; April 26, 2006 through October 25, 2006; and October 26, 2007 through April 25, 2008.

Consequently, the annual compliance certifications for the three annual periods of October 26, 2005 through October 25, 2006; October 26, 2006 through October 25, 2007; and October 26, 2007 through October 25, 2008, were inaccurate [30 TEX. ADMIN. CODE §§ 122.143(4), 122.145(2)(A), 122.146(5), FOP No. O-1091, GTC, STC 9, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

9) Failure to submit deviation reports. Specifically, although deviations occurred, no deviation reports were submitted for the three semiannual reporting periods of October 26, 2006 through April 25, 2007; April 26, 2007 through October 25, 2007; and April 26, 2008 through October 25, 2008 [30 TEX. ADMIN. CODE §§ 122.143(4), 122.145(2)(B), and 122.146(5), FOP No. O-1091, GTC, STC 9, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Additional ID No(s): NB0014R



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

DATES	Assigned	7-Jul-2009	Screening	21-Jul-2009	EPA Due	4-Apr-2010
	PCW	16-Dec-2009				

RESPONDENT/FACILITY INFORMATION			
Respondent	Guardian Industries Corp.		
Reg. Ent. Ref. No.	RN100221811		
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	37979	No. of Violations	9
Docket No.	2009-1138-AIR-E	Order Type	1860
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Terry Murphy
		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 21-Jul-2009

Docket No. 2009-1138-AIR-E

PCW

Respondent Guardian Industries Corp.

Policy Revision 2 (September 2002)

Case ID No. 37979

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100221811

Media [Statute] Air

Enf. Coordinator Terry Murphy

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

Please Enter Yes or No

Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 22%

>> 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 penalty was enhanced by four NOV's for same or similar violations and one NOV for dissimilar violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 22%

Screening Date 21-Jul-2009

Docket No. 2009-1138-AIR-E

PCW

Respondent Guardian Industries Corp.

Policy Revision 2 (September 2002)

Case ID No. 37979

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100221811

Media [Statute] Air

Enf. Coordinator Terry Murphy

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4), New Source Review Permit ("NSRP") No. 8518/PSD-TX-370M3, Special Condition ("SC") 7, Federal Operating Permit ("FOP") No. O-1091, General Terms and Conditions ("GTC"), Special Terms and Conditions ("STC") 6, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to maintain the glass furnace [Emission Point Number ("EPN") 10] temperature continuously at or above 2,900 degrees Fahrenheit since October 31, 2008, with temperatures falling from between one to 214 degrees below the the required minimum, as documented during a record review conducted on July 8, 2009.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
					0%

Matrix Notes Failure to maintain the proper temperature in the furnace could result in human health or the environment being exposed to insignificant amounts of pollutants not exceeding levels protective of human health or the environment.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 3 Number of violation days 263

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$3,000

Three quarterly events are recommended from the date exceedances began (October 31, 2008) to the enforcement screening date (July 21, 2009).

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

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

Violation Subtotal \$3,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$875

Violation Final Penalty Total \$3,660

This violation Final Assessed Penalty (adjusted for limits) \$3,660

Economic Benefit Worksheet

Respondent Guardian Industries Corp.
Case ID No. 37979
Reg. Ent. Reference No. RN100221811
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
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
Permit Costs	\$10,000	31-Oct-2008	1-Aug-2010	1.75	\$875	n/a	\$875
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated costs to prepare and submit a permit amendment request to change temperature limits, argon usage monitoring, mineral spirits usage rate and emissions limits, and particulate matter ("PM") emissions limits. The Date Required is the date the Respondent reported the violations, and the Final Date is the date the Respondent is expected to return to 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

\$10,000

TOTAL

\$875

Screening Date 21-Jul-2009

Docket No. 2009-1138-AIR-E

PCW

Respondent Guardian Industries Corp.

Policy Revision 2 (September 2002)

Case ID No. 37979

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100221811

Media [Statute] Air

Enf. Coordinator Terry Murphy

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4), NSRP No. 8518/PSD-TX-370M3, SC 21C, FOP No. O-1091, GTC, STC 6, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to maintain records of, and thereby document compliance with, the mineral spirits daily usage limit and the hourly emissions limit for volatile organic compounds (mineral spirits) from the Cutting Area (EPN 0600), as documented during a record review conducted on July 8, 2009.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
			x	1%

Matrix Notes Less than 30% of the rule requirement was not met.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 1 Number of violation days 927

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$100

One single event is recommended based on the one set of records not maintained.

Good Faith Efforts to Comply

25.0% Reduction

\$25

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

Notes The Respondent returned to compliance on May 11, 2009, which was prior to the NOE.

Violation Subtotal \$75

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$635

Violation Final Penalty Total \$97

This violation Final Assessed Penalty (adjusted for limits) \$97

Economic Benefit Worksheet

Respondent Guardian Industries Corp.
Case ID No. 37979
Reg. Ent. Reference No. RN100221811
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
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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	\$5,000	27-Oct-2006	11-May-2009	2.54	\$635	n/a	\$635
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

Estimated costs to improve recordkeeping of mineral spirits usage. The Date Required is the date the Respondent reported the violations to have begun, and the Final Date is the date the improvements were 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

\$5,000

TOTAL

\$635

Screening Date 21-Jul-2009

Docket No. 2009-1138-AIR-E

PCW

Respondent Guardian Industries Corp.

Policy Revision 2 (September 2002)

Case ID No. 37979

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100221811

Media [Statute] Air

Enf. Coordinator Terry Murphy

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4), NSRP No. 8518/PSD-TX-370M3, SC 15, FQP No. O-1091, GTC, STC 6, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to limit the annual usage of mineral spirits to the amount allowed by permit. Specifically, the annual usage of mineral spirits from Cutting Area (EPN 0600) for the year 2008 was 11,575.0 gallons, while the permit limit was 10,551.9 gallons, as documented during a record review conducted on July 8, 2009.

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

Failure to limit the mineral spirits usage rate resulted in human health or the environment being exposed to insignificant amounts of pollutants not exceeding levels protective of human health or the environment.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

365 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$2,500

One quarterly event is recommended based on the last quarter of the year in which the annual limit was exceeded.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

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

Violation Subtotal \$2,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$3,050

This violation Final Assessed Penalty (adjusted for limits) \$3,050

Economic Benefit Worksheet

Respondent Guardian Industries Corp.
Case ID No. 37979
Reg. Ent. Reference No. RN100221811
Media Air
Violation No. 3

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
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Economic benefit costs are included in Violation No. 1.

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-Jul-2009

Docket No. 2009-1138-AIR-E

PCW

Respondent Guardian Industries Corp.

Policy Revision 2 (September 2002)

Case ID No. 37979

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100221811

Media [Statute] Air

Enf. Coordinator Terry Murphy

Violation Number 4

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(3), 116.116(c), and 122.143(4), NSRP No. 8518/PSD-TX-370M3, SC 21D, FOP No. O-1091, GTC, STC 6, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to maintain records of, and thereby document compliance with, the permitted argon hourly emissions rate limit of 4.91 pounds per hour, as well as a record of the hourly argon usage rate, for the Coater Vacuum Exhaust Stack (EPN 773), as documented during a record review conducted on July 8, 2009.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes

Less than 30% of the rule requirement was not met.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 1

998 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$100

One single event is recommended based on the one set of records not maintained.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

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

Violation Subtotal \$100

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$817

Violation Final Penalty Total \$122

This violation Final Assessed Penalty (adjusted for limits) \$122

Economic Benefit Worksheet

Respondent Guardian Industries Corp.
Case ID No. 37979
Reg. Ent. Reference No. RN100221811
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
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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	\$5,000	27-Oct-2006	1-Feb-2010	3.27	\$817	n/a	\$817
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: Estimated costs to improve recordkeeping of argon hourly usage and emissions. The Date Required is the date the Respondent reported the violations to have begun, and the Final Date is the date the Respondent is expected to return to 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	\$5,000	TOTAL	\$817
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Screening Date 21-Jul-2009

Docket No. 2009-1138-AIR-E

PCW

Respondent Guardian Industries Corp.

Policy Revision 2 (September 2002)

Case ID No. 37979

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100221811

Media [Statute] Air

Enf. Coordinator Terry Murphy

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4), NSRP No. 8518 and PSD-TX-370M3, SC 21F, FOP No. O-1091, GTC, STC 6, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to maintain records of, and thereby demonstrate compliance with, the maximum annual operating schedules for the fabric filter baghouses and their associated processes for EPNs 766, 766A, 767, 783, 784, 768c and 786, as documented during a record review conducted on July 8, 2009.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
			x	1%

Matrix Notes Less than 30% of the rule requirement was not met.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 1 Number of violation days 909

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$100

One single event is recommended based on the one set of records not maintained.

Good Faith Efforts to Comply

25.0% Reduction

\$25

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

Notes The Respondent returned to compliance on April 23, 2009, which was prior to the NOE.

Violation Subtotal \$75

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$374

Violation Final Penalty Total \$97

This violation Final Assessed Penalty (adjusted for limits) \$97

Economic Benefit Worksheet

Respondent Guardian Industries Corp.
Case ID No. 37979
Reg. Ent. Reference No. RN100221811
Media: Air
Violation No. 5

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

	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	\$3,000	27-Oct-2006	23-Apr-2009	2.49	\$374	n/a	\$374
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: Estimated costs to improve the recordkeeping system for the fabric filter baghouse operating schedule. The Date Required is the date the Respondent reported the violations to have begun, and the Final Date is the date the improvements were completed.

Avoided Costs

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

	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	\$3,000	TOTAL	\$374
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Screening Date 21-Jul-2009

Docket No. 2009-1138-AIR-E

PCW

Respondent Guardian Industries Corp.

Policy Revision 2 (September 2002)

Case ID No. 37979

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100221811

Media [Statute] Air

Enf. Coordinator Terry Murphy

Violation Number 6

Rule Cite(s) 30 Tex. Admin. Code § 122.143(4), FOP No. O-1091, GTC, STC 5, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to conduct opacity and visible emissions observations, as documented during a record review conducted on July 8, 2009. Specifically, monthly opacity observations of the Glass Furnace Stack (EPN 10) were not performed during the months of April and December of 2007, and weekly visible emissions observations of the baghouse stacks (GRP-FABFLT) were not performed forty-eight times during the period October 28, 2005 to January 2, 2009.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to monitor opacity and visible emissions could result in human health or the environment being exposed to significant amounts of pollutants not exceeding levels protective of human health or the environment.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 5

50 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	x
annual	
single event	

Violation Base Penalty \$12,500

Five semiannual events are recommended for the period October 2005 through January 2009.

Good Faith Efforts to Comply

25.0% Reduction

\$3,125

Before NOV NOV to EDRPP/Settlement Offer

Extraordinary

Ordinary

N/A

Notes

The Respondent returned to compliance by February 28, 2009, which was prior to the NOE.

Violation Subtotal \$9,375

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$835

Violation Final Penalty Total \$12,125

This violation Final Assessed Penalty (adjusted for limits) \$12,125

Economic Benefit Worksheet

Respondent: Guardian Industries Corp.
Case ID No.: 37979
Reg. Ent. Reference No.: RN100221811
Media: Air
Violation No.: 6

Percent Interest	Years of Depreciation
5.0	15

Item Cost **Date Required** **Final Date** **Yrs** **Interest Saved** **Onetime Costs** **EB Amount**
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	\$5,000	28-Oct-2005	28-Feb-2009	3.34	\$835	\$835
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: Estimated costs for additional personnel training and oversight. The Date Required is the date the Respondent reported the first violation, and the Final Date is the date the Respondent trained and assigned a dedicated staff member to conduct the observations.

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 \$5,000 **TOTAL** \$835

Screening Date 21-Jul-2009

Docket No. 2009-1138-AIR-E

PCW

Respondent Guardian Industries Corp.

Policy Revision 2 (September 2002)

Case ID No. 37979

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100221811

Media [Statute] Air

Enf. Coordinator Terry Murphy

Violation Number 7

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4), NSRP No. 8518 and PSD-TX-370M3, SC 1, FOP No. O-1091, GTC, STC 6, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to comply with the permitted emissions limits for particulate matter, as documented during a record review conducted on July 8, 2009. Specifically, since October 27, 2006, emissions of particulate matter, including particulate matter equal to or less than ten microns in diameter, from the Bulk Elevator Baghouse Stack (EPN 767), the Batch Elevator Baghouse Stack (EPN 767A), and the Cullet Elevator Baghouse Stack (EPN 770), have exceeded the emissions limit for both tons per year and pounds per hour. See table for details.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual				X	25%
Potential					

>> Programmatic Matrix

OR	Falsification	Harm			Percent
		Major	Moderate	Minor	
Actual					0%
Potential					

Matrix Notes Human health or the environment have been exposed to insignificant amounts of pollutants not exceeding levels protective of human health or environmental receptors as a result of the violations.

Adjustment \$7,500

\$2,500

Violation Events

9 998 Number of violation days

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

Violation Base Penalty \$22,500

Nine annual events are recommended from the date the exceedances began, October 2006, through December 2008; three annual events for each of the three EPNs.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

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

Violation Subtotal \$22,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$27,450

This violation Final Assessed Penalty (adjusted for limits) \$27,450

Economic Benefit Worksheet

Respondent Guardian Industries Corp.
Case ID No. 37979
Reg. Ent. Reference No. RN100221811
Media Air
Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

Item Cost **Date Required** **Final Date** **Yrs** **Interest Saved** **Onetime Costs** **EB Amount**
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
Permit Costs			0.00	\$0	n/a	\$0
Other (as needed)			0.00	\$0	n/a	\$0

Notes for DELAYED costs

Economic benefit costs are included in Violation No. 1.

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-Jul-2009

Docket No. 2009-1138-AIR-E

PCW

Respondent Guardian Industries Corp.

Policy Revision 2 (September 2007)

Case ID No. 37979

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100221811

Media [Statute] Air

Enf. Coordinator Terry Murphy

Violation Number 8

Rule Cite(s)

30 Tex. Admin. Code §§ 122.143(4), 122.145(2)(A), 122.146(5), FOP No. O-1091, GTC, STC 9; and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to include all deviations in semiannual deviation reports and failed to submit accurate annual compliance certifications, as documented during a record review conducted on July 8, 2009. Specifically, all deviations were not reported for the three semiannual reporting periods of October 26, 2005 through April 25, 2006; April 26, 2006 through October 25, 2006; and October 26, 2007 through April 25, 2008. Consequently, the annual compliance certifications for the three annual periods of October 26, 2005 through October 25, 2006; October 26, 2006 through October 25, 2007; and October 26, 2007 through October 25, 2008, were inaccurate.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
		x	

Percent 10%

Matrix Notes

The Respondent provided between 30% and 70% of the required information.

Adjustment \$9,000

\$1,000

Violation Events

6

1100 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$6,000

Six single events are recommended, one for each of the deficient reports.

Good Faith Efforts to Comply

25.0% Reduction

\$1,500

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary	x	
N/A		(mark with x)

Notes

The Respondent returned to compliance on May 29, 2009, which was prior to the NOE.

Violation Subtotal \$4,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$753

Violation Final Penalty Total \$5,820

This violation Final Assessed Penalty (adjusted for limits) \$5,820

Economic Benefit Worksheet

Respondent Guardian Industries Corp.
Case ID No. 37979
Reg. Ent. Reference No. RN100221811
Media Air
Violation No. 8

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

	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	\$5,000	25-May-2006	29-May-2009	3.01	\$753	n/a	\$753
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

Estimated costs to improve the deviation and annual certification reporting system and to submit previously undisclosed deviations. The Date Required is the due date of the first deficient deviation report, and the Final Date is the date the Respondent submitted a deviation report that included all deviations previously undisclosed.

Avoided Costs

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

	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

\$5,000

TOTAL

\$753

Screening Date: 21-Jul-2009

Docket No.: 2009-1138-AIR-E

PCW

Respondent: Guardian Industries Corp.

Policy Revision 2 (September 2002)

Case ID No.: 37979

PCW Revision October 30, 2008

Reg. Ent. Reference No.: RN100221811

Media [Statute]: Air

Enf. Coordinator: Terry Murphy

Violation Number: 9

Rule Cite(s): 30 Tex. Admin. Code §§ 122.143(4), 122.145(2)(B), and 122.146(5), FOP No. O-1091, GTC, STC 9, and Tex. Health & Safety Code § 382.085(b)

Violation Description: Failed to submit deviation reports, as documented during a record review conducted on July 8, 2009. Specifically, although deviations occurred, no deviation reports were submitted for the three semiannual reporting periods of October 26, 2006 through April 25, 2007; April 26, 2007 through October 25, 2007; and April 26, 2008 through October 25, 2008.

Base Penalty: \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent: 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	X		

Percent: 25%

Matrix Notes

The Respondent failed to comply with 100% of the rule requirement.

Adjustment: \$7,500

\$2,500

Violation Events

Number of Violation Events: 3

735 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

mark only one with an x

Violation Base Penalty: \$7,500

Three single events are recommended, one for each of the deviation reports not submitted.

Good Faith Efforts to Comply

25.0% Reduction

\$1,875

Before NOV NOV to EDPR/Settlement Offer

Extraordinary	
Ordinary	X
N/A	(mark with x)

Notes

The Respondent returned to compliance on May 29, 2009, which was prior to the NOE.

Violation Subtotal: \$5,625

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount: \$0

Violation Final Penalty Total: \$7,275

This violation Final Assessed Penalty (adjusted for limits): \$7,275

Economic Benefit Worksheet

Respondent Guardian Industries Corp.
Case ID No. 37979
Reg. Ent. Reference No. RN100221811
Media Air
Violation No. 9

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

	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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Economic benefit costs are included in Violation No. 8.

Avoided Costs

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

	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 \$0

TOTAL \$0

Guardian Industries Corp.
2009-1138-AIR-E
RN100221811

EPN 767

Year	pounds per hour		tons per year	
	permit limit	actual	permit limit	actual
2006	0.03	0.1371	0.08	0.3244
2007	0.03	0.1371	0.08	0.2583
2008	0.03	0.1371	0.08	0.3614

EPN 767A

Year	pounds per hour		tons per year	
	permit limit	actual	permit limit	actual
2006	0.03	0.1714	0.11	0.6758
2007	0.03	0.1714	0.11	0.5256
2008	0.03	0.1714	0.11	0.7529

EPN 770

Year	pounds per hour		tons per year	
	permit limit	actual	permit limit	actual
2006	0.03	0.0429	0.11	0.1691
2007	0.03	0.0429	0.11	0.1314
2008	0.03	0.0429	0.11	0.1882

Compliance History Report

Customer/Respondent/Owner-Operator:	CN600131015 Guardian Industries Corp.	Classification: AVERAGE	Rating: 1.97
Regulated Entity:	RN100221811 GUARDIAN INDUSTRIES - CORSICANA	Classification: AVERAGE	Site Rating: 0.93

ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	NB0014R
	AIR OPERATING PERMITS	PERMIT	1091
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD037460706
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	34673
	AIR NEW SOURCE PERMITS	PERMIT	8518
	AIR NEW SOURCE PERMITS	PERMIT	14293
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	NB0014R
	AIR NEW SOURCE PERMITS	PERMIT	73858
	AIR NEW SOURCE PERMITS	AFS NUM	4834900014
	AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	NB0014R

Location: 3801 South U.S. Highway 287, CORSICANA, TX, 75109

TCEQ Region: REGION 04 - DFW METROPLEX

Date Compliance History Prepared: July 20, 2009

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: July 20, 2004 to July 20, 2009

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

Name: Terry Murphy Phone: (512) 239-5025

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.
- 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	07/23/2004	(282654)
2	09/29/2004	(334705)
3	06/01/2005	(375168)
4	08/24/2005	(405111)
5	12/28/2005	(399570)
6	02/22/2006	(456149)
7	02/28/2006	(439288)
8	04/20/2006	(461969)
9	05/10/2006	(465343)
10	07/26/2006	(459377)
11	02/08/2007	(537912)
12	06/08/2007	(561786)

- 13 01/30/2008 (609339)
- 14 06/16/2008 (682733)
- 15 02/26/2009 (724889)
- 16 07/14/2009 (761486)

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

Date: 06/24/2005 (399570)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 335, SubChapter R 335.503
 Description: Failure to provide appropriate waste code.
 Date: 02/28/2006 (439288)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 5C THC Chapter 382, SubChapter A 382.085(b)
 8518, General Condition 8 PERMIT
 Description: Failed to meet affirmative defense criteria 30 TAC 101.222(b)(1-6) due to human error. Unauthorized emissions in non-compliance with Permit No. 8518 General Condition 8 (MAERT limits).
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(g)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Description: Failure to submit an initial notification through STEERS within 24 hours of the discovery of the event.
 Date: 07/27/2006 (459377)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)(1)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Description: Failure to include emissions of carbon monoxide and mineral spirits in permit representations.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.146(5)(C)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Description: Failure to include deviations from 30 TAC 116 on the Title V compliance certification.
 Date: 06/13/2008 (682733)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.10(e)
 5C THSC Chapter 382 382.085(b)
 Description: Failure to submit a 2007 EI: Category B19 (g)(3)
 Date: 03/04/2009 (724889)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.146(2)
 5C THSC Chapter 382 382.085(b)
 Description: Failure to submit the permit compliance certification within 30 days of the end of the certification period.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.145(2)
 30 TAC Chapter 122, SubChapter B 122.146(5)(C)
 5C THSC Chapter 382 382.085(b)
 Description: Failure to include all deviations with the permit compliance certification.

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
GUARDIAN INDUSTRIES CORP.
RN100221811**

§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2009-1138-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 Guardian Industries Corp. ("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, represented by Ms. Laura L. LaValle of the law firm of Beveridge & Diamond, appear before the Commission and together stipulate that:

1. The Respondent owns and operates a flat glass manufacturing plant at 3801 South U.S. Highway 287 in Corsicana, Navarro 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 November 1, 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 Fifty-Nine Thousand Six Hundred Ninety-Six Dollars (\$59,696) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Forty-Seven Thousand Seven Hundred Fifty-Seven

Dollars (\$47,757) of the administrative penalty and Eleven Thousand Nine Hundred Thirty-Nine Dollars (\$11,939) 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.

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. By February 28, 2009, trained and assigned a dedicated staff member to ensure that weekly visible emissions and monthly opacity observations are conducted;
 - b. On April 23, 2009, completed improvements to the recordkeeping system in order to demonstrate compliance with maximum annual operating schedules for the fabric filter baghouses and their associated processes [Emission Point Numbers ("EPNs") 766, 766A, 767, 783, 784, 768c, and 786];
 - c. On May 11, 2009, put into operation a mineral spirits flow meter and began determining and recording daily mineral spirits usage in the Cutting Area (EPN 0600); and
 - d. On May 29, 2009, completed improvements to the deviation reporting system and submitted a deviation report that included all deviations previously undisclosed.
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 maintain the glass furnace (EPN 10) temperature continuously at or above 2,900 degrees Fahrenheit since October 31, 2008, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3),

- 116.115(c), and 122.143(4), New Source Review Permit ("NSRP") No. 8518/PSD-TX-370M3, Special Condition ("SC") 7, Federal Operating Permit ("FOP") No. O-1091, General Terms and Conditions ("GTC"), Special Terms and Conditions ("STC") 6, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on July 8, 2009.
2. Failed to maintain records of, and thereby document compliance with, the mineral spirits daily usage limit and the hourly emissions limit for volatile organic compounds (mineral spirits) from the Cutting Area (EPN 0600), in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), NSRP No. 8518/PSD-TX-370M3, SC 21C, FOP No. O-1091, GTC, STC 6, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on July 8, 2009.
 3. Failed to limit the annual usage of mineral spirits to the amount allowed by permit, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), NSRP No. 8518/PSD-TX-370M3, SC 15, FOP No. O-1091, GTC, STC 6, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on July 8, 2009. Specifically, the annual usage of mineral spirits from Cutting Area (EPN 0600) for the year 2008 was 11,575.0 gallons, while the permit limit was 10,551.9 gallons.
 4. Failed to maintain records of, and thereby document compliance with, the permitted, argon hourly emissions rate limit of 4.91 pounds per hour, as well as a record of the hourly argon usage rate, for the Coater Vacuum Exhaust Stack (EPN 773), in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), NSRP No. 8518/PSD-TX-370M3, SC 21D, FOP No. O-1091, GTC, STC 6, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on July 8, 2009.
 5. Failed to maintain records of, and thereby demonstrate compliance with, the maximum annual operating schedules for the fabric filter baghouses and their associated processes for EPNs 766, 766A, 767, 783, 784, 768c and 786, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), NSRP No. 8518 and PSD-TX-370M3, SC 21F, FOP No. O-1091, GTC, STC 6, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on July 8, 2009.
 6. Failed to conduct opacity and visible emissions observations, in violation of 30 TEX. ADMIN. CODE § 122.143(4), FOP No. O-1091, GTC, STC 5, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on July 8, 2009. Specifically, monthly opacity observations of the Glass Furnace Stack (EPN 10) were not performed during the months of April and December of 2007, and weekly visible emissions observations of the baghouse stacks (GRP-FABFLT) were not performed forty-eight times during the period October 28, 2005 to January 2, 2009.
 7. Failed to comply with the permitted emissions limits for particulate matter ("PM"), in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), NSRP No. 8518 and PSD-TX-370M3, SC 1, FOP No. O-1091, GTC, STC 6, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on July 8, 2009. Specifically, since October 27, 2006, emissions of PM, including particulate matter equal to or less than ten microns in diameter ("PM₁₀"), from the Bulk Elevator Baghouse Stack (EPN 767), the Batch Elevator Baghouse Stack (EPN 767A), and the Cullet Elevator Baghouse Stack (EPN 770), have exceeded the emissions limit for both tons per year and pounds per hour. See table for details:

EPN 767

Year	pounds per hour		tons per year	
	permit limit	actual	permit limit	actual
2006	0.03	0.1371	0.08	0.3244
2007	0.03	0.1371	0.08	0.2583
2008	0.03	0.1371	0.08	0.3614

EPN 767A

Year	pounds per hour		tons per year	
	permit limit	actual	permit limit	actual
2006	0.03	0.1714	0.11	0.6758
2007	0.03	0.1714	0.11	0.5256
2008	0.03	0.1714	0.11	0.7529

EPN 770

Year	pounds per hour		tons per year	
	permit limit	actual	permit limit	actual
2006	0.03	0.0429	0.11	0.1691
2007	0.03	0.0429	0.11	0.1314
2008	0.03	0.0429	0.11	0.1882

8. Failed to include all deviations in semiannual deviation reports and failed to submit accurate annual compliance certifications, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4), 122.145(2)(A), 122.146(5), FOP No. O-1091, GTC, STC 9, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on July 8, 2009. Specifically, all deviations were not reported for the three semiannual reporting periods of October 26, 2005 through April 25, 2006; April 26, 2006 through October 25, 2006; and October 26, 2007 through April 25, 2008. Consequently, the annual compliance certifications for the three annual periods

of October 26, 2005 through October 25, 2006; October 26, 2006 through October 25, 2007; and October 26, 2007 through October 25, 2008, were inaccurate.

9. Failed to submit deviation reports, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4), 122.145(2)(B), and 122.146(5), FOP No. O-1091, GTC, STC 9, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on July 8, 2009. Specifically, although deviations occurred, no deviation reports were submitted for the three semiannual reporting periods of October 26, 2006 through April 25, 2007; April 26, 2007 through October 25, 2007; and April 26, 2008 through October 25, 2008.

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: Guardian Industries Corp., Docket No. 2009-1138-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, submit an administratively complete permit amendment request to revise NSRP No. 8518/PSD-TX-370M3 to change the requirements relating to:
 - i. Argon usage monitoring for the Coater Vacuum Exhaust Stack (EPN 773);
 - ii. The mineral spirits daily usage rate and hourly emissions limits for the Cutting Area (EPN 0600); and
 - iii. PM/PM₁₀ emissions from the Bulk Elevator Baghouse Stack (EPN 767), the Batch Elevator Baghouse Stack (EPN 767A), and the Cullet Elevator Baghouse Stack (EPN 770).

- b. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the request to amend NSRP No. 8518/PSD-TX-370M3 within 30 days after the date of such requests, or by any other deadline specified in writing;
- c. Within 45 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.e., and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a.i. through 2.a.iii.;
- d. Within 180 days after the effective date of this Agreed Order, submit written certification of compliance with the provisions of NSRP No. 8518/PSD-TX-370M3 relating to:
 - i. Argon usage monitoring for the Coater Vacuum Exhaust Stack (EPN 773);
 - ii. The mineral spirits daily usage rate and hourly emissions limits for the Cutting Area (EPN 0600); and
 - iii. PM/PM₁₀ emissions from the Bulk Elevator Baghouse Stack (EPN 767), the Batch Elevator Baghouse Stack (EPN 767A), and the Cullet Elevator Baghouse Stack (EPN 770).
- e. The certifications required by Ordering Provision Nos. 2.c. and 2.d. shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of 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
Dallas/Fort Worth Regional Office
Texas Commission on Environmental Quality
2309 Gravel Drive
Fort Worth, Texas 76118-6951

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

2/25/2010
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

12/21/09
Date

GEORGE A. LONGO

Name (Printed or typed)
Authorized Representative of
Guardian Industries Corp.

PLANT MANAGER
Title

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