

**Executive Summary – Enforcement Matter – Case No. 44348**  
**NATIONAL ELECTRIC COIL CO, L.P.**  
**RN100617448**  
**Docket No. 2012-1202-MLM-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

MLM - AIR, IHW

**Small Business:**

No

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

National Electric Coil, 3330 East 14th Street, Brownsville, Cameron County

**Type of Operation:**

Engine and motor 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:** May 17, 2013

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$20,164

**Amount Deferred for Expedited Settlement:** \$4,032

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

**Total Paid to General Revenue:** \$16,132

**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:** No

**Statutory Limit Adjustment:** N/A

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

**Executive Summary – Enforcement Matter – Case No. 44348**  
**NATIONAL ELECTRIC COIL CO, L.P.**  
**RN100617448**  
**Docket No. 2012-1202-MLM-E**

***Investigation Information***

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

**Complaint Information:** N/A

**Date(s) of Investigation:** March 22, 2012

**Date(s) of NOE(s):** May 30, 2012

***Violation Information***

1. Failed to have a beginning accumulation date on each container storing hazardous waste. Specifically, three containers of xylene did not have a starting accumulation date [30 TEX. ADMIN. CODE § 335.69(a)(2) and 40 CODE OF FEDERAL REGULATIONS ("CFR") § 262.34(a)(2)].

2. Failed to maintain an adequate contingency plan. Specifically, the contingency plan failed to contain an adequate evacuation plan, a list of addresses of all persons qualified to act as emergency coordinators and a list of all emergency equipment [30 TEX. ADMIN. CODE §§ 335.112(a)(3), 335.69(a)(4)(A) and 40 CFR §§ 262.34(a)(4) and 265.52(d), (e) and (f)].

3. Failed to provide annual review training to the Plant personnel in the handling of hazardous waste materials. Specifically, the training was to be conducted by April 2, 2012 [30 TEX. ADMIN. CODE §§ 335.112(a)(1), 335.69(a)(4)(A) and 40 CFR §§ 262.34(a)(4) and 265.16(c) and (d)(3)].

4. Failed to update the Plant's Notice of Registration ("NOR"). Specifically, the NOR had the incorrect primary contact, Texas Waste Code 00084891 was not updated to include cardboard contaminated with resin residue, and Texas Waste Code 0503219H was listed as active instead of inactive [30 TEX. ADMIN. CODE § 335.6(c)].

5. Failed to submit an exception report for not receiving a copy of a manifest with the handwritten signature of the owner or operator of the designated facility within 45 days of the date the waste was accepted by the initial transporter. Specifically, manifest tracking number 001385657GBF, dated June 7, 2011, was not returned to Respondent and Respondent had not filed an exception report [30 TEX. ADMIN. CODE § 335.13(k) and 40 CFR § 262.42(a)(2)].

6. Failed to maintain a copy of the permit at the Plant [30 TEX. ADMIN. CODE § 116.115(b)(2)(E)(i) and TEX. HEALTH & SAFETY CODE § 382.085(b)].

7. Failed to mark the location of all permitted sources in a conspicuous location to correspond with identification on the plot plan and maximum allowable emission rate tables [30 TEX. ADMIN. CODE § 116.115(c) and New Source Review Permit ("NSRP") No. 20956, Special Condition ("SC") No. 2, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

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**Docket No. 2012-1202-MLM-E**

8. Failed to maintain information and data to demonstrate continuous compliance with the restricted hours of operation. Specifically, the Plant could not provide information regarding the weekly material usage, in pounds, and actual weekly hours of operation for emission sources nor could it provide a log of weekly hours of operation to produce a yearly summary [30 TEX. ADMIN. CODE § 116.115(c), NSRP No. 20956, SC Nos. 11.B. and 11.C. and TEX. HEALTH & SAFETY CODE § 382.085(b)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

Respondent has implemented the following corrective measures:

- a. On March 22, 2012 the TCEQ Harlingen Regional Office received documentation:
  - i. Indicating the beginning accumulation date on each of the three containers of xylene waste;
  - ii. A signed copy of manifest tracking number 001385657GBF; and
  - iii. A copy of NSRP No. 20956.
- b. On April 4, 2012, the Harlingen Regional Office received documentation:
  - i. Listing the addresses of all persons qualified to act as emergency coordinators;
  - ii. A list of all emergency equipment on-site and the location and description of the equipment; and
  - iii. An adequate evacuation plan for the Facility.
- c. On April 16, 2012, the TCEQ Harlingen Regional Office received documentation demonstrating that hazardous materials awareness training was provided to the Plant personnel on April 12, 2012.
- d. On June 18, 2012 the TCEQ Harlingen Regional Office received documentation of the Plant's updated NOR.

**Technical Requirements:**

The Order will require Respondent to:

- a. Within 30 days:

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**NATIONAL ELECTRIC COIL CO, L.P.**  
**RN100617448**  
**Docket No. 2012-1202-MLM-E**

- i. Mark the location of all permitted sources to correspond with identification on the plot plan and maximum allowable emission rates tables;
  - ii. Provide dates of weekly material usage in pounds and the actual weekly hours of operation for emission sources; and
  - iii. Maintain a weekly log of the weekly hours of operation to produce a yearly summary.
- b. Within 45 days, submit written certification demonstrating compliance.

***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:** Michael Meyer, Enforcement Division,  
Enforcement Team 6, MC 128, (512) 239-4492; Debra Barber, Enforcement Division,  
MC 219, (512) 239-0412  
**TCEQ SEP Coordinator:** N/A  
**Respondent:** Sara Borders, EHS Manager, NATIONAL ELECTRIC COIL CO, L.P., 211  
East 17th Street, Suite 620, Austin, Texas 78701-3218  
**Respondent's Attorney:** N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

## DATES

Assigned PCW	5-Jun-2012	Screening	13-Jun-2012	EPA Due	
	12-Jun-2012				

## RESPONDENT/FACILITY INFORMATION

Respondent	NATIONAL ELECTRIC COIL CO, L.P.		
Reg. Ent. Ref. No.	RN100617448		
Facility/Site Region	15-Harlingen	Major/Minor Source	Minor

## CASE INFORMATION

Enf./Case ID No.	44348	No. of Violations	1
Docket No.	2012-1202-MLM-E	Order Type	1660
Media Program(s)	Industrial and Hazardous Waste	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Michael Meyer
		EC's Team	Enforcement Team 6
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1**

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

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

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

Notes

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

Notes

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

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

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

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

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

**Final Penalty Amount**

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

**DEFERRAL**  Reduction **Adjustment**

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

Notes

**PAYABLE PENALTY**

Screening Date 13-Jun-2012

Docket No. 2012-1202-MLM-E

PCW

Respondent NATIONAL ELECTRIC COIL CO, L.P.

Policy Revision 2 (September 2002)

Case ID No. 44348

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100617448

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Michael Meyer

### 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	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)** 10%

>> 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 previous NOVs with same or similar violations.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 10%

Screening Date 13-Jun-2012

Docket No. 2012-1202-MLM-E

PCW

Respondent NATIONAL ELECTRIC COIL CO, L.P.

Policy Revision 2 (September 2002)

Case ID No. 44348

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100617448

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Michael Meyer

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 335.13(k) and 40 Code of Federal Regulations § 262.42(a)(2)

Violation Description Failed to submit an exception report for not receiving a copy of a manifest with the handwritten signature of the owner or operator of the designated facility within 45 days of the date the waste was accepted by the initial transporter. Specifically, manifest tracking number 001385657GBF, dated June 7, 2011, was not returned to the Respondent and the Respondent had not filed an exception report.

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 1 Number of violation days 83

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.

Good Faith Efforts to Comply

25.0% Reduction \$250

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

Notes: The Respondent achieved compliance on March 22, 2012, prior to the Notice of Enforcement dated May 30, 2012.

Violation Subtotal \$750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$850

This violation Final Assessed Penalty (adjusted for limits) \$850

# Economic Benefit Worksheet

**Respondent** NATIONAL ELECTRIC COIL CO, L.P.

**Case ID No.** 44348

**Reg. Ent. Reference No.** RN100617448

**Media** Industrial and Hazardous Waste

**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
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No commas or \$

**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				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)	\$100	22-Mar-2012	22-Mar-2012	0.00	\$0	n/a	\$0

**Notes for DELAYED costs**

Estimated cost to submit a copy of manifest tracking number 001385657GBF. The Date Required is the investigation date and the Final Date is the date of compliance.

**Avoided Costs**

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

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

**Notes for AVOIDED costs**

**Approx. Cost of Compliance**

\$100

**TOTAL**

\$0



# Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

## DATES

Assigned	5-Jun-2012	Screening	13-Jun-2012	EPA Due	
PCW	12-Jul-2012				

## RESPONDENT/FACILITY INFORMATION

Respondent	NATIONAL ELECTRIC COIL CO, L.P.		
Reg. Ent. Ref. No.	RN100617448		
Facility/Site Region	15-Harlingen	Major/Minor Source	Minor

## CASE INFORMATION

Enf./Case ID No.	44348	No. of Violations	7
Docket No.	2012-1202-MLM-E	Order Type	1660
Media Program(s)	Industrial Hazardous Waste	Government/Non-Profit	No
Multi-Media	Air	Enf. Coordinator	Michael Meyer
		EC's Team	Enforcement Team 6

Admin. Penalty \$ Limit Minimum  Maximum

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1**

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

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

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

Notes

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

Notes

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

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

Total EB Amounts  \*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 indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

**PAYABLE PENALTY**

Screening Date 13-Jun-2012

Docket No. 2012-1202-MLM-E

PCW

Respondent NATIONAL ELECTRIC COIL CO, L.P.

Policy Revision 3 (September 2011)

Case ID No. 44348

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100617448

Media [Statute] Industrial Hazardous Waste

Enf. Coordinator Michael Meyer

### 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	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)**

#### >> Repeat Violator (Subtotal 3)

**Adjustment Percentage (Subtotal 3)**

#### >> Compliance History Person Classification (Subtotal 7)

**Adjustment Percentage (Subtotal 7)**

#### >> Compliance History Summary

Compliance History Notes

Enhancement for two previous NOVs with same or similar violations.

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

#### >> Final Compliance History Adjustment

**Final Adjustment Percentage \*capped at 100%**

Screening Date 13-Jun-2012

Docket No. 2012-1202-MLM-E

PCW

Respondent NATIONAL ELECTRIC COIL CO, L.P.

Policy Revision 3 (September 2011)

Case ID No. 44348

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100617448

Media [Statute] Industrial Hazardous Waste

Enf. Coordinator Michael Meyer

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 335.69(a)(2) and 40 Code of Federal Regulations ("CFR") § 262.34(a)(2)

Violation Description Failed to have a beginning accumulation date on each container storing hazardous waste. Specifically, three containers of xylene did not have a starting accumulation date.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				15.0%
Potential	x			

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 3 Number of violation days 1

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

Violation Base Penalty \$11,250

Three single events (one event per container) are recommended.

Good Faith Efforts to Comply

25.0% Reduction \$2,812

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

Notes The Respondent achieved compliance on March 22, 2012, prior to the Notice of Enforcement ("NOE") dated May 30, 2012.

Violation Subtotal \$8,438

Economic Benefit (EB) for this violation

Estimated EB Amount \$0

Statutory Limit Test

Violation Final Penalty Total \$9,563

This violation Final Assessed Penalty (adjusted for limits) \$9,563

# Economic Benefit Worksheet

**Respondent** NATIONAL ELECTRIC COIL CO, L.P.  
**Case ID No.** 44348  
**Reg. Ent. Reference No.** RN100617448  
**Media** Industrial Hazardous Waste  
**Violation No.** 1

**Percent Interest** 5.0  
**Years of Depreciation** 15

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

**Delayed Costs**

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$150	22-Mar-2012	22-Mar-2012	0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to label three containers storing hazardous waste. The Date Required is the investigation date and the Final Date is the date of compliance.

**Avoided Costs**

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$150

**TOTAL**

\$0

**Screening Date** 13-Jun-2012  
**Respondent** NATIONAL ELECTRIC COIL CO, L.P.  
**Case ID No.** 44348

**Docket No.** 2012-1202-MLM-E

**PCW**

*Policy Revision 3 (September 2011)  
 PCW Revision August 3, 2011*

**Reg. Ent. Reference No.** RN100617448  
**Media [Statute]** Industrial Hazardous Waste  
**Enf. Coordinator** Michael Meyer

**Violation Number**

**Rule Cite(s)** 30 Tex. Admin. Code §§ 335.112(a)(3) and 335.69(a)(4)(A) and 40 CFR §§ 262.34(a)(4) and 265.52(d), (e) and (f)

**Violation Description** Failed to maintain an adequate contingency plan. Specifically, the contingency plan failed to contain an adequate evacuation plan, a list of addresses of all persons qualified to act as emergency coordinators and a list of all emergency equipment.

**Base Penalty**

**>> Environmental, Property and Human Health Matrix**

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="15.0%"/>
	Potential	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>

**Matrix Notes** Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation.

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

*mark only one with an x*

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text" value="x"/>

**Violation Base Penalty**

**Good Faith Efforts to Comply**

Reduction

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text" value="x"/>	<input type="text"/>
N/A	<input type="text" value="(mark with x)"/>	

**Notes** The Respondent achieved compliance on April 4, 2012, prior to the NOE dated May 30, 2012.

**Violation Subtotal**

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

**Statutory Limit Test**

**Estimated EB Amount**

**Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**

# Economic Benefit Worksheet

**Respondent** NATIONAL ELECTRIC COIL CO, L.P.

**Case ID No.** 44348

**Reg. Ent. Reference No.** RN100617448

**Media** Industrial Hazardous Waste

**Violation No.** 2

**Percent Interest** 5.0 | **Years of Depreciation** 15

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

**Delayed Costs**

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$500	22-Mar-2012	4-Apr-2012	0.04	\$1	n/a	\$1

Notes for DELAYED costs

Estimated cost to maintain an adequate contingency plan. The Date Required is the investigation date and the Final Date is the date of compliance.

**Avoided Costs**

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

**TOTAL**

\$1

Screening Date 13-Jun-2012

Docket No. 2012-1202-MLM-E

PCW

Respondent NATIONAL ELECTRIC COIL CO, L.P.

Policy Revision 3 (September 2011)

Case ID No. 44348

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100617448

Media [Statute] Industrial Hazardous Waste

Enf. Coordinator Michael Meyer

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code §§ 335.112(a)(1) and 335.69(a)(4)(A) and 40 CFR §§ 262.34(a)(4) and 265.16(c) and (d)(3)

Violation Description Failed to provide annual review training to the Plant personnel in the handling of hazardous waste materials. Specifically, the training was to be conducted by April 2, 2012.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				15.0%
	Potential	x			

>> Programmatic Matrix

Falsification	Harm			Percent
	Major	Moderate	Minor	
				0.0%

Matrix Notes Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1 Number of violation days 10

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

Violation Base Penalty \$3,750

One annual event is recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$937

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

Notes The Respondent achieved compliance on April 12, 2012, prior to the NOE date May 30, 2012.

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$3,188

This violation Final Assessed Penalty (adjusted for limits) \$3,188

# Economic Benefit Worksheet

**Respondent** NATIONAL ELECTRIC COIL CO, L.P.

**Case ID No.** 44348

**Reg. Ent. Reference No.** RN100617448

**Media** Industrial Hazardous Waste

**Violation No.** 3

**Percent Interest** 5.0  
**Years of Depreciation** 15

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

**Delayed Costs**

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$1,000	2-Apr-2012	12-Apr-2012	0.03	\$1	n/a	\$1
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 provide annual training. The Date Required is date the training was due and the Final Date is the date of compliance.

**Avoided Costs**

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

**Approx. Cost of Compliance**

\$1,000

**TOTAL**

\$1

Screening Date 13-Jun-2012  
 Respondent NATIONAL ELECTRIC COIL CO, L.P.  
 Case ID No. 44348

Docket No. 2012-1202-MLM-E

PCW

Policy Revision 3 (September 2011)  
 PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100617448  
 Media [Statute] Industrial Hazardous Waste  
 Enf. Coordinator Michael Meyer

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

Falsification	Harm			Percent
	Major	Moderate	Minor	
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="x"/>	<input type="text" value="1.0%"/>

Matrix Notes

Adjustment

Violation Events

Number of Violation Events  Number of violation days

mark only one with an x	daily	<input type="text"/>
	weekly	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text" value="x"/>

Violation Base Penalty

Good Faith Efforts to Comply

Reduction

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text" value="x"/>
N/A	<input type="text"/>	(mark with x)

Notes

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

# Economic Benefit Worksheet

**Respondent** NATIONAL ELECTRIC COIL CO, L.P.  
**Case ID No.** 44348  
**Reg. Ent. Reference No.** RN100617448  
**Media** Industrial Hazardous Waste  
**Violation No.** 4

**Percent Interest** 5.0  
**Years of Depreciation** 15

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

**Delayed Costs**

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$200	22-Mar-2012	18-Jun-2012	0.24	\$2	n/a	\$2

**Notes for DELAYED costs**

Estimated cost to update the Plant's NOR. The Date Required is the investigation date and the Final Date is the date of compliance.

**Avoided Costs**

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

Approx. Cost of Compliance \$200

**TOTAL** \$2

Screening Date 13-Jun-2012

Docket No. 2012-1202-MLM-E

PCW

Respondent NATIONAL ELECTRIC COIL CO, L.P.

Policy Revision 3 (September 2011)

Case ID No. 44348

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100617448

Media [Statute] Industrial Hazardous Waste

Enf. Coordinator Michael Meyer

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code § 116.115(b)(2)(E)(i) and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to maintain a copy of the permit at the Plant.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm		
		Major	Moderate	Minor
Actual				
Potential				

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 5.0%

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

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1

83 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$1,250

One single event is recommended.

Good Faith Efforts to Comply

25.0% Reduction Before NOV NOV to EDPRP/Settlement Offer

\$312

Extraordinary	
Ordinary	x
N/A	(mark with x)

Notes The Respondent achieved compliance on March 22, 2012, prior to the NOE dated May 30, 2012.

Violation Subtotal \$938

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$1,063

This violation Final Assessed Penalty (adjusted for limits) \$1,063

# Economic Benefit Worksheet

**Respondent** NATIONAL ELECTRIC COIL CO, L.P.

**Case ID No.** 44348

**Reg. Ent. Reference No.** RN100617448

**Media** Industrial Hazardous Waste

**Violation No.** 5

**Percent Interest** 5.0 | **Years of Depreciation** 15

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

**Delayed Costs**

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$100	22-Mar-2012	22-Mar-2012	0.00	\$0	n/a	\$0

**Notes for DELAYED costs**

Estimated cost to maintain a copy of the air permit at the Plant. The Date Required is the investigation date and the Final Date is the date of compliance.

**Avoided Costs**

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

**Approx. Cost of Compliance**

**TOTAL**

**Screening Date** 13-Jun-2012  
**Respondent** NATIONAL ELECTRIC COIL CO, L.P.  
**Case ID No.** 44348

**Docket No.** 2012-1202-MLM-E

**PCW**

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

**Reg. Ent. Reference No.** RN100617448  
**Media [Statute]** Industrial Hazardous Waste  
**Enf. Coordinator** Michael Meyer

**Violation Number** 6

**Rule Cite(s)** 30 Tex. Admin. Code §116.115(c) and New Source Review Permit ("NSRP") No. 20956, Special Condition ("SC") No. 2, and Tex. Health & Safety Code 382.085(b)

**Violation Description** Failed to mark the location of all permitted sources in a conspicuous location to correspond with identification on the plot plan and maximum allowable emission rate tables.

**Base Penalty** \$25,000

**>> Environmental, Property and Human Health Matrix**

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
	X			5.0%

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

**Adjustment** \$23,750

\$1,250

**Violation Events**

Number of Violation Events 1      83 Number of violation days

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

**Violation Base Penalty** \$1,250

One single event is recommended.

**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** \$1,250

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

**Estimated EB Amount** \$4

**Statutory Limit Test**

**Violation Final Penalty Total** \$1,375

**This violation Final Assessed Penalty (adjusted for limits)** \$1,375

# Economic Benefit Worksheet

**Respondent** NATIONAL ELECTRIC COIL CO, L.P.

**Case ID No.** 44348

**Reg. Ent. Reference No.** RN100617448

**Media** Industrial Hazardous Waste

**Violation No.** 6

<b>Percent Interest</b>	<b>Years of Depreciation</b>
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	\$100	22-Mar-2012	31-Jan-2013	0.86	\$4	n/a	\$4
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**

Estimated cost to mark the locations of all permitted sources to correspond with identification on the plot plan and maintain maximum allowable emission rate tables. The Date Required is the investigation date and the Final Date is the estimated date of compliance.

**Avoided Costs**

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

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

**Notes for AVOIDED costs**

**Approx. Cost of Compliance**

\$100

**TOTAL**

\$4

Screening Date 13-Jun-2012

Docket No. 2012-1202-MLM-E

PCW

Respondent NATIONAL ELECTRIC COIL CO, L.P.

Policy Revision 3 (September 2011)

Case ID No. 44348

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100617448

Media [Statute] Industrial Hazardous Waste

Enf. Coordinator Michael Meyer

Violation Number 7

Rule Cite(s) 30 Tex. Admin. Code §116.115(c), and NSRP No. 20956, SC Nos. 11.B. and 11.C., and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to maintain information and data to demonstrate continuous compliance with the restricted hours of operation. Specifically, the Plant could not provide information regarding the weekly material usage, in pounds, and actual weekly hours of operation for emission sources nor could it provide a log of weekly hours of operation to produce a yearly summary.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0.0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
		X		2.5%

Matrix Notes 66% of the rule requirement was not met.

Adjustment \$24,375

\$625

Violation Events

		1	83	Number of violation days
mark only one with an x	daily			
	weekly			
	monthly			
	quarterly			
	semiannual			
	annual			
	single event	X		

Violation Base Penalty \$625

One single event is recommended.

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 \$625

Economic Benefit (EB) for this violation

Estimated EB Amount \$43

Statutory Limit Test

Violation Final Penalty Total \$688

This violation Final Assessed Penalty (adjusted for limits) \$688

# Economic Benefit Worksheet

**Respondent** NATIONAL ELECTRIC COIL CO, L.P.

**Case ID No.** 44348

**Reg. Ent. Reference No.** RN100617448

**Media** Industrial Hazardous Waste

**Violation No.** 7

<b>Percent Interest</b>	<b>Years of Depreciation</b>
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	\$1,000	22-Mar-2012	31-Jan-2013	0.86	\$43	n/a	\$43
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**

Estimated cost to maintain records to produce emission reports in pounds per hour over a weekly basis and in tons per year over the previous 12 months. The Date Required is the investigation date and the Final Date is the estimated date of compliance.

**Avoided Costs**

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

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

**Notes for AVOIDED costs**

**Approx. Cost of Compliance**

\$1,000

**TOTAL**

\$43

# Compliance History Report

Customer/Respondent/Owner-Operator: CN600326524 National Electric Coil Co., L.P. Classification: AVERAGE Rating: 3.16

Regulated Entity: RN100617448 NATIONAL ELECTRIC COIL Classification: AVERAGE Site Rating: 3.50

ID Number(s):

POLLUTION PREVENTION PLANNING	ID NUMBER	P00407
INDUSTRIAL AND HAZARDOUS WASTE	EPA ID	TXD982288581
INDUSTRIAL AND HAZARDOUS WASTE	SOLID WASTE REGISTRATION # (SWR)	37200
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	CD0280I
AIR NEW SOURCE PERMITS	PERMIT	20956
USED OIL	ID NUMBER	HAU0099
STORMWATER	PERMIT	TXR05S316

Location: 3330 E 14TH ST, BROWNSVILLE, TX, 78521

TCEQ Region: REGION 15 - HARLINGEN

Date Compliance History Prepared: June 05, 2012

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: June 05, 2007 to June 05, 2012

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

Name: Michael Meyer Phone: (512) 239-4492

## 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.  
N/A
- B. Any criminal convictions of the state of Texas and the federal government.  
N/A
- C. Chronic excessive emissions events.  
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	05/30/2008	(641536)
2	05/30/2008	(681402)
3	05/29/2009	(742608)
4	10/07/2010	(802519)
5	08/19/2011	(934018)
6	09/26/2011	(956242)
7	05/29/2012	(994777)

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

Date: 10/07/2010 (802519)CN600326524

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 335, SubChapter C 335.62  
40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11  
40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11(a)  
40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11(b)  
40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11(c)  
40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11(c)(1)  
40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11(c)(2)  
40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11(d)

Description: Failure to perform a hazardous waste determination on every waste generated.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)  
30 TAC Chapter 335, SubChapter A 335.6(c)(1)  
30 TAC Chapter 335, SubChapter A 335.6(c)(2)  
30 TAC Chapter 335, SubChapter A 335.6(c)(3)  
30 TAC Chapter 335, SubChapter A 335.6(c)(4)  
30 TAC Chapter 335, SubChapter A 335.6(c)(5)  
30 TAC Chapter 335, SubChapter A 335.6(c)(5)(A)  
30 TAC Chapter 335, SubChapter A 335.6(c)(5)(B)  
30 TAC Chapter 335, SubChapter A 335.6(c)(5)(C)  
30 TAC Chapter 335, SubChapter A 335.6(c)(5)(D)

Description: Failure to provide written notification for all municipal hazardous waste streams, industrial solid waste streams and associated waste management units.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 335, SubChapter A 335.9(a)(1)  
30 TAC Chapter 335, SubChapter A 335.9(a)(1)(A)  
30 TAC Chapter 335, SubChapter A 335.9(a)(1)(B)  
30 TAC Chapter 335, SubChapter A 335.9(a)(1)(C)  
30 TAC Chapter 335, SubChapter A 335.9(a)(1)(D)  
30 TAC Chapter 335, SubChapter A 335.9(a)(1)(E)  
30 TAC Chapter 335, SubChapter A 335.9(a)(1)(F)  
30 TAC Chapter 335, SubChapter A 335.9(a)(1)(G)

Description: Failure to keep records of all hazardous waste and industrial solid waste activities in a format which is retrievable and easy to copy.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 281, SubChapter A 281.25(a)(4)  
MSGP, Part III Section A (5)(a) PERMIT

Description: Failure to implement and maintain good housekeeping procedures.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 281, SubChapter A 281.25(a)(4)  
MSGP, Part III, Section A(4)(a) PERMIT

Description: Failure to identify and describe all activities and significant materials that may potentially be pollutant sources.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 281, SubChapter A 281.25(a)(4)  
MSGP, Part III, Section A(4)(b) PERMIT

Description: Failure to develop a narrative description which describes all activities and potential sources of pollutants.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 281, SubChapter A 281.25(a)(4)  
MSGP, Part III, Section A.4.(c) PERMIT

Description: Failure to include on the site map several items listed under Section A.4.(c)

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 281, SubChapter A 281.25(a)(4)  
MSGP, Part III, Section A.4.(d) PERMIT

Description: Failure to update the spill and leaks list in the SWP3 on a quarterly basis.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 281, SubChapter A 281.25(a)(4)  
MSGP, Part III, Section A(4)(e) PERMIT

Description: Failure to summarize all data from the laboratory analyses of storm water discharge samples.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 281, SubChapter A 281.25(a)(4)  
MSGP, Part III, Section A.5.(g) PERMIT

Description: Failure to conduct periodic inspections.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 281, SubChapter A 281.25(a)(4)  
MSGP, Part III, Section A(7)(b) PERMIT

Description: Failure to conduct an Annual Comprehensive Site Compliance Evaluation.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 281, SubChapter A 281.25(a)(4)  
MSGP, Part III, Section D(1,2)(c) PERMIT

Description: Failure to conduct numeric effluent monitoring on a yearly basis.

Date: 08/19/2011 (934018) CN600326524

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 335, SubChapter A 335.9(a)(1)

30 TAC Chapter 335, SubChapter A 335.9(a)(1)(A)  
30 TAC Chapter 335, SubChapter A 335.9(a)(1)(B)  
30 TAC Chapter 335, SubChapter A 335.9(a)(1)(C)  
30 TAC Chapter 335, SubChapter A 335.9(a)(1)(D)  
30 TAC Chapter 335, SubChapter A 335.9(a)(1)(E)  
30 TAC Chapter 335, SubChapter A 335.9(a)(1)(F)  
30 TAC Chapter 335, SubChapter A 335.9(a)(1)(G)

Description: Failure to keep records of all hazardous waste and industrial solid waste activities in a format which is retrievable and easy to copy.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(4)  
30 TAC Chapter 335, SubChapter C 335.69(a)(4)(A)  
30 TAC Chapter 335, SubChapter C 335.69(a)(4)(B)  
30 TAC Chapter 335, SubChapter C 335.69(a)(4)(C)  
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(4)

Description: Failure to provide proof that the facility emergency alarm, communication and control equipment is inspected and maintained to ensure proper operation in the time of emergency.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(4)  
30 TAC Chapter 335, SubChapter C 335.69(a)(4)(A)  
30 TAC Chapter 335, SubChapter C 335.69(a)(4)(B)  
30 TAC Chapter 335, SubChapter C 335.69(a)(4)(C)  
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(4)

Description: Failure to keep the name, job title, and job description of each employee in a position related to hazardous waste management.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter C 335.69(d)(1)  
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(c)(1)(i)  
40 CFR Chapter 265, SubChapter I, PT 265, SubPT I 265.173(a)

Description: Failure to keep containers closed except when adding or removing waste.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter C 335.69(d)(2)  
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(c)(1)(ii)

Description: Failure to mark containers "hazardous waste."

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
NATIONAL ELECTRIC COIL CO,  
L.P.  
RN100617448**

§  
§  
§  
§  
§  
§

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

**AGREED ORDER  
DOCKET NO. 2012-1202-MLM-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 NATIONAL ELECTRIC COIL CO, L.P. ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE chs. 361 and 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 an engine and motor manufacturing facility at 3330 East 14th Street in Brownsville, Cameron County, Texas (the "Plant").
2. The Plant involves or involved the management of industrial solid and hazardous waste as defined in TEX. HEALTH & SAFETY CODE ch. 361 and 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 4, 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 Twenty Thousand One Hundred Sixty-Four Dollars (\$20,164) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Sixteen Thousand One Hundred Thirty-Two Dollars (\$16,132) of the administrative penalty and Four Thousand Thirty-Two Dollars (\$4,032) 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 recognizes that the Respondent has implemented the following corrective measures at the Plant:
  - a. On March 22, 2012 the TCEQ Harlingen Regional Office received documentation:
    - i. Indicating the beginning accumulation date on each of the three containers of xylene waste;
    - ii. A signed copy of manifest tracking number 001385657GBF; and
    - iii. A copy of New Source Review Permit ("NSRP") No. 20956.
  - b. On April 4, 2012, the Harlingen Regional Office received documentation:
    - i. Listing the addresses of all persons qualified to act as emergency coordinators;
    - ii. A list of all emergency equipment on-site and the location and description of the equipment; and
    - iii. An adequate evacuation plan for the Plant.
  - c. On April 16, 2012, the TCEQ Harlingen Regional Office received documentation demonstrating that hazardous materials awareness training was provided to the Plant personnel on April 12, 2012.
  - d. On June 18, 2012 the TCEQ Harlingen Regional Office received documentation of the Plant's updated Notice of Registration ("NOR").
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 have a beginning accumulation date on each container storing hazardous waste, in violation of 30 TEX. ADMIN. CODE § 335.69(a)(2) and 40 CODE OF FEDERAL REGULATIONS ("CFR") § 262.34(a)(2), as documented during an investigation conducted on March 22, 2012. Specifically, three containers of xylene did not have a starting accumulation date.
2. Failed to maintain an adequate contingency plan, in violation of 30 TEX. ADMIN. CODE §§ 335.112(a)(3), 335.69(a)(4)(A) and 40 CFR §§ 262.34(a)(4) and 265.52(d), (e) and (f), as documented during an investigation conducted on March 22, 2012. Specifically, the contingency plan failed to contain an adequate evacuation plan, a list of addresses of all persons qualified to act as emergency coordinators and a list of all emergency equipment.
3. Failed to provide annual review training to the Plant personnel in the handling of hazardous waste materials, in violation of 30 TEX. ADMIN. CODE §§ 335.112(a)(1), 335.69(a)(4)(A) and 40 CFR §§ 262.34(a)(4) and 265.16(c) and (d)(3), as documented during an investigation conducted on March 22, 2012. Specifically, the training was to be conducted by April 2, 2012
4. Failed to update the Plant's Notice of Registration ("NOR"), in violation of 30 TEX. ADMIN. CODE § 335.6(c), as documented during an investigation conducted on March 22, 2012. Specifically, the NOR had the incorrect primary contact, Texas Waste Code 00084891 was not updated to include cardboard contaminated with resin residue, and Texas Waste Code 0503219H was listed as active instead of inactive.
5. Failed to submit an exception report for not receiving a copy of a manifest with the handwritten signature of the owner or operator of the designated facility within 45 days of the date the waste was accepted by the initial transporter, in violation of 30 TEX. ADMIN. CODE § 335.13(k) and 40 CFR § 262.42(a)(2), as documented during an investigation conducted on March 22, 2012. Specifically, manifest tracking number 001385657GBF, dated June 7, 2011, was not returned to the Respondent and the Respondent had not filed an exception report.
6. Failed to maintain a copy of the permit at the Plant, in violation of 30 TEX. ADMIN. CODE § 116.115(b)(2)(E)(i) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on March 22, 2012.
7. Failed to mark the location of all permitted sources in a conspicuous location to correspond with identification on the plot plan and maximum allowable emission rate tables, in violation of 30 TEX. ADMIN. CODE § 116.115(c) and NSRP No. 20956, Special

Condition ("SC") No. 2, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on March 22, 2012.

8. Failed to maintain information and data to demonstrate continuous compliance with the restricted hours of operation, in violation of 30 TEX. ADMIN. CODE § 116.115(c), NSRP No. 20956, SC Nos. 11.B. and 11.C. and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on March 22, 2012. Specifically, the Plant could not provide information regarding the weekly material usage, in pounds, and actual weekly hours of operation for emission sources nor could it provide a log of weekly hours of operation to produce a yearly summary.

### 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: NATIONAL ELECTRIC COIL CO, L.P., Docket No. 2012-1202-MLM-E" to:

Financial Administration Division, Revenue Operations 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 of the effective date of this Agreed Order:
    - i. Mark the location of all permitted sources to correspond with identification on the plot plan and maximum allowable emission rates tables, in accordance with 30 TEX. ADMIN. CODE § 116.115(c), NSRP No. 20956, SC No. 2, and TEX. HEALTH & SAFETY CODE § 382.085(b);
    - ii. Provide dates of weekly material usage in pounds and the actual weekly hours of operation for emission sources, in accordance with 30 TEX. ADMIN. CODE § 116.115(c), NSRP No. 20956, SC No. 11.B., and TEX. HEALTH & SAFETY CODE § 382.085(b); and

- iii. Maintain a weekly log of the weekly hours of operation to produce a yearly summary, in accordance with 30 TEX. ADMIN. CODE § 116.115(c), NSRP No. 20956, SC No. 11.C., and TEX. HEALTH & SAFETY CODE 382.085(b).
- 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 Nos. 2.a.i. through 2.a.iii. 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:

Waste Section, Manager  
Harlingen Regional Office  
Texas Commission on Environmental Quality  
1804 W. Jefferson Avenue  
Harlingen, Texas 78852-4367

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

  
\_\_\_\_\_  
For the Executive Director

6/4/13  
\_\_\_\_\_  
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

2-15-13  
\_\_\_\_\_  
Date

Sara Borders  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
NATIONAL ELECTRIC COIL CO, L.P.

EHS Mgr  
\_\_\_\_\_  
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.