

**Executive Summary – Enforcement Matter – Case No. 42205  
Ace World Companies Ltd.  
RN102267721  
Docket No. 2011-1351-AIR-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

AIR

**Small Business:**

No

**Location(s) Where Violation(s) Occurred:**

Ace Engineering, 10200 Jacksboro Highway, Fort Worth, Tarrant County

**Type of Operation:**

Crane manufacturing facility

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** December 30, 2011

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$18,900

**Amount Deferred for Expedited Settlement:** \$3,780

**Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$15,120

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**SEP Conditional Offset:** \$0

Name of SEP: N/A

**Compliance History Classifications:**

Person/CN - Average

Site/RN - Average by Default

**Major Source:** No

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** September 2002

**Executive Summary – Enforcement Matter – Case No. 42205**  
**Ace World Companies Ltd.**  
**RN102267721**  
**Docket No. 2011-1351-AIR-E**

***Investigation Information***

**Complaint Date(s):** N/A  
**Complaint Information:** N/A  
**Date(s) of Investigation:** July 12, 2011  
**Date(s) of NOE(s):** July 14, 2011

***Violation Information***

1. Failed to obtain a permit or satisfy the conditions of a Permit by Rule. Specifically, the Respondent is operating a plasma cutting table without authorization [30 TEX. ADMIN. CODE § 116.110(a) and TEX. HEALTH & SAFETY CODE §§ 382.0518(a) and 382.085(b)].
2. Failed to obtain a permit or satisfy the conditions of a Permit by Rule. Specifically, the Respondent is performing surface coating without authorization [30 TEX. ADMIN. CODE § 116.110(a) and TEX. HEALTH & SAFETY CODE §§ 382.0518(a) and 382.085(b)].
3. Failed to submit an initial notification for 40 CODE OF FEDERAL REGULATIONS ("CFR") Part 63, Subpart MMMM. Specifically, it was documented that the initial notification, which was required to be submitted no later than one year after January 2, 2004, has not been submitted [40 CFR § 63.3910(b), 30 TEX. ADMIN. CODE §§ 101.20(2) and 113.960, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
4. Failed to submit the notification for compliance status for 40 CFR Part 63, Subpart MMMM. Specifically, it was documented that the notification of compliance status, which was required to be submitted no later than 30 calendar days following the end of the initial compliance period (January 31, 2008), has not been submitted [40 CFR § 63.3910(c), 30 TEX. ADMIN. CODE §§ 101.20(2) and 113.960, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
5. Failed to submit semi-annual compliance reports for 40 CFR Part 63, Subpart MMMM. Specifically, it was documented that the Respondent did not submit the compliance reports that were required to be submitted semi-annually, since July 31, 2008 [40 CFR § 63.3920(a), 30 TEX. ADMIN. CODE §§ 101.20(2) and 113.960, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
6. Failed to use coating that complies with the volatile organic compounds ("VOC") content limit of 3.5 pounds per gallon ("lbs/gal"). Specifically, the Plant exceeded this limit on three occasions, with amounts ranging from 4.14 lbs/gal on June 8, 2011, 3.99 lbs/gal on June 11, 2011, and 3.75 lbs/gal on June 22, 2011 [30 TEX. ADMIN. CODE § 115.421(a)(9)(A)(ii) and TEX. HEALTH & SAFETY CODE § 382.085(b)].

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***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

The Respondent, on June 30, 2011, submitted an application (Registration No. 97061) to authorize emissions for the plasma cutting table under a Permit by Rule.

**Technical Requirements:**

The Order will require the Respondent to:

- a. Within 15 days, in order to authorize emissions from the plasma cutting table and for the surface coating, either certify that the Plant can satisfy the conditions for a Permit by Rule, or submit an administratively complete permit application;
- b. If a permit application is submitted, respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit application within 30 days after the date of such requests, or by any other deadline specified in writing;
- c. Within 30 days:
  - i. Submit the initial notification for an existing source and the initial compliance status notification, to the addresses listed in Ordering Provision e.;
  - ii. Implement measures designed to ensure that semi-annual compliance reports are submitted; and
  - iii. Implement measures designed to prevent the exceedance of the VOC content limit of 3.5 lbs/gal of coating.
- d. Within 45 days, submit certification of compliance with Ordering Provision c.ii. and c.iii.; and
- e. If a permit application is submitted then within 180 days, submit written certification that either authorization to operate the plasma cutting table and/or surface coating has been obtained or that operation has ceased until such time that appropriate authorization is obtained.

***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. 42205**  
**Ace World Companies Ltd.**  
**RN102267721**  
**Docket No. 2011-1351-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:** Ace Ghanemi, CEO, Ace World Companies Ltd., 1200 Jacksboro  
Highway, Fort Worth, Texas 76135

**Respondent's Attorney:** N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

<b>DATES</b>	<b>Assigned</b>	18-Jul-2011	<b>Screening</b>	1-Aug-2011	<b>EPA Due</b>	N/A
	<b>PCW</b>	1-Aug-2011				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Ace World Companies Ltd.
<b>Reg. Ent. Ref. No.</b>	RN102267721
<b>Facility/Site Region</b>	4-Dallas/Fort Worth
<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	42205	<b>No. of Violations</b>	6
<b>Docket No.</b>	2011-1351-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>	Heather Podlipny
		<b>EC's Team</b>	Enforcement Team 4
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$10,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1** **\$18,000**

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

**Compliance History** **5.0%** Enhancement **Subtotals 2, 3, & 7** **\$900**

Notes: Enhancement for one NOV with same/similar 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** **\$0**

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

Total EB Amounts: \$1,275  
Approx. Cost of Compliance: \$15,000  
\*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal** **\$18,900**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

**Final Penalty Amount** **\$18,900**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** **\$18,900**

**DEFERRAL** **20.0%** Reduction **Adjustment** **-\$3,780**

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

Notes:

Deferral offered for expedited settlement.

**PAYABLE PENALTY** **\$15,120**

Screening Date 1-Aug-2011

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PCW

Respondent Ace World Companies Ltd.

Policy Revision 2 (September 2002)

Case ID No. 42205

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102267721

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	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	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 ( <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%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

**Adjustment Percentage (Subtotal 2)** 5%

>> 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 NOV with same/similar violations.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 5%

Screening Date 1-Aug-2011

Docket No. 2011-1351-AIR-E

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Respondent Ace World Companies Ltd.

Policy Revision 2 (September 2002)

Case ID No. 42205

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102267721

Media [Statute] Air

Enf. Coordinator Heather Podlipny

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 116.110(a) and Tex. Health & Safety Code §§ 382.0518(a) and 382.085(b)

Violation Description Failed to obtain a permit or satisfy the conditions of a Permit by Rule, as documented during an investigation conducted on July 12, 2011. Specifically, the Respondent is operating a plasma cutting table without authorization.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Falsification	Harm			Percent
	Major	Moderate	Minor	
	X			10%

Matrix Notes: 100% of the rule requirement was not met.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 6 Number of violation days 519

mark only one with an x

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$6,000

Six quarterly events are recommended based upon the date operations were documented, February 28, 2010, to the August 1, 2011 screening date.

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 \$6,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$479

Violation Final Penalty Total \$6,300

This violation Final Assessed Penalty (adjusted for limits) \$6,300

## Economic Benefit Worksheet

**Respondent** Ace World Companies Ltd.  
**Case ID No.** 42205  
**Reg. Ent. Reference No.** RN102267721  
**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
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)	\$5,000	28-Feb-2010	28-Jan-2012	1.92	\$479	n/a	\$479

Notes for DELAYED costs

Estimated cost to obtain authorization for the plasma cutting table. The Date Required is the date operations were documented and the Final Date is the date corrective actions are projected to be completed.

### Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$5,000

**TOTAL** \$479

Screening Date 1-Aug-2011

Docket No. 2011-1351-AIR-E

PCW

Respondent Ace World Companies Ltd.

Policy Revision 2 (September 2002)

Case ID No. 42205

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102267721

Media [Statute] Air

Enf. Coordinator Heather Podlipny

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 116.110(a) and Tex. Health & Safety Code §§ 382.0518(a) and 382.085(b)

Violation Description Failed to obtain a permit or satisfy the conditions of a Permit by Rule, as documented during an investigation conducted on July 12, 2011. Specifically, the Respondent is performing surface coating without authorization.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Falsification	Harm			Percent
	Major	Moderate	Minor	
	X			10%

Matrix Notes: 100% of the rule requirement was not met.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 3 243 Number of violation days

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

Violation Base Penalty \$3,000

Three quarterly events are recommended based upon the date operations were documented, December 1, 2010, to the screening date of August 1, 2011.

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 \$3,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$290

Violation Final Penalty Total \$3,150

This violation Final Assessed Penalty (adjusted for limits) \$3,150

## Economic Benefit Worksheet

**Respondent** Ace World Companies Ltd.  
**Case ID No.** 42205  
**Reg. Ent. Reference No.** RN102267721  
**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
<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				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs	\$5,000	1-Dec-2010	28-Jan-2012	1.16	\$290	n/a	\$290
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to obtain authorization for surface coating. The Date Required is the date operations were documented and the Final Date is the date corrective actions are projected to be completed.

### Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

**TOTAL**

\$290

**Screening Date** 1-Aug-2011  
**Respondent** Ace World Companies Ltd.  
**Case ID No.** 42205  
**Reg. Ent. Reference No.** RN102267721  
**Media [Statute]** Air  
**Enf. Coordinator** Heather Podlipny

**Docket No.** 2011-1351-AIR-E

**PCW**

Policy Revision 2 (September 2002)  
 PCW Revision October 30, 2008

**Violation Number** 3

**Rule Cite(s)** 40 Code of Federal Regulations ("CFR") § 63.3910(b), 30 Tex. Admin. Code §§ 101.20(2) and 113.960, and Tex. Health & Safety Code § 382.085(b)

**Violation Description**

Failed to submit an initial notification for 40 CFR Part 63, Subpart M, as documented during an investigation conducted on July 12, 2011. Specifically, it was documented that the initial notification, which was required to be submitted no later than one year after January 2, 2004, has not been submitted.

**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			10%

Matrix Notes

100% of the rule requirement was not met.

**Adjustment** \$9,000

\$1,000

**Violation Events**

Number of Violation Events 1      2401 Number of violation days

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

**Violation Base Penalty** \$1,000

One single event is recommended based on the initial notification that was not submitted.

**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** \$1,000

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount** \$177

**Violation Final Penalty Total** \$1,050

**This violation Final Assessed Penalty (adjusted for limits)** \$1,050

## Economic Benefit Worksheet

**Respondent** Ace World Companies Ltd.  
**Case ID No.** 42205  
**Reg. Ent. Reference No.** RN102267721  
**Media** Air  
**Violation No.** 3

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$500	3-Jan-2005	28-Jan-2012	7.07	\$177	n/a	\$177

Notes for DELAYED costs

Estimated cost to prepare and submit the initial notification. The Date Required is the earliest occurrence of the violation. The Final Date is the date projected corrective measures will be completed.

### Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$500

**TOTAL** \$177

Screening Date 1-Aug-2011

Docket No. 2011-1351-AIR-E

PCW

Respondent Ace World Companies Ltd.

Policy Revision 2 (September 2002)

Case ID No. 42205

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102267721

Media [Statute] Air

Enf. Coordinator Heather Podlipny

Violation Number 4

Rule Cite(s) 40 CFR § 63.3910(c), 30 Tex. Admin. Code §§ 101.20(2) and 113.960, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to submit the notification for compliance status for 40 CFR Part 63, Subpart Mmmm, as documented during an investigation conducted on July 12, 2011. Specifically, it was documented that the notification of compliance status, which was required to be submitted no later than 30 calendar days following the end of the initial compliance period (January 31, 2008), has not been submitted.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Matrix Notes	Falsification			Percent
	Major	Moderate	Minor	
	X			10%
100% of the rule requirement was not met.				

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1 Number of violation days 1247

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

Violation Base Penalty \$1,000

One single event is recommended based on the notification of compliance status that has not been submitted.

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 \$1,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$98

Violation Final Penalty Total \$1,050

This violation Final Assessed Penalty (adjusted for limits) \$1,050

# Economic Benefit Worksheet

**Respondent** Ace World Companies Ltd.  
**Case ID No.** 42205  
**Reg. Ent. Reference No.** RN102267721  
**Media** Air  
**Violation No.** 4

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$500	2-Mar-2008	28-Jan-2012	3.91	\$98	n/a	\$98

Notes for DELAYED costs

Estimated cost to prepare and submit the notification of compliance status. The Date Required is the earliest occurrence of the violation. The Final Date is the date projected corrective measures will be completed.

### Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$500

**TOTAL** \$98

Screening Date 1-Aug-2011

Docket No. 2011-1351-AIR-E

PCW

Respondent Ace World Companies Ltd.

Policy Revision 2 (September 2002)

Case ID No. 42205

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102267721

Media [Statute] Air

Enf. Coordinator Heather Podlipny

Violation Number 5

Rule Cite(s) 40 CFR § 63.3920(a), 30 Tex. Admin. Code §§ 101.20(2) and 113.960, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to submit semi-annual compliance reports for 40 CFR Part 63, Subpart Mmmm, as documented during an investigation conducted on July 12, 2011. Specifically, it was documented that the Respondent did not submit the compliance reports that were required to be submitted semi-annually, since July 31, 2008.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
	X			10%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 6 Number of violation days 1095

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 based on the six reports that were not submitted from July 31, 2008 (first report due date) to July 31, 2011 (last date report could be submitted for January through June 2011).

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 \$6,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$87

Violation Final Penalty Total \$6,300

This violation Final Assessed Penalty (adjusted for limits) \$6,300

## Economic Benefit Worksheet

**Respondent** Ace World Companies Ltd.  
**Case ID No.** 42205  
**Reg. Ent. Reference No.** RN102267721  
**Media** Air  
**Violation No.** 5

Percent Interest	Years of Depreciation
5.0	15

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

### 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	\$500	31-Jul-2008	28-Jan-2012	3.50	\$87	n/a	\$87
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 to implement procedures designed to ensure semi-annual reports are complete, accurate, and submitted within 30 days after the end of each compliance period. The Date Required is the date the first compliance report was due to be submitted. 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

\$500

**TOTAL**

\$87

Screening Date 1-Aug-2011

Docket No. 2011-1351-AIR-E

PCW

Respondent Ace World Companies Ltd.

Policy Revision 2 (September 2002)

Case ID No. 42205

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102267721

Media [Statute] Air

Enf. Coordinator Heather Podlipny

Violation Number 6

Rule Cite(s) 30 Tex. Admin. Code § 115.421(a)(9)(A)(ii) and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to use coating that complies with the volatile organic compounds ("VOC") content limit of 3.5 pounds per gallon ("lbs/gal"), as documented during an investigation conducted on July 12, 2011. Specifically, the Plant exceeded this limit on three occasions, with amounts ranging from 4.14 lbs/gal on June 8, 2011, 3.99 lbs/gal on June 11, 2011, and 3.75 lbs/gal on June 22, 2011.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual			X	10%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	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.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1 Number of violation days 14

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$1,000

One quarterly event is recommended for the period of June 8, 2011 through June 22, 2011.

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 \$1,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$144

Violation Final Penalty Total \$1,050

This violation Final Assessed Penalty (adjusted for limits) \$1,050

## Economic Benefit Worksheet

**Respondent** Ace World Companies Ltd.  
**Case ID No.** 42205  
**Reg. Ent. Reference No.** RN102267721  
**Media** Air  
**Violation No.** 6

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	\$2,500	8-Jun-2011	28-Jan-2012	0.64	\$5	\$107	\$112
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)	\$1,000	8-Jun-2011	28-Jan-2012	0.64	\$32	n/a	\$32

Notes for DELAYED costs

Estimated costs for implementing measures and/or installing equipment that will ensure that the Plant can prevent the exceedance of the 3.5 lbs/gal of VOCs on a daily weighted average. Date Required is the beginning date of the violation. Final Date is the projected date of compliance.

### Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$3,500

**TOTAL**

\$144

# Compliance History

Customer/Respondent/Owner-Operator:	CN603022120 Ace World Companies Ltd.	Classification: AVERAGE	Rating: 3.01
Regulated Entity:	RN102267721 ACE ENGINEERING	Classification: AVERAGE BY DEFAULT	Site Rating: 3.01
ID Number(s):	AIR QUALITY NON PERMITTED	ID NUMBER	TA3754J
	AIR NEW SOURCE PERMITS	REGISTRATION	38079
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	TA3754J
	AIR NEW SOURCE PERMITS	REGISTRATION	97061
	STORMWATER	PERMIT	TXRNES960
	STORMWATER	PERMIT	TXR05X828
Location:	10200 JACKSBORO HWY, FORT WORTH, TX, 76135		
TCEQ Region:	REGION 04 - DFW METROPLEX		
Date Compliance History Prepared:	July 19, 2011		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	July 19, 2006 to July 19, 2011		

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

Name: Todd Huddleson Phone: (512) 239 - 2541

### 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: 9/1/2010 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.)  
N/A
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
  - Date: 01/19/2011 (880203)
  - Self Report? NO Classification: Moderate
  - Citation: 30 TAC Chapter 115, SubChapter E 115.426(1)(B)  
5C THSC Chapter 382 382.085(b)
  - Description: Failure to maintain records of the quantity and type of each coating and solvent consumed during the specified averaging period sufficient to calculate the applicable weighted average of VOC for all coatings.
  - Self Report? NO Classification: Major
  - Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)  
5C THSC Chapter 382 382.0518(a)  
5C THSC Chapter 382 382.085(b)
  - Description: Failure to obtain proper authorization for operations at the facility. A plasma cutting table was installed without registering or receiving authorization from the TCEQ.
  - Self Report? NO Classification: Major

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)  
5C THSC Chapter 382 382.0518(a)  
5C THSC Chapter 382 382.085(b)  
Description: Failure to obtain proper authorization for operations at the facility. Outside blast cleaning is performed without registering or receiving authorization from the TCEQ.

Self Report? NO Classification: Major

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

Description: Failure to obtain proper authorization for operations at the facility. Surface coating is being performed in the east yard of the facility and in Building 4. Surface coating was not being performed in these areas when coating operations were previously authorized by the TCEQ.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 113, SubChapter C 113.960  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMMM 63.3910(b)  
5C THSC Chapter 382 382.085(b)

Description: Failure to submit the initial notification for an existing source no later than one year after January 2, 2004.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 113, SubChapter C 113.960  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMMM 63.3910(c)  
5C THSC Chapter 382 382.085(b)

Description: Failure to submit the notification of compliance status no later than 30 calendar days following the end of the initial compliance period.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 113, SubChapter C 113.960  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMMM 63.3920(a)  
5C THSC Chapter 382 382.085(b)

Description: Failure to submit semiannual compliance reports.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter T 106.454(1)(E)  
30 TAC Chapter 115, SubChapter E 115.412(1)(C)  
5C THSC Chapter 382 382.085(b)

Description: Failure to post a permanent label summarizing proper operating procedures to minimize emissions on or near the degreaser.

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

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
ACE WORLD COMPANIES LTD.  
RN102267721**

§  
§  
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§  
§

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

**AGREED ORDER  
DOCKET NO. 2011-1351-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 Ace World Companies Ltd. ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a crane manufacturing facility at 10200 Jacksboro Highway in Fort Worth, 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 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 July 19, 2011.
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 Eighteen Thousand Nine Hundred Dollars (\$18,900) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Fifteen Thousand One Hundred Twenty Dollars (\$15,120) of the administrative penalty and Three Thousand Seven Hundred Eighty Dollars (\$3,780) 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 recognizes that the Respondent, on June 30, 2011, submitted an application (Registration No. 97061) to authorize emissions for the plasma cutting table under a Permit by Rule.
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 obtain a permit or satisfy the conditions of a Permit by Rule, in violation of 30 TEX. ADMIN. CODE § 116.110(a) and TEX. HEALTH & SAFETY CODE §§ 382.0518(a) and 382.085(b), as documented during an investigation conducted on July 12, 2011. Specifically, the Respondent is operating a plasma cutting table without authorization.
2. Failed to obtain a permit or satisfy the conditions of a Permit by Rule, in violation of 30 TEX. ADMIN. CODE § 116.110(a) and TEX. HEALTH & SAFETY CODE §§ 382.0518(a) and 382.085(b), as documented during an investigation conducted on July 12, 2011. Specifically, the Respondent is performing surface coating without authorization.

3. Failed to submit an initial notification for 40 CODE OF FEDERAL REGULATIONS ("CFR") Part 63, Subpart MMMM, in violation of 40 CFR § 63.3910(b), 30 TEX. ADMIN. CODE §§ 101.20(2) and 113.960, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on July 12, 2011. Specifically, it was documented that the initial notification, which was required to be submitted no later than one year after January 2, 2004, has not been submitted.
4. Failed to submit the notification for compliance status for 40 CFR Part 63, Subpart MMMM, in violation of 40 CFR § 63.3910(c), 30 TEX. ADMIN. CODE §§ 101.20(2) and 113.960, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on July 12, 2011. Specifically, it was documented that the notification of compliance status, which was required to be submitted no later than 30 calendar days following the end of the initial compliance period (January 31, 2008), has not been submitted.
5. Failed to submit semi-annual compliance reports for 40 CFR Part 63, Subpart MMMM, in violation of 40 CFR § 63.3920(a), 30 TEX. ADMIN. CODE §§ 101.20(2) and 113.960, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on July 12, 2011. Specifically, it was documented that the Respondent did not submit the compliance reports that were required to be submitted semi-annually, since July 31, 2008.
6. Failed to use coating that complies with the volatile organic compounds ("VOC") content limit of 3.5 pounds per gallon ("lbs/gal"), in violation of 30 TEX. ADMIN. CODE § 115.421(a)(9)(A)(ii) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on July 12, 2011. Specifically, the Plant exceeded this limit on three occasions, with amounts ranging from 4.14 lbs/gal on June 8, 2011, 3.99 lbs/gal on June 11, 2011, and 3.75 lbs/gal on June 22, 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: Ace World Companies Ltd., Docket No. 2011-1351-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 15 days after the date the effective date of this Agreed Order, in order to authorize emissions from the plasma cutting table and for the surface coating, either certify that the Plant can satisfy the conditions for a Permit by Rule, or submit an administratively complete permit application in accordance with 30 TEX. ADMIN. CODE § 116.110(a) to:

Air Permits Division, MC 162  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087
  - b. If a permit application is submitted, respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit application within 30 days after the date of such requests, or by any other deadline specified in writing;
  - c. Within 30 days after the effective date of this Agreed Order:
    - i. Submit the initial notification for an existing source and the initial compliance status notification, in accordance with 40 CFR § 63.3910(b) and (c) to the addresses listed in Ordering Provision No. 2.e.;
    - ii. Implement measures designed to ensure that semi-annual compliance reports are submitted in accordance with the schedule prescribed in 40 CFR § 63.3920(a); and
    - iii. Implement measures designed to prevent the exceedance of the VOC content limit of 3.5 lbs/gal of coating.
  - d. Within 45 days after the effective date of this Agreed Order, submit certification of compliance with Ordering Provision Nos. 2.c.ii. and 2.c.iii., as described in Ordering Provision No. 2.e.; and
  - e. If a permit application is submitted then within 180 days after the effective date of this Agreed Order, submit written certification that either authorization to operate the plasma cutting table and/or surface coating has been obtained or that operation has ceased until such time that appropriate authorization is obtained. The certification 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  
Dallas/Fort Worth Regional Office  
Texas Commission on Environmental Quality  
2309 Gravel Road  
Fort Worth, Texas 76118-6951

and a copy to:

Environmental Program, Manager  
Environmental Management Department  
City of Fort Worth  
1000 Throckmorton  
Fort Worth, Texas 76102-6311

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 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.
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

1/20/12  
\_\_\_\_\_  
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.

  
\_\_\_\_\_  
Signature

11/11/2011  
\_\_\_\_\_  
Date

ACE CHANEM  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
Ace World Companies Ltd.

C.E.O.  
\_\_\_\_\_  
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.