

**Executive Summary – Enforcement Matter – Case No. 43669
Shumard Corporation dba Associated Fiberglass Enterprises
RN101340818
Docket No. 2012-0481-AIR-E**

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Associated Fiberglass Enterprises, 2417 Weaver Street, Haltom City, Tarrant County

Type of Operation:

Fiberglass manufacturing plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: September 21, 2012

Comments Received: No

Penalty Information

Total Penalty Assessed: \$15,402

Amount Deferred for Expedited Settlement: \$3,080

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$1,036

Total Due to General Revenue: \$11,286

Payment Plan: 11 payments of \$1,026 each

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Average

Site/RN - Average

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002

**Executive Summary – Enforcement Matter – Case No. 43669
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RN101340818
Docket No. 2012-0481-AIR-E**

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: November 3, 2011

Date(s) of NOE(s): February 28, 2012

Violation Information

1. Failed to maintain the required filter maintenance records for the fiberglass manufacturing plant [30 TEX. ADMIN. CODE § 116.115(b)(2)(E)(iv) and (c), TEX. HEALTH & SAFETY CODE § 382.085(b), and New Source Review Permit No. 4830, Special Conditions Nos. 8 and 10H].

2. Failed to submit six semi-annual deviation reports within 30 days from the end of the reporting period. Specifically, Respondent failed to submit semi-annual deviation reports for the following reporting periods: August 31, 2008 through February 28, 2009; March 1, 2009 through August 30, 2009; August 31, 2009 through February 28, 2010; March 1, 2010 through August 30, 2010; August 31, 2010 through February 28, 2011; and March 1, 2011 through August 30, 2011 [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2), TEX. HEALTH & SAFETY CODE § 382.085(b), and Federal Operating Permit No. O2785, General Terms and Conditions].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

On November 3, 2011, Respondent:

- a. Implemented the use of a Filter Replacement Log at the Plant; and
- b. Retained an environmental consultant to implement a computerized reminder program which will notify when semi-annual deviation and permit compliance certification reports are due.

Technical Requirements:

N/A

Litigation Information

Date Petition(s) Filed: N/A

Date Answer(s) Filed: N/A

SOAH Referral Date: N/A

Hearing Date(s): N/A

Settlement Date: N/A

**Executive Summary – Enforcement Matter – Case No. 43669
Shumard Corporation dba Associated Fiberglass Enterprises
RN101340818
Docket No. 2012-0481-AIR-E**

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Heather Podlipny, Enforcement Division,
Enforcement Team 4, MC 149, (512) 239-2603; Debra Barber, Enforcement Division,
MC 219, (512) 239-0412

TCEQ SEP Coordinator: N/A

Respondent: Glen Duskocil, General Manager, Associated Fiberglass Enterprises,
2417 Weaver Street, Haltom City, Texas 76117

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	21-Feb-2012	Screening	24-Feb-2012	EPA Due	
	PCW	6-Jun-2012				

RESPONDENT/FACILITY INFORMATION

Respondent	Shumard Corporation dba Associated Fiberglass Enterprises		
Reg. Ent. Ref. No.	RN101340818		
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	43669	No. of Violations	2
Docket No.	2012-0481-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Heather Podlipny
		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** **\$15,100**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **27.0%** Enhancement **Subtotals 2, 3, & 7** **\$4,077**

Notes: Enhancement for one agreed order with denial of liability, one NOV with same/similar violations, and one NOV with dissimilar violations.

Culpability **No** **0.0%** Enhancement **Subtotal 4** **\$0**

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** **\$3,775**

Economic Benefit **0.0%** Enhancement* **Subtotal 6** **\$0**

Total EB Amounts: \$68
 Approx. Cost of Compliance: \$500
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$15,402**

OTHER FACTORS AS JUSTICE MAY REQUIRE **0.0%** **Adjustment** **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount **\$15,402**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$15,402**

DEFERRAL **20.0%** Reduction **Adjustment** **-\$3,080**

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

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY **\$12,322**

Screening Date 24-Feb-2012

Docket No. 2012-0481-AIR-E

PCW

Respondent Shumard Corporation dba Associated Fiberglass Enterprises

Policy Revision 2 (September 2002)

Case ID No. 43669

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101340818

Media [Statute] Air

Enf. Coordinator Heather Podlipny

Compliance History Worksheet

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	1	5%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%

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) 27%

>> **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

Enhancement for one agreed order with denial of liability, one NOV with same/similar violations, and one NOV with dissimilar violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 27%

Screening Date 24-Feb-2012

Docket No. 2012-0481-AIR-E

PCW

Respondent Shumard Corporation dba Associated Fiberglass Enterprises

Policy Revision 2 (September 2002)

Case ID No. 43669

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101340818

Media [Statute] Air

Enf. Coordinator Heather Podlipny

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 116.115(b)(2)(E)(iv) and (c), Tex. Health & Safety Code § 382.085(b), and New Source Review Permit No. 4830, Special Conditions Nos. 8 and 10H

Violation Description Failed to maintain the required filter maintenance records for the fiberglass manufacturing plant.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Harm		
	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

1032 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$100

One single event is recommended.

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 November 3, 2011, and the NOE is dated February 28, 2012.

Violation Subtotal \$75

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$35

Violation Final Penalty Total \$102

This violation Final Assessed Penalty (adjusted for limits) \$102

Economic Benefit Worksheet

Respondent Shumard Corporation dba Associated Fiberglass Enterprises

Case ID No. 43669

Reg. Ent. Reference No. RN101340818

Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

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	\$250	5-Jan-2009	3-Nov-2011	2.83	\$35	n/a	\$35
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 cost for improving the recordkeeping system to maintain filter maintenance records. The Date Required is the date the filter recordkeeping was required and the Final Date is the 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

\$250

TOTAL

\$35

Screening Date 24-Feb-2012

Docket No. 2012-0481-AIR-E

PCW

Respondent Shumard Corporation dba Associated Fiberglass Enterprises

Policy Revision 2 (September 2002)

Case ID No. 43669

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101340818

Media [Statute] Air

Enf. Coordinator Heather Podlipny

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 122.143(4) and 122.145(2), Tex. Health & Safety Code § 382.085(b), and Federal Operating Permit No. O2785, General Terms and Conditions

Violation Description

Failed to submit six semi-annual deviation reports within 30 days from the end of the reporting period. Specifically, the Respondent failed to submit semi-annual deviation reports for the following reporting periods: August 31, 2008 through February 28, 2009; March 1, 2009 through August 30, 2009; August 31, 2009 through February 28, 2010; March 1, 2010 through August 30, 2010; August 31, 2010 through February 28, 2011; and March 1, 2011 through August 30, 2011.

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

100% of the rule requirement was not met.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 6

1061 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$15,000

Six single events are recommended based on the six unsubmitted semi-annual deviation reports.

Good Faith Efforts to Comply

25.0% Reduction

\$3,750

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

Notes

The Respondent returned to compliance on November 3, 2011, and the NOE is dated February 28, 2012.

Violation Subtotal \$11,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$32

Violation Final Penalty Total \$15,300

This violation Final Assessed Penalty (adjusted for limits) \$15,300

Economic Benefit Worksheet

Respondent Shumard Corporation dba Associated Fiberglass Enterprises

Case ID No. 43669

Req. Ent. Reference No. RN101340818

Media Air

Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				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	\$250	30-Mar-2009	3-Nov-2011	2.60	\$32	n/a	\$32
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 cost for improving the recordkeeping system for submittal of complete and accurate deviation reports. The Date Required is the date the first semi-annual deviation report was due and the Final Date is the 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

\$250

TOTAL

\$32

Compliance History Report

Customer/Respondent/Owner-Operator: CN603133927 Shumard Corporation Classification: AVERAGE Rating: 20.91

Regulated Entity: RN101340818 ASSOCIATED FIBERGLASS ENTERPRISES Classification: AVERAGE Site Rating: 38.82

ID Number(s):

POLLUTION PREVENTION PLANNING	ID NUMBER	P07195
AIR NEW SOURCE PERMITS	PERMIT	4830
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	TA0038R
AIR NEW SOURCE PERMITS	AFS NUM	4843901705
AIR OPERATING PERMITS	ACCOUNT NUMBER	TA0038R
AIR OPERATING PERMITS	PERMIT	2785
STORMWATER	PERMIT	TXRNET848
AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	TA0038R

Location: 2417 WEAVER ST, HALTOM CITY, TX, 76117

TCEQ Region: REGION 04 - DFW METROPLEX

Date Compliance History Prepared: February 28, 2012

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: February 24, 2007 to February 24, 2012

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

Name: Heather Podlipny Phone: 239 - 2603

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. If YES, when did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2011 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.

Effective Date: 04/05/2009

ADMINORDER 2007-1946-AIR-E

Classification: Moderate

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

Rqmt Prov: No. 4830, Special Condition 5. PERMIT

Description: Failure to comply with acetone usage annual limit of 4 tons per year. Specifically, annual acetone usage for calendar year 2006 was 9.64 tons per year.

Classification: Moderate

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

Rqmt Prov: No. 4830, Special Condition 9 PERMIT

Description: Failed to conduct trimming and grinding operations in the trimming and grinding area as required.

Classification: Major

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(B)
30 TAC Chapter 122, SubChapter B 122.145(2)(C)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to timely submit the required deviation report for the period of August 30, 2006 through February 28, 2007. The report was due March 28, 2007, and was submitted on October 29,

2007.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.146(1)
30 TAC Chapter 122, SubChapter B 122.146(2)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to timely submit the required annual compliance certification for the period of August 30, 2006 through August 29, 2007. The report was due September 29, 2007, and was submitted on October 29, 2007.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.142(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 2785, Special Condition (2)(A)(iii)(2) OP

Description: Failed to maintain a record of quarterly visible emissions for the period of August 30, 2005 through August 30, 2007.

Classification: Major

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

Description: Failed to submit annual emissions inventory questionnaire for calendar years 2005 and 2006.

Classification: Major

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.10(b)(3)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.9(b)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.9(h)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT WWWW 63.5810
40 CFR Chapter 63, SubChapter C, PT 63, SubPT WWWW 63.5910(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT WWWW 63.5910(b)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT WWWW 63.5910(b)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT WWWW 63.5910(b)(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 4830, Special Condition 3 PERMIT

Description: Failed to submit initial notification, maintain records to demonstrate compliance, submit first and second semiannual compliance reports, submit notification of compliance status for operations demonstrating compliance based on a 12 month rolling average.

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 10/03/2007 (596382)
2 11/30/2007 (600218)
3 12/15/2008 (720981)
4 12/17/2008 (721196)
5 06/04/2009 (747787)
6 04/29/2010 (796097)
7 06/30/2010 (824613)
8 01/17/2011 (877833)
9 04/15/2011 (912868)
10 02/17/2012 (974271)

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

Date: 04/29/2010 (796097)

CN603133927

Self Report? YES

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20
30 TAC Chapter 122, SubChapter B 122.145(1)(C)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT WWWW 63.5910
5C THSC Chapter 382 382.085(b)

Description: Failure to submit a report required by 40 Code of Federal Regulations (CFR) 63.5910 (MACT WWWW) by January 30, 2008, for the period of July 1, 2007, through December 31, 2007.

Date: 06/03/2010 (824613)

CN603133927

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)
No. 4830, Special Condition 5. PERMIT

Description: Failure to comply with acetone usage annual limit of 4 tons per year. Specifically, annual acetone usage for calendar year 2006 was 9.64 tons per year.

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	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	
SHUMARD CORPORATION DBA	§	TEXAS COMMISSION ON
ASSOCIATED FIBERGLASS	§	
ENTERPRISES	§	
RN101340818	§	ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2012-0481-AIR-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Shumard Corporation dba Associated Fiberglass Enterprises ("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 together stipulate that:

1. The Respondent owns and operates a fiberglass manufacturing plant at 2417 Weaver Street in Haltom City, Tarrant 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 Executive Director 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 March 5, 2012.
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 Fifteen Thousand Four Hundred Two Dollars (\$15,402) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid One Thousand Thirty-Six Dollars (\$1,036) of the administrative penalty and Three Thousand Eighty Dollars (\$3,080) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

The remaining amount of Eleven Thousand Two Hundred Eighty-Six Dollars (\$11,286) of the administrative penalty shall be payable in eleven monthly payments of One Thousand Twenty-Six Dollars (\$1,026) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director recognizes that on November 3, 2011:
 - a. The Respondent implemented the use of a Filter Replacement Log at the Plant; and
 - b. The Respondent retained an environmental consultant to implement a computerized reminder program which will notify when semi-annual deviation and permit compliance certification reports are due.
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 required filter maintenance records for the fiberglass manufacturing plant, in violation of 30 TEX. ADMIN. CODE § 116.115(b)(2)(E)(iv) and (c), TEX. HEALTH & SAFETY CODE § 382.085(b), and New Source Review Permit No. 4830, Special Conditions Nos. 8 and 10H, as documented during an investigation conducted on November 3, 2011.
2. Failed to submit six semi-annual deviation reports within 30 days from the end of the reporting period, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2), TEX. HEALTH & SAFETY CODE § 382.085(b), and Federal Operating Permit No. O2785, General Terms and Conditions, as documented during an investigation conducted on November 3, 2011. Specifically, the Respondent failed to submit semi-annual deviation reports for the following reporting periods: August 31, 2008 through February 28, 2009; March 1, 2009 through August 30, 2009; August 31, 2009 through February 28, 2010; March 1, 2010 through August 30, 2010; August 31, 2010 through February 28, 2011; and March 1, 2011 through August 30, 2011.

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: Shumard Corporation dba Associated Fiberglass Enterprises, Docket No. 2012-0481-AIR-E" to:

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

3. 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.
4. 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.
5. 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.
6. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
7. 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.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Ram Jawitz
For the Executive Director

10/23/12
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.

Alan Doshovil
Signature

7-19-2012
Date

Glen Daskocil
Name (Printed or typed)
Authorized Representative of
Shumard Corporation dba Associated Fiberglass Enterprises

General 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.