

**Executive Summary – Enforcement Matter – Case No. 44317**  
**Guardian Industries Corp.**  
**RN100221811**  
**Docket No. 2012-1173-AIR-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

AIR

**Small Business:**

No

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

Guardian Industries - Corsicana, 3801 South Highway 287, Navarro County

**Type of Operation:**

Glass 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:** October 12, 2012

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$9,842

**Amount Deferred for Expedited Settlement:** \$1,968

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

**Total Paid to General Revenue:** \$7,874

**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

**Major Source:** Yes

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** September 2002 and September 2011

**Executive Summary – Enforcement Matter – Case No. 44317  
Guardian Industries Corp.  
RN100221811  
Docket No. 2012-1173-AIR-E**

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** January 24, 2012

**Date(s) of NOE(s):** May 29, 2012

***Violation Information***

1. Failed to keep mineral spirits usage rates limited to a maximum of 100 gallons per day. Specifically, on February 27 and 28, March 26 and 27, April 29, and September 3, 2011, the daily usage ranged from 102 to 104 gallons, resulting in the exceedance of the permitted volatile organic compounds hourly emission rate of 27.26 pounds per hour for the cutting area [30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(b)(2)(F) and (c), New Source Review (“NSR”) Permit Nos. 8518 and PSDTX370M3, Special Conditions Nos. 1 and 17 and TEX. HEALTH & SAFETY CODE § 382.085(b)].

2. Failed to accurately record daily mineral spirits usage during eight 24-hour periods between December 19, 2010 and May 1, 2011. Specifically, on December 19 and 20, 2010 and January 29 and 30, 2011, inaccurate measurements were taken due to the failure of the bottom level sensor on the system day tank. On February 27 and 28, 2011, inaccurate measurements were taken due to the operator overriding the automatic fill system. On April 30 and May 1, 2011, inaccurate measurements were taken due to electronic monitoring system clock reset and system malfunction [30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(c), NSR Permit Nos. 8518 and PSDTX370M3, Special Conditions No. 36.C. and TEX. HEALTH & SAFETY CODE § 382.085(b)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

N/A

**Technical Requirements:**

The Order will require Respondent to:

a. Within 30 days:

i. Implement measures designed to ensure that mineral spirits usage rates are limited to a maximum of 100 gallons per day; and

ii. Implement measures designed to ensure that daily mineral spirits usage is accurately recorded.

b. Within 45 days, submit written certification demonstrating compliance.

**Executive Summary – Enforcement Matter – Case No. 44317  
Guardian Industries Corp.  
RN100221811  
Docket No. 2012-1173-AIR-E**

***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

***Contact Information***

**TCEQ Attorney:** N/A  
**TCEQ Enforcement Coordinator:** Trina Grieco, Enforcement Division,  
Enforcement Team 4, MC R-13, (210) 403-4006; Debra Barber, Enforcement Division,  
MC 219, (512) 239-0412  
**TCEQ SEP Coordinator:** N/A  
**Respondent:** Kurt Christian, Plant Manager, Guardian Industries Corp., 3801 South  
Highway 287, Corsicana, Texas 75109-9373  
**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>	29-May-2012	<b>Screening</b>	6-Jun-2012	<b>EPA Due</b>	N/A
	<b>PCW</b>	3-Jul-2012				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	Guardian Industries Corp.				
<b>Reg. Ent. Ref. No.</b>	RN100221811				
<b>Facility/Site Region</b>	4-Dallas/Fort Worth	<b>Major/Minor Source</b>	Major		

## CASE INFORMATION

<b>Enf./Case ID No.</b>	44317	<b>No. of Violations</b>	2
<b>Docket No.</b>	2012-1173-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>	Trina Grieco
		<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**

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

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

**Compliance History**  Enhancement **Subtotals 2, 3, & 7**

Notes: Enhancement for two NOVs with same/similar violations, three NOVs with dissimilar violations, and two orders with denial of liability. Reduction for one Notice of Intent to conduct an audit.

**Culpability**   Enhancement **Subtotal 4**

Notes: The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply Total Adjustments** **Subtotal 5**

**Economic Benefit**  Enhancement\* **Subtotal 6**

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

**SUM OF SUBTOTALS 1-7** **Final Subtotal**

**OTHER FACTORS AS JUSTICE MAY REQUIRE**  **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

**Final Penalty Amount**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty**

**DEFERRAL**  Reduction **Adjustment**

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

Notes

Deferral offered for expedited settlement.

**PAYABLE PENALTY**

Screening Date 6-Jun-2012

Docket No. 2012-1173-AIR-E

PCW

Respondent Guardian Industries Corp.

Policy Revision 2 (September 2002)

Case ID No. 44317

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100221811

Media [Statute] Air

Enf. Coordinator Trina Grieco

### 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> )	2	10%
	Other written NOVs	3	6%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	2	40%
	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> )	1	-1%
	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)** 55%

>> 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 two NOVs with same/similar violations, three NOVs with dissimilar violations, and two orders with denial of liability. Reduction for one Notice of Intent to conduct an audit.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 55%

Screening Date 6-Jun-2012

Docket No. 2012-1173-AIR-E

PCW

Respondent Guardian Industries Corp.

Policy Revision 2 (September 2002)

Case ID No. 44317

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100221811

Media [Statute] Air

Enf. Coordinator Trina Grieco

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3) and 116.115(b)(2)(F) and (c), New Source Review ("NSR") Permit Nos. 8518 and PSDTX370M3, Special Conditions Nos. 1 and 17 and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to keep mineral spirits usage rates limited to a maximum of 100 gallons per day. Specifically, on February 27 and 28, March 26 and 27, and April 29, 2011, the daily usage ranged from 102 to 104 gallons, resulting in the exceedance of the permitted volatile organic compounds ("VOC") hourly emission rate of 27.46 pounds per hour for the Cutting Area.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Based on the number of gallons of mineral spirits that exceeded the permitted usage rate, the Respondent emitted approximately 124.6 pounds of VOC. Human health or the environment has been exposed to insignificant amounts of pollutants which did not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1 Number of violation days 5

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$2,500

One quarterly event is recommended for the one quarter (February 27 through April 29, 2011) during which exceedances occurred.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

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

Violation Subtotal \$2,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$48

Violation Final Penalty Total \$3,875

This violation Final Assessed Penalty (adjusted for limits) \$3,875

## Economic Benefit Worksheet

**Respondent** Guardian Industries Corp.  
**Case ID No.** 44317  
**Reg. Ent. Reference No.** RN100221811  
**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)	\$500	27-Feb-2011	1-Feb-2013	1.93	\$48	n/a	\$48

Notes for DELAYED costs

Estimated cost to implement measures to ensure that mineral spirits usage rates are limited to a maximum of 100 gallons per day. The Date Required is the date of the first exceedance. 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

\$500

**TOTAL**

\$48

**Screening Date** 6-Jun-2012  
**Respondent** Guardian Industries Corp.  
**Case ID No.** 44317  
**Reg. Ent. Reference No.** RN100221811  
**Media [Statute]** Air  
**Enf. Coordinator** Trina Grieco

**Docket No.** 2012-1173-AIR-E

**PCW**

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

**Violation Number** 2

**Rule Cite(s)**

30 Tex. Admin. Code §§ 101.20(3) and 116.115(c), NSR Permit Nos. 8518 and PSDTX370M3, Special Conditions No. 36.C. and Tex. Health & Safety Code § 382.085(b)

**Violation Description**

Failed to accurately record daily mineral spirits usage during eight 24-hour periods between December 19, 2010 and May 1, 2011. Specifically, on December 19 and 20, 2010 and January 29 and 30, 2011, inaccurate measurements were taken due to the failure of the bottom level sensor on the system day tank. On February 27 and 28, 2011, inaccurate measurements were taken due to the operator overriding the automatic fill system. On April 30 and May 1, 2011, inaccurate measurements were taken due to electronic monitoring system clock reset and system malfunction.

**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	1%

Matrix Notes

The Respondent met approximately 86% (six of seven) of the rule requirements.

**Adjustment** \$9,900

\$100

**Violation Events**

Number of Violation Events   Number of violation days

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

**Violation Base Penalty** \$100

One single event is recommended for the inaccurate record.

**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** \$100

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

**Statutory Limit Test**

**Estimated EB Amount** \$53

**Violation Final Penalty Total** \$155

**This violation Final Assessed Penalty (adjusted for limits)** \$155

## Economic Benefit Worksheet

**Respondent** Guardian Industries Corp.  
**Case ID No.** 44317  
**Rea. Ent. Reference No.** RN100221811  
**Media** Air  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<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				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	19-Dec-2010	1-Feb-2013	2.12	\$53	n/a	\$53

Notes for DELAYED costs

Estimated cost to ensure that daily mineral spirits usage is accurately recorded. The Date Required is the date of the first inaccurate recording. 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

\$500

**TOTAL**

\$53



# Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

<b>DATES</b>	<b>Assigned</b>	29-May-2012	<b>Screening</b>	6-Jun-2012	<b>EPA Due</b>	N/A
	<b>PCW</b>	2-Jul-2012				

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

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	44317	<b>No. of Violations</b>	1
<b>Docket No.</b>	2012-1173-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>	Trina Grieco
		<b>EC's Team</b>	Enforcement Team 4
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1** **\$3,750**

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

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

**Compliance History** **55.0%** Enhancement **Subtotals 2, 3, & 7** **\$2,062**

Notes: Enhancement for two NOV's with same/similar violations, three NOV's with dissimilar violations, and two orders with denial of liability. Reduction for one Notice of Intent to conduct an audit.

**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 \$0  
Approx. Cost of Compliance \$0  
\*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal** **\$5,812**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

**Final Penalty Amount** **\$5,812**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** **\$5,812**

**DEFERRAL** **20.0%** Reduction **Adjustment** **-\$1,162**

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** **\$4,650**

Screening Date 6-Jun-2012

Docket No. 2012-1173-AIR-E

PCW

Respondent Guardian Industries Corp.

Policy Revision 3 (September 2011)

Case ID No. 44317

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100221811

Media [Statute] Air

Enf. Coordinator Trina Grieco

### 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 (number of NOVs meeting criteria)	2	10%
	Other written NOVs	3	6%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	1	-1%
	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) 55%

>> 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 two NOVs with same/similar violations, three NOVs with dissimilar violations, and two orders with denial of liability. Reduction for one Notice of Intent to conduct an audit.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 55%

>> Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% 55%

Screening Date 6-Jun-2012

Docket No. 2012-1173-AIR-E

PCW

Respondent Guardian Industries Corp.

Policy Revision 3 (September 2011)

Case ID No. 44317

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100221811

Media [Statute] Air

Enf. Coordinator Trina Grieco

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3) and 116.115(b)(2)(F) and (c), New Source Review Permit Nos. 8518 and PSDTX370M3, Special Conditions Nos. 1 and 17 and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to keep mineral spirits usage rates limited to a maximum of 100 gallons per day. Specifically, on September 3, 2011, the daily usage was 102 gallons, resulting in the exceedance of the permitted volatile organic compounds ("VOC") hourly emission rate of 27.46 pounds per hour for the Cutting Area.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Based on the number of gallons of mineral spirits that exceeded the permitted usage rate, the Respondent emitted approximately 13.2 pounds of VOC. Human health or the environment has been exposed to insignificant amounts of pollutants which did not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1

1 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$3,750

One quarterly event is recommended for the one quarter during which the exceedance occurred.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

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

Violation Subtotal \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$5,813

This violation Final Assessed Penalty (adjusted for limits) \$5,813

# Economic Benefit Worksheet

**Respondent** Guardian Industries Corp.  
**Case ID No.** 44317  
**Reg. Ent. Reference No.** RN100221811  
**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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The Economic Benefit ("EB") for this violation is included in the EB for Violation 1 in the accompanying penalty calculation worksheet.

### Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

**TOTAL**

\$0

# Compliance History Report

Customer/Respondent/Owner-Operator: CN600131015 Guardian Industries Corp. Classification: AVERAGE Rating: 14.66  
Regulated Entity: RN100221811 GUARDIAN INDUSTRIES - Classification: AVERAGE Site Rating: 26.31  
CORSICANA

ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	NB0014R
	AIR OPERATING PERMITS	PERMIT	1091
	POLLUTION PREVENTION PLANNING	ID NUMBER	P03827
	INDUSTRIAL AND HAZARDOUS WASTE	EPA ID	TXD037460706
	INDUSTRIAL AND HAZARDOUS WASTE	SOLID WASTE REGISTRATION # (SWR)	34673
	AIR NEW SOURCE PERMITS	PERMIT	8518
	AIR NEW SOURCE PERMITS	REGISTRATION	14293
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	NB0014R
	AIR NEW SOURCE PERMITS	REGISTRATION	73858
	AIR NEW SOURCE PERMITS	AFS NUM	4834900014
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX370M3
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX370M4
	AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	NB0014R
	AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	NB0014R

Location: 3801 S HWY 287, NAVARRO COUNTY

TCEQ Region: REGION 04 - DFW METROPLEX

Date Compliance History Prepared: May 30, 2012

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: May 30, 2007 to May 30, 2012

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

Name: Trina Grieco Phone: (210) 403-4006

## 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: 04/25/2010

ADMINORDER 2009-1138-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP  
Special Condition No. 7 PERMIT  
Special Terms and Conditions No. 6 OP

Description: Failed to maintain the glass furnace (EPN 10) temperature continuously at or above 2,900 degrees Fahrenheit since October 31, 2008.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP  
SC 21D PERMIT  
Special Terms and Conditions No. 6 OP

Description: Failed to maintain records of, and thereby document compliance with, the permitted, argon hourly emissions rate limit of 4.91 pounds per hour, as well as a record of the hourly argon usage rate, for the Coater Vacuum Exhaust Stack (EPN 773).

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP  
SC 15 PERMIT  
Special Terms and Conditions No. 6 OP

Description: Failed to limit the annual usage of mineral spirits to the amount allowed by permit. Specifically, the annual usage of mineral spirits from Cutting Area (EPN 0600) for the year 2008 was 11,575.0 gallons, while the permit limit was 10,551.9 gallons.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP  
Special Condition No. 1 PERMIT  
Special Terms and Conditions No. 6 OP

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: GTC, STC 6 OP  
SC 21F PERMIT

Description: Failed to maintain records of, and thereby demonstrate compliance with, the maximum annual operating schedules for the fabric filter baghouses and their associated processes for EPNs 766, 766A, 767, 783, 784, 768c and 786.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: GTC, STC 5 OP

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

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
30 TAC Chapter 122, SubChapter B 122.146(5)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: GTC OP  
STC 9 OP

Description: Failed to include all deviations in semiannual deviation reports and failed to submit accurate annual compliance certifications. Specifically, all deviations were not reported for the three semiannual reporting periods of October 26, 2005 through April 25, 2006; April 26, 2006 through October 25, 2006;

and October 26, 2007 through April 25, 2008. Consequently, the annual compliance certifications for the three annual periods of October 26, 2005 through October 25, 2006; October 26, 2006

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: GTC and STC 6 OP  
SC 21C PERMIT

Description: Failed to maintain records of, and thereby document compliance with, the mineral spirits daily usage limit and the hourly emissions limit for volatile organic compounds (mineral spirits) from the Cutting Area (EPN 0600).

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(B)  
30 TAC Chapter 122, SubChapter B 122.146(5)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: GTC, STC 9 OP

Description: Failed to submit deviation reports. Specifically, although deviations occurred, no deviation reports were submitted for the three semiannual reporting periods of October 26, 2006 through April 25, 2007; April 26, 2007 through October 25, 2007; and April 26, 2008 through October 25, 2008.

Effective Date: 12/19/2011

ADMINORDER 2011-0933-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116 SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 8518, Special Condition 1 PERMIT

Description: Failed to comply with permitted emission rates during a stack test conducted on March 1, 2011 on the Glass Furnace Stack [Emission Point Number ("EPN") 10].

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	06/08/2007	(561786)
2	01/30/2008	(609339)
3	06/16/2008	(682733)
4	02/26/2009	(724889)
5	07/14/2009	(761486)
6	07/21/2009	(762777)
7	07/15/2010	(803284)
8	07/15/2010	(825117)
9	08/17/2010	(829879)
10	08/11/2010	(841155)
11	03/11/2011	(891533)
12	01/14/2011	(891661)
13	05/16/2011	(913197)
14	07/26/2011	(936797)
15	05/25/2012	(987791)

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

Date: 06/13/2008 (682733)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.10(e)  
5C THSC Chapter 382 382.085(b)  
Description: Failure to submit a 2007 EI: Category B19 (g)(3)

Date: 03/04/2009 (724889) CN600131015

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.146(2)  
5C THSC Chapter 382 382.085(b)

Description: Failure to submit the permit compliance certification within 30 days of the end of the certification period.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)  
30 TAC Chapter 122, SubChapter B 122.146(5)(C)  
5C THSC Chapter 382 382.085(b)

Description: Failure to include all deviations with the permit compliance certification.

Date: 08/18/2010 (829879) CN600131015

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
5C THSC Chapter 382 382.085(b)  
MAERT PERMIT

Description: Failure to comply with the maximum allowable emission rate limitation for PM10. Total emissions of air contaminants must not exceed the values stated on the Maximum Allowable Emissions Rates Table [30 TAC 116.115(b)(2)(F)].

Date: 03/15/2011 (891533) CN600131015

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)  
8518 Special Condition #36(C) PERMIT

Description: Failure to maintain the daily mineral spirits usage record, as required by Permit No. 8518 Special Condition #36(C), in violation of 30 TAC 116.115(c).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)  
8518 Special Condition #15 PERMIT

Description: Failure to limit the maximum allowable usage rate for mineral spirits to 28.9 gallons per day, as required by the previous permit special condition #15), in violation of 30 TAC 116.115(c).

Date: 05/29/2012 (987791) CN600131015

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)  
General Condition 9 PERMIT  
Special Condition 22 PERMIT

Description: Failure to maintain a minimum pressure drop at or above 1 inch of water gauge pressure. Failure to maintain the baghouse in good working order and operating properly during normal facility operations.

F. Environmental audits.

Notice of Intent Date: 11/14/2011 (970395)

No DOV Associated

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



<b>IN THE MATTER OF AN</b>	<b>§</b>	<b>BEFORE THE</b>
<b>ENFORCEMENT ACTION</b>	<b>§</b>	
<b>CONCERNING</b>	<b>§</b>	<b>TEXAS COMMISSION ON</b>
<b>GUARDIAN INDUSTRIES CORP.</b>	<b>§</b>	
<b>RN100221811</b>	<b>§</b>	<b>ENVIRONMENTAL QUALITY</b>

**AGREED ORDER**  
**DOCKET NO. 2012-1173-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 Guardian Industries Corp. ("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 glass manufacturing plant at 3801 South Highway 287 in Navarro County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The 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 June 3, 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 Nine Thousand Eight Hundred Forty-Two Dollars (\$9,842) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Seven Thousand Eight Hundred Seventy-Four Dollars (\$7,874) of the administrative penalty and One Thousand Nine

Hundred Sixty-Eight Dollars (\$1,968) 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 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 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:

1. Failed to keep mineral spirits usage rates limited to a maximum of 100 gallons per day, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(b)(2)(F) and (c), New Source Review ("NSR") Permit Nos. 8518 and PSDTX370M3, Special Conditions Nos. 1 and 17 and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on January 24, 2012. Specifically, on February 27 and 28, March 26 and 27, April 29, and September 3, 2011, the daily usage ranged from 102 to 104 gallons, resulting in the exceedance of the permitted volatile organic compounds hourly emission rate of 27.26 pounds per hour for the Cutting Area.
2. Failed to accurately record daily mineral spirits usage during eight 24-hour periods between December 19, 2010 and May 1, 2011, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(c), NSR Permit Nos. 8518 and PSDTX370M3, Special Conditions No. 36.C. and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on January 24, 2012. Specifically, on December 19 and 20, 2010 and January 29 and 30, 2011, inaccurate measurements were taken due to the failure of the bottom level sensor on the system day tank. On February 27 and 28, 2011, inaccurate measurements were taken due to the operator overriding the automatic fill

system. On April 30 and May 1, 2011, inaccurate measurements were taken due to electronic monitoring system clock reset and system malfunction.

### III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Guardian Industries Corp., Docket No. 2012-1173-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. Implement measures designed to ensure that mineral spirits usage rates are limited to a maximum of 100 gallons per day, in accordance with NSR Permit Nos. 8518 and PSDTX370M3, Special Conditions No. 17; and
    - ii. Implement measures designed to ensure that daily mineral spirits usage is accurately recorded, in accordance with NSR Permit Nos. 8518 and PSDTX370M3, Special Conditions No. 36.C.
  - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and

complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:

Air Section Manager  
Dallas/Fort Worth Regional Office  
Texas Commission on Environmental Quality  
2309 Gravel Drive  
Fort Worth, Texas 76118-6951

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

7. This Agreed Order may be executed in 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.

## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

Pam J. Jansen  
For the Executive Director

12/7/12  
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.

Kurt L. Christian  
Signature

8-21-12  
Date

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

PLANT MANAGER  
Title

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