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**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.:** 2010-1123-AIR-E **TCEQ ID:** RN100244433 **CASE NO.:** 40007  
**RESPONDENT NAME:** Chem-Pruf Door Co., Ltd.

<b>ORDER TYPE:</b>		
<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	
<b>CASE TYPE:</b>		
<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><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Chem-Pruf Door Co., Ltd., 5224 Farm-to-Market Road 802, Brownsville, Cameron County</p> <p><b>TYPE OF OPERATION:</b> Fiberglass manufacturing plant</p> <p><b>SMALL BUSINESS:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on December 13, 2010. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> None  <b>TCEQ Enforcement Coordinator:</b> Mr. James Nolan, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-6634; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495  <b>Respondent:</b> Mr. William Sterling, Executive Vice President, Chem-Pruf Door Co., Ltd., P.O. Box No. 4560, Brownsville, Texas 78523-4560  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> April 21, 2010</p> <p><b>Date of NOV/NOE Relating to this Case:</b> June 18, 2010 (NOE)</p> <p><b>Background Facts:</b> This was a routine investigation.</p> <p><b>AIR</b></p> <p>Failed to maintain the volatile organic compound ("VOC") and acetone emissions within the permitted annual emissions rates. Specifically, the annual VOC emissions rate for the Gelcoat Room Vent (Emission Point No. 5A) is 5.14 tons per year ("tpy"), and the Respondent released 7.38 tpy of VOCs in 2007, 7.30 tpy of VOCs in 2008, and 5.23 tpy of VOCs in 2009. In addition, the total annual emissions rate for acetone is 27.50 tpy and 28.19 tpy was released in 2009 [30 TEX. ADMIN. CODE § 116.115(c), New Source Review Permit No. 19777A General Condition No. 8, and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p>	<p><b>Total Assessed:</b> \$8,325</p> <p><b>Total Deferred:</b> \$1,665  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$6,660</p> <p><b>Compliance History Classifications:</b>                      Person/CN - Average                      Site/RN - Average</p> <p><b>Major Source:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Ordering Provisions:</b></p> <p>The Order will require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order:</p> <p>i. Submit written certification that improvements in training, design, operation, or maintenance procedures have been implemented in order to comply with existing permitted VOC and acetone emissions rates for the Gelcoat Room Vent; or</p> <p>ii. Submit an administratively complete permit amendment application to address increased VOC and acetone emissions from the Gelcoat Room Vent.</p> <p>b. If submitting a permit amendment application in accordance with Ordering Provision a.ii., respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit amendment within 30 days after the date of such requests, or by any other deadline specified in writing;</p> <p>c. If submitting a permit amendment application in accordance with Ordering Provision a.ii, within 180 days after the effective date of this Agreed Order, submit written certification that either authorization has been obtained for an increase in VOC and acetone emissions rates from the Gelcoat Room Vent and is in compliance with those allowable emissions rates, or cease all unauthorized emissions from the Gelcoat Room Vent until such time that appropriate authorization is obtained; and</p> <p>d. The certifications required by Ordering Provisions a.i. and c. shall include detailed supporting documentation including receipts, and/or other records to demonstrate compliance.</p>

Additional ID No(s): Air Account No. CD0215T



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

<b>DATES</b>	<b>Assigned</b>	28-Jun-2010	<b>Screening</b>	7-Jul-2010	<b>EPA Due</b>	
	<b>PCW</b>	10-Aug-2010				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Chem-Pruf Door Co., Ltd.
<b>Reg. Ent. Ref. No.</b>	RN100244433
<b>Facility/Site Region</b>	15-Harlingen
<b>Major/Minor Source</b>	Major

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	40007	<b>No. of Violations</b>	1
<b>Docket No.</b>	2010-1123-AIR-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Air	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	James Nolan
		<b>EC's Team</b>	Enforcement Team 4
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$10,000

## Penalty Calculation Section

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

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

<b>Compliance History</b>	11.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$825
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Notes: Penalty enhancement for one same/similar NOV and three dissimilar NOVs.

<b>Culpability</b>	No	0.0% Enhancement	<b>Subtotal 4</b>	\$0
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Notes: The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$0
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts	\$1,575
Approx. Cost of Compliance	\$7,500

\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$8,325
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the Indicated percentage.

Notes:

**Final Penalty Amount** \$8,325

<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$8,325
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<b>DEFERRAL</b>	20.0% Reduction	<b>Adjustment</b>	-\$1,665
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Reduces the Final Assessed Penalty by the Indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	\$6,660
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Screening Date 7-Jul-2010

Docket No. 2010-1123-AIR-E

PCW

Respondent Chem-Pruf Door Co., Ltd.

Policy Revision 2 (September 2002)

Case ID No. 40007

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100244433

Media [Statute] Air

Enf. Coordinator James Nolan

### Compliance History Worksheet

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	1	5%
	Other written NOVs	3	6%
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 convictions)	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) 11%

#### >> 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

Penalty enhancement for one same/similar NOV and three dissimilar NOVs.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 11%

Screening Date 7-Jul-2010

Docket No. 2010-1123-AIR-E

PCW

Respondent: Chem-Pruf Door Co., Ltd.

Policy Revision 2 (September 2002)

Case ID No. 40007

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100244433

Media [Statute] Air

Enf. Coordinator James Nolan

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 116.115(c), New Source Review Permit No. 19777A General Condition No. 8, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to maintain the volatile organic compound ("VOC") and acetone emissions within the permitted annual emissions rates. Specifically, the annual VOC emissions rate for the Gelcoat Room Vent (Emission Point No. 5A) is 5.14 tons per year ("tpy"), and the Respondent released 7.38 tpy of VOCs in 2007, 7.30 tpy of VOCs in 2008, and 5.23 tpy of VOCs in 2009. In addition, the total permitted annual emissions rate for acetone is 27.50 tpy and 28.19 tpy was released in 2009.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 25%

>> Programmatic Matrix

	Major	Moderate	Minor
Falsification			

Percent 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 as a result of the violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 3

1095 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	X
single event	

mark only one with an x

Violation Base Penalty \$7,500

Three annual events are recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EOPRP/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 \$7,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,575

Violation Final Penalty Total \$8,325

This violation Final Assessed Penalty (adjusted for limits) \$8,325

# Economic Benefit Worksheet

**Respondent:** Chem-Pruf Door Co., Ltd.  
**Case ID No.:** 40007  
**Reg. Ent. Reference No.:** RN100244433  
**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			0.00	\$0	n/a	\$0
Other (as needed)	\$7,500	1-Jan-2007	14-Mar-2011	4.20	\$1,575	\$1,575

Notes for DELAYED costs

Estimated cost for implementation of procedures to achieve compliance with permitted emission rates. The date required is the first date of the annual reporting period and the final date is the estimated 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

\$7,500	<b>TOTAL</b>	\$1,575
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# Compliance History Report

Customer/Respondent/Owner-Operator:	CN600132625 Chem-Pruf Door Co., Ltd.	Classification: AVERAGE	Rating: 3.00
Regulated Entity:	RN100244433 CHEM-PRUF DOOR	Classification: AVERAGE	Site Rating: 3.00
ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	CD0215I
	AIR OPERATING PERMITS	PERMIT	2418
	AIR OPERATING PERMITS	ACCOUNT NUMBER	CD0215T
	AIR NEW SOURCE PERMITS	PERMIT	19777A
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	CD0215T
	AIR NEW SOURCE PERMITS	AFS NUM	4808100087
	AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	CD0215T
Location:	5224 FM 802, BROWNSVILLE, TX, 78526		
TCEQ Region:	REGION 15 - HARLINGEN		
Date Compliance History Prepared:	July 07, 2010		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	July 07, 2005 to July 07, 2010		

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

Name: James Nolan Phone: (512) 239-8634

### Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s)? N/A
5. When did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2009 Repeat Violator: NO

### Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.

N/A

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

- |   |            |          |
|---|------------|----------|
| 1 | 08/20/2008 | (419128) |
| 2 | 09/29/2008 | (514655) |
| 3 | 04/05/2007 | (555926) |
| 4 | 05/31/2007 | (562526) |
| 5 | 02/28/2008 | (836846) |
| 6 | 05/27/2009 | (737426) |
| 7 | 06/21/2010 | (798484) |

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

Date:	06/21/2008	(419128)	CN600132625
Self	NO		Classification: Moderate
Citation:	30 TAC Chapter 122, SubChapter B 122.146(1)		
Description:	Failure to report the annual certification within the allowable time.		
Self	NO		Classification: Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)(1)		
Description:	Failure to comply with the Special Conditions contained in the permit.		
Date:	06/04/2007	(562526)	CN600132625

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.146(5)(C)  
Description: Failure to address the required information indicating intermittent compliance status of the emission unit for which one or more deviations occurred over the certification period.

Date 02/25/2008 (636846) CN600132625

Self Report? NO Classification: Major

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)

Description: FAILURE TO MEET CONDIT

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.146(5)(C)

Description: Failure to address the required information indicating intermittent compliance status of the emission unit for which one or more deviations occurred over the certification period.

Date 05/23/2009 (737426) CN600132625

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.144

Description: Failure to keep a record of all visible emissions observations conducted. Specifically, the entity failed to keep a record of visible emissions observations which are supposed to take place at least once during each calendar quarter. Mrs. Chapa stated that the entity intends on conducting a visible emissions observation once a month and will keep a record of these observations on a form.

Self Report? NO Classification: Moderate

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

Description: According to emissions data provided by the regulated entity, the entity emitted thru the gel coat roof vent 7.37841 tons of VOC in 2007 and 7.30112 tons of VOC in 2008. The entity is only authorized to emit 5.14 tons of VOC per year thru the gel coat vent and 27.50 TPY of acetone. Furthermore, according to emissions data provided by the regulated entity, the entity emitted in 2009 thru the gel coat roof vent 5.23486 tons of VOCs and 28.19200 TPY of acetone.

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



Dollars (\$6,660) of the administrative penalty and One Thousand Six Hundred Sixty-Five Dollars (\$1,665) 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 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.
10. 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.
11. 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 failed to maintain the volatile organic compound ("VOC") and acetone emissions within the permitted annual emissions rates, in violation of 30 TEX. ADMIN. CODE § 116.115(c), New Source Review Permit No. 19777A General Condition No. 8, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on April 21, 2010. Specifically, the annual VOC emissions rate for the Gelcoat Room Vent (Emission Point No. 5A) is 5.14 tons per year ("tpy"), and the Respondent released 7.38 tpy of VOCs in 2007, 7.30 tpy of VOCs in 2008, and 5.23 tpy of VOCs in 2009. In addition, the total permitted annual emissions rate for acetone is 27.50 tpy and 28.19 tpy was released in 2009.

## 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: Chem-Pruf Door Co., Ltd., Docket No. 2010-1123-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:

- i. Submit written certification that improvements in training, design, operation, or maintenance procedures have been implemented in order to comply with existing permitted VOC and acetone emissions rates for the Gelcoat Room Vent; or
- ii. Submit an administratively complete permit amendment application to address increased VOC and acetone emissions from the Gelcoat Room Vent to:

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

- b. If submitting a permit amendment application in accordance with Ordering Provision No. 2.a.ii., respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit amendment within 30 days after the date of such requests, or by any other deadline specified in writing;
- c. If submitting a permit amendment application in accordance with Ordering Provision No. 2.a.ii., within 180 days after the effective date of this Agreed Order, submit written certification that either authorization has been obtained for an increase in VOC and acetone emissions rates from the Gelcoat Room Vent and is in compliance with those allowable emissions rates, or cease all unauthorized emissions from the Gelcoat Room Vent until such time that appropriate authorization is obtained; and

- d. The certifications required by Ordering Provisions 2.a.i. and 2.c. shall include detailed supporting documentation including receipts, and/or other records to demonstrate compliance, be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that 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  
Harlingen Regional Office  
Texas Commission on Environmental Quality  
1804 West Jefferson Avenue  
Harlingen, Texas 78550-5247

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

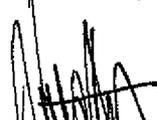
12/16/2010  
\_\_\_\_\_  
Date

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

10/06/10  
\_\_\_\_\_  
Date

WILLIAM STARK  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
Chem-Pruf Door Co., Ltd.

Exec. Vice 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.