

Executive Summary – Enforcement Matter – Case No. 47606
Trinity Industries
RN102418563
Docket No. 2013-1709-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Trinity Industries Plant 25, 2850 Peden Road, Fort Worth, Tarrant County

Type of Operation:

Railcar fabrication and repair plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: Yes

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: December 13, 2013

Comments Received: No

Penalty Information

Total Penalty Assessed: \$15,523

Amount Deferred for Expedited Settlement: \$3,104

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$12,419

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002 and September 2011

Executive Summary – Enforcement Matter – Case No. 47606
Trinity Industries
RN102418563
Docket No. 2013-1709-AIR-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: January 29, 2013

Date(s) of NOE(s): August 26, 2013

Violation Information

1. Failed to include all required information in the Federal Operating Permit (“FOP”) annual compliance certification dated December 17, 2012. Specifically, Part 1 of the Permit Compliance Certification (“PCC”) was not included [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.146(5)(A) and (5)(B), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP No. O1650, General Terms and Conditions (“GTC”)].
2. Failed to conduct calendar quarterly observations for visible emissions from a natural gas-fired boiler and a flare (Emission Point Numbers (“EPN”) BLR and FL-1, respectively). Specifically, the Respondent did not conduct calendar quarterly observations from November 8, 2012 to June 30, 2013 [30 TEX. ADMIN. CODE § 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP No. O1650, Special Terms and Conditions No. 3].
3. Failed to submit a semi-annual deviation report. Specifically, for the November 20, 2011 through May 19, 2012 reporting period, the Respondent failed to submit a semi-annual deviation report to detail the failure to conduct quarterly visible emissions observations on all stationary vents, and the failure to submit a notification for the degassing of the tankcars and the routing of the gases to the flare [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP No. O1650, GTC].
4. Failed to report all instances of deviations. Specifically, in the deviation report for the reporting period of May 20, 2012 through November 19, 2012, submitted on December 17, 2012, the Respondent reported four deviations related to violations noted in a previous investigation, but did not include corrective actions taken in response to those deviations [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP No. O1650, GTC].
5. Failed to submit a notification by March 31, 2010 that summarizes all uses of 30 TEX. ADMIN. CODE § 106.261 in the previous calendar year. Specifically, the Respondent did not submit a notification by March 31, 2010 for the air contaminants (including ammonia, butane, propylene, and propane) that were emitted from tankcar degassing and were routed to the flare in calendar year 2009 [30 TEX. ADMIN. CODE § 106.261(a)(7) and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Executive Summary – Enforcement Matter – Case No. 47606
Trinity Industries
RN102418563
Docket No. 2013-1709-AIR-E

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

Respondent has implemented the following corrective measures:

- a. On March 1, 2013, submitted Part 1 of the PCC that covered the November 20, 2011 through November 19, 2012 certification period;
- b. On April 29, 2013, submitted the required notification to the TCEQ Air Permits Division for air contaminants emitted from the tankcar degassing activities that occurred in calendar year 2009; and
- c. By September 6, 2013, incorporated visible emissions observations of the natural gas-fired boiler (EPN BLR) and the flare (EPN FL-1) to the list of existing emission points that are currently evaluated.

Technical Requirements:

The Order will require Respondent to:

- a. Within 30 days, implement improvements to training procedures and the recordkeeping system to ensure that deviation reports are submitted in an accurate and timely manner; and
- b. Within 45 days, submit written certification demonstrating compliance with Ordering Provision a.

Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A
TCEQ Enforcement Coordinator: Heather Podlipny, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-2603; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456
TCEQ SEP Coordinator: N/A
Respondent: David West, Senior Environmental Manager, Trinity Industries, Inc., P.O. Box 568887, Dallas, Texas 75356-8887
S. Theis Rice, Senior Vice President/Chief Legal Officer, Trinity Industries, Inc., P.O. Box 568887, Dallas, Texas 75356-8887
Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

DATES	Assigned	26-Aug-2013	Screening	6-Sep-2013	EPA Due	
	PCW	9-Sep-2013				

RESPONDENT/FACILITY INFORMATION	
Respondent	Trinity Industries, Inc.
Reg. Ent. Ref. No.	RN102418563
Facility/Site Region	4-Dallas/Fort Worth
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	47606	No. of Violations	1
Docket No.	2013-1709-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Heather Podlipny
		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$2,500
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	20.0% Enhancement	Subtotals 2, 3, & 7	\$500
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Notes: Enhancement for one order with denial of liability.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$625
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$39
Approx. Cost of Compliance	\$250

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$2,375
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount \$2,375

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$2,375
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DEFERRAL	20.0% Reduction	Adjustment	-\$475
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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	\$1,900
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Screening Date 6-Sep-2013

Docket No. 2013-1709-AIR-E

PCW

Respondent Trinity Industries, Inc.

Policy Revision 2 (September 2002)

Case ID No. 47606

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102418563

Media [Statute] Air

Enf. Coordinator Heather Podlipny

Compliance History Worksheet

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

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

Please Enter Yes or No

Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 20%

>> **Repeat Violator (Subtotal 3)**

No

Adjustment Percentage (Subtotal 3) 0%

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

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

Enhancement for one order with denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 20%

Screening Date 6-Sep-2013
Respondent Trinity Industries, Inc.
Case ID No. 47606
Reg. Ent. Reference No. RN102418563
Media [Statute] Air
Enf. Coordinator Heather Podlipny

Docket No. 2013-1709-AIR-E

PCW

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 106.261(a)(7) and Tex. Health & Safety Code § 382.085(b)

Violation Description
 Failed to submit a notification by March 31, 2010 that summarizes all uses of 30 Tex. Admin. Code § 106.261 in the previous calendar year. Specifically, the Respondent did not submit a notification by March 31, 2010 for the air contaminants (including ammonia, butane, propylene, and propane) that were emitted from tankcar degassing and were routed to the flare in calendar year 2009.

Base Penalty \$10,000

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

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
	x			25%

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

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1 1125 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$2,500

One single event is recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$625

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

Notes
 The Respondent returned to compliance on April 29, 2013 and the NOE is dated August 26, 2013.

Violation Subtotal \$1,875

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$39

Violation Final Penalty Total \$2,375

This violation Final Assessed Penalty (adjusted for limits) \$2,375

Economic Benefit Worksheet

Respondent Trinity Industries, Inc.
Case ID No. 47606
Reg. Ent. Reference No. RN102418563
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
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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)	\$250	31-Mar-2010	29-Apr-2013	3.08	\$39	n/a	\$39

Notes for DELAYED costs

Estimated cost to provide notification of air contaminants released during tankcar degassing activities that occurred in calendar year 2009. The Date Required is the date the notification was due and the Final Date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$250

TOTAL

\$39



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

DATES	Assigned	26-Aug-2013	Screening	6-Sep-2013	EPA Due	
	PCW	9-Sep-2013				

RESPONDENT/FACILITY INFORMATION			
Respondent	Trinity Industries, Inc.		
Reg. Ent. Ref. No.	RN102418563		
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	47606	No. of Violations	4
Docket No.	2013-1709-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Heather Podlipny
		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$11,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1			
<small>Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.</small>			
Compliance History	20.0% Enhancement	Subtotals 2, 3, & 7	\$2,200

Notes: Enhancement for one order with denial of liability.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$587
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$600
Approx. Cost of Compliance	\$1,875

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$12,613
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OTHER FACTORS AS JUSTICE MAY REQUIRE	4.2%	Adjustment	\$535
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Notes: Recommended enhancement to capture the avoided cost of compliance associated with Violation No. 2.

Final Penalty Amount	\$13,148
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$13,148
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DEFERRAL	20.0% Reduction	Adjustment	-\$2,629
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Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY	\$10,519
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Screening Date 6-Sep-2013

Docket No. 2013-1709-AIR-E

PCW

Respondent Trinity Industries, Inc.

Policy Revision 3 (September 2011)

Case ID No. 47606

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102418563

Media [Statute] Air

Enf. Coordinator Heather Podlipny

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

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

Please Enter Yes or No

Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 20%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for one order with denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 20%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 20%

Screening Date 6-Sep-2013

Docket No. 2013-1709-AIR-E

PCW

Respondent Trinity Industries, Inc.

Policy Revision 3 (September 2011)

Case ID No. 47606

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102418563

Media [Statute] Air

Enf. Coordinator Heather Podlipny

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 122.143(4) and 122.146(5)(A) and (5)(B), Tex. Health & Safety Code § 382.085(b), and Federal Operating Permit ("FOP") No. O1650, General Terms and Conditions ("GTC")

Violation Description

Failed to include all required information in the FOP annual compliance certification dated December 17, 2012. Specifically, Part 1 of the Permit Compliance Certification ("PCC") was not included.

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 1.0%

Matrix Notes

Less than 30% of the rule requirement was not met.

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 1

74 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

mark only one with an x

Violation Base Penalty \$250

One single event is recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$62

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

Notes

The Respondent returned to compliance on March 1, 2013 and the NOE is dated August 26, 2013.

Violation Subtotal \$188

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2

Violation Final Penalty Total \$248

This violation Final Assessed Penalty (adjusted for limits) \$248

Economic Benefit Worksheet

Respondent Trinity Industries, Inc.
Case ID No. 47606
Reg. Ent. Reference No. RN102418563
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

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)	\$250	20-Dec-2012	1-Mar-2013	0.19	\$2	n/a	\$2

Notes for DELAYED costs

Estimated cost to submit a complete and accurate PCC. The Date Required is the date the complete and accurate PCC 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

\$250

TOTAL

\$2

Screening Date 6-Sep-2013

Docket No. 2013-1709-AIR-E

PCW

Respondent Trinity Industries, Inc.

Policy Revision 3 (September 2011)

Case ID No. 47606

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102418563

Media [Statute] Air

Enf. Coordinator Heather Podlipny

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code § 122.143(4), Tex. Health & Safety Code § 382.085(b), and FOP No. O1650, Special Terms and Conditions No. 3

Violation Description

Failed to conduct calendar quarterly observations for visible emissions from a natural gas-fired boiler and a flare (Emission Point Numbers BLR and FL-1, respectively). Specifically, the Respondent did not conduct calendar quarterly observations from November 8, 2012 to June 30, 2013.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			x

Percent 7.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment will or could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$23,250

\$1,750

Violation Events

Number of Violation Events 3

234 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$5,250

Three single events are recommended for each calendar quarterly observation that was not conducted from the issuance of FOP No. O1650, November 8, 2012, to the end of the calendar quarter, June 30, 2013.

Good Faith Efforts to Comply

10.0% Reduction

\$525

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

Notes

The Respondent returned to compliance on September 6, 2013 and the NOE is dated August 26, 2013.

Violation Subtotal \$4,725

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$554

Violation Final Penalty Total \$6,020

This violation Final Assessed Penalty (adjusted for limits) \$6,020

Economic Benefit Worksheet

Respondent Trinity Industries, Inc.
Case ID No. 47606
Reg. Ent. Reference No. RN102418563
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
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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	\$500	29-Jan-2013	6-Sep-2013	0.60	\$15	n/a	\$15
Training/Sampling	\$125	29-Jan-2013	6-Sep-2013	0.60	\$4	n/a	\$4
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 conduct calendar quarterly observations (\$125) and to maintain a record of the observations (\$500). The Dates Required are the investigation date and the Final Dates are the dates 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)	\$500	31-Dec-2012	30-Jun-2013	1.41	\$35	\$500	\$535

Notes for AVOIDED costs

Avoided cost to conduct quarterly observations for visible emissions (\$125/observation x 4 quarterly observations/year). The Date Required is the last day to conduct the first calendar quarterly observation and the Final Date is the last day to conduct the calendar quarterly observation.

Approx. Cost of Compliance

\$1,125

TOTAL

\$554

Screening Date 6-Sep-2013

Docket No. 2013-1709-AIR-E

PCW

Respondent Trinity Industries, Inc.

Policy Revision 3 (September 2011)

Case ID No. 47606

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102418563

Media [Statute] Air

Enf. Coordinator Heather Podlipny

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code §§ 122.143(4) and 122.145(2), Tex. Health & Safety Code § 382.085(b), and FOP No. O1650, GTC

Violation Description

Failed to submit a semi-annual deviation report. Specifically, for the November 20, 2011 through May 19, 2012 reporting period, the Respondent failed to submit a semi-annual deviation report to detail the failure to conduct quarterly visible emissions observations on all stationary vents, and the failure to submit a notification for the degassing of the tankcars and the routing of the gases to the flare.

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 15.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1

445 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$3,750

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 \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$43

Violation Final Penalty Total \$4,691

This violation Final Assessed Penalty (adjusted for limits) \$4,691

Economic Benefit Worksheet

Respondent Trinity Industries, Inc.
Case ID No. 47606
Reg. Ent. Reference No. RN102418563
Media Air
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$500	18-Jun-2012	9-Mar-2014	1.72	\$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 implement measures and procedures designed to ensure that all deviations are accurately and timely reported. The Date Required is the due date for the deviation report for the November 20, 2011 through May 19, 2012 reporting period and the Final Date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$43

Screening Date 6-Sep-2013

Docket No. 2013-1709-AIR-E

PCW

Respondent Trinity Industries, Inc.

Policy Revision 3 (September 2011)

Case ID No. 47606

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102418563

Media [Statute] Air

Enf. Coordinator Heather Podlipny

Violation Number 4

Rule Cite(s)

30 Tex. Admin. Code §§ 122.143(4) and 122.145(2), Tex. Health & Safety Code § 382.085(b), and FOP No. O1650, GTC

Violation Description

Failed to report all instances of deviations. Specifically, in the deviation report for the reporting period of May 20, 2012 through November 19, 2012, submitted on December 17, 2012, the Respondent reported four deviations related to violations noted in a previous investigation, but did not include corrective actions taken in response to those deviations.

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 7.0%

Matrix Notes

44% of the rule requirement was not met.

Adjustment \$23,250

\$1,750

Violation Events

Number of Violation Events 1

263 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

mark only one with an x

Violation Base Penalty \$1,750

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 \$1,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$2,189

This violation Final Assessed Penalty (adjusted for limits) \$2,189

Economic Benefit Worksheet

Respondent Trinity Industries, Inc.
Case ID No. 47606
Reg. Ent. Reference No. RN102418563
Media Air
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

See the economic benefit for Violation No. 3.

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

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



Compliance History Report

PENDING Compliance History Report for CN600127807, RN102418563, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

Customer, Respondent, or Owner/Operator: CN600127807, Trinity Industries, Inc. **Classification:** SATISFACTORY **Rating:** 4.53

Regulated Entity: RN102418563, TRINITY INDUSTRIES PLANT 25 **Classification:** SATISFACTORY **Rating:** 15.45

Complexity Points: 10 **Repeat Violator:** NO

CH Group: 14 - Other

Location: 2850 PEDEN ROAD, FORT WORTH, TX 76179-5517, TARRANT COUNTY

TCEQ Region: REGION 04 - DFW METROPLEX

ID Number(s):

AIR NEW SOURCE PERMITS REGISTRATION 109811	AIR NEW SOURCE PERMITS REGISTRATION 14512A
AIR NEW SOURCE PERMITS ACCOUNT NUMBER TA0285V	AIR NEW SOURCE PERMITS REGISTRATION 75606
AIR NEW SOURCE PERMITS AFS NUM 4843900151	AIR NEW SOURCE PERMITS PERMIT 7318A
INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD980749113	INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 33672
AIR OPERATING PERMITS PERMIT 1650	AIR OPERATING PERMITS ACCOUNT NUMBER TA0285V
AIR EMISSIONS INVENTORY ACCOUNT NUMBER TA0285V	POLLUTION PREVENTION PLANNING ID NUMBER P07448

Compliance History Period: September 01, 2008 to August 31, 2013 **Rating Year:** 2013 **Rating Date:** 09/01/2013

Date Compliance History Report Prepared: September 12, 2013

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: September 06, 2008 to September 06, 2013

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Heather Podlipny

Phone: (512) 239-2603

Site and Owner/Operator History:

- 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 for #2, who is the current owner/operator? N/A
- 4) If YES for #2, 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

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

1 Effective Date: 07/28/2013 ADMINORDER 2012-1916-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

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

5C THSC Chapter 382 382.085(b)

Rqmt Prov:Special Condition 13C PERMIT

Description: Failure to provide monthly PM emissions data from abrasive blasting operations in accordance to 30 TAC 116.115(c) and Special Condition 13C of NSR Permit # 7318A.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.121

30 TAC Chapter 122, SubChapter B 122.130(b)

5C THSC Chapter 382 382.054

5C THSC Chapter 382 382.085(b)

Rqmt Prov:FOP No. O1650, STC No. 6 PERMIT

Description: Failure to operate in accordance with permit application representations for FOP Permit # O-01650

Classification: Major

Citation: 30 TAC Chapter 122, SubChapter B 122.121

5C THSC Chapter 382 382.0518(a)

5C THSC Chapter 382 382.085(b)

Description: Failure to obtain a permit under 30 TAC Chapter 122 before operation of emission units at a Title V facility.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	August 25, 2009	(764981)
Item 2	August 24, 2010	(849904)
Item 3	May 19, 2011	(906740)

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

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

N/A

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
TRINITY INDUSTRIES, INC.
RN102418563

§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2013-1709-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 Trinity Industries, Inc. ("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 railcar fabrication and repair plant at 2850 Peden Road in Fort Worth, Tarrant County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The 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 August 31, 2013.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Fifteen Thousand Five Hundred Twenty-Three Dollars (\$15,523) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Twelve Thousand Four Hundred Nineteen Dollars (\$12,419) of the administrative penalty and Three Thousand

One Hundred Four Dollars (\$3,104) 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 1, 2013, submitted Part 1 of the Permit Compliance Certification ("PCC") that covered the November 20, 2011 through November 19, 2012 certification period;
 - b. On April 29, 2013, submitted the required notification to the TCEQ Air Permits Division for air contaminants emitted from the tankcar degassing activities that occurred in calendar year 2009; and
 - c. By September 6, 2013, incorporated visible emissions observations of the natural gas-fired boiler (Emission Point Number ["EPN"] BLR) and the flare (EPN FL-1) to the list of existing emission points that are currently evaluated.
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 include all required information in the Federal Operating Permit ("FOP") annual compliance certification dated December 17, 2012, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.146(5)(A) and (5)(B), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP No. O1650, General Terms and Conditions ("GTC"), as

- documented during an investigation conducted on January 29, 2013. Specifically, Part 1 of the PCC was not included.
2. Failed to conduct calendar quarterly observations for visible emissions from a natural gas-fired boiler and a flare (EPN BLR and EPN FL-1, respectively), in violation of 30 TEX. ADMIN. CODE § 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP No. O1650, Special Terms and Conditions No. 3, as documented during an investigation conducted on January 29, 2013. Specifically, the Respondent did not conduct calendar quarterly observations from November 8, 2012 to June 30, 2013.
 3. Failed to submit a semi-annual deviation report, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP No. O1650, GTC, as documented during an investigation conducted on January 29, 2013. Specifically, for the November 20, 2011 through May 19, 2012 reporting period, the Respondent failed to submit a semi-annual deviation report to detail the failure to conduct quarterly visible emissions observations on all stationary vents, and the failure to submit a notification for the degassing of the tankcars and the routing of the gases to the flare.
 4. Failed to report all instances of deviations, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP No. O1650, GTC, as documented during an investigation conducted on January 29, 2013. Specifically, in the deviation report for the reporting period of May 20, 2012 through November 19, 2012, submitted on December 17, 2012, the Respondent reported four deviations related to violations noted in a previous investigation, but did not include corrective actions taken in response to those deviations.
 5. Failed to submit a notification by March 31, 2010 that summarizes all uses of 30 TEX. ADMIN. CODE § 106.261 in the previous calendar year, in violation of 30 TEX. ADMIN. CODE § 106.261(a)(7) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on January 29, 2013. Specifically, the Respondent did not submit a notification by March 31, 2010 for the air contaminants (including ammonia, butane, propylene, and propane) that were emitted from tankcar degassing and were routed to the flare in calendar year 2009.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Trinity Industries, Inc., Docket No. 2013-1709-AIR-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 after the effective date of this Agreed Order, implement improvements to training procedures and the recordkeeping system to ensure that deviation reports are submitted in an accurate and timely manner; and
- 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



For the Executive Director

4/2/14

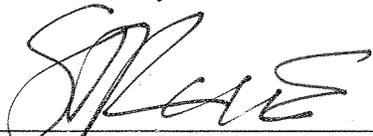
Date

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

November 8, 2013

Date

S. Theis Rice

Name (Printed or typed)
Authorized Representative of
Trinity Industries, Inc.

SR VP-Chief Legal Officer

Title

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