

Executive Summary – Enforcement Matter – Case No. 49315
The Praxis Companies, LLC
RN102539145
Docket No. 2014-1336-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Koral Industries, 1504 South Kaufman Street, Ennis, Ellis County

Type of Operation:

Fiberglass bathtub and shower manufacturing plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: December 12, 2014

Comments Received: No

Penalty Information

Total Penalty Assessed: \$9,150

Amount Deferred for Expedited Settlement: \$1,830

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$7,320

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - High

Site/RN - High

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: July 25, 2014

Date(s) of NOE(s): September 3, 2014

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The Praxis Companies, LLC
RN102539145
Docket No. 2014-1336-AIR-E

Violation Information

1. Failed to maintain records. Specifically, it was documented during the investigation that the Respondent was not maintaining records of daily hours of operation of the make-up air heaters; monthly reports that reflect the annual hours of operation of the make-up air heaters based on a rolling 12-month period; and monthly reports that reflect the air contaminant emission rates, including combustion emissions, from each emission point on the Maximum Allowable Emission Rates Table in New Source Review (“NSR”) Permit No. 18756 in pounds per hour as a daily average and in tons per year based on a rolling 12-month period [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), NSR Permit No. 18756, Special Conditions (“SC”) Nos. 8B(4) and 8C(1) and (2), and Federal Operating Permit (“FOP”) No. O2690, Special Terms and Conditions (“STC”) No. 5].
2. Failed to submit a semi-annual compliance report for the September 7, 2013 through March 6, 2014 reporting period. Specifically, the Respondent is subject to 40 Code Federal Regulations (“CFR”) Part 63, Subpart WWWW and should have submitted the semi-annual compliance report by April 5, 2014, but the report was not submitted [30 TEX. ADMIN. CODE § 113.1060, 40 CFR § 63.5910(a) and (b)(5), and TEX. HEALTH & SAFETY CODE § 382.085(b)].
3. Failed to conduct off-property ambient air monitoring for styrene at least once every two years. Specifically, the Respondent provided records that demonstrated that off-property ambient air monitoring for styrene was last conducted on June 15, 2011 and has not been conducted since then, as of the July 25, 2014 investigation [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), NSR Permit No. 18756, SC No. 12, and FOP No. O2690, STC No. 5].
4. Failed to submit a semi-annual deviation report. Specifically, deviations were documented to have occurred during the September 7, 2013 through March 6, 2014 reporting period, but a deviation report for this period was not submitted [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(B), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP No. O2690, General Terms and Conditions].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

On September 15, 2014, the Respondent submitted the semi-annual deviation report and the semi-annual compliance report for the September 7, 2013 through March 6, 2014 reporting period.

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RN102539145
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Technical Requirements:

The Order will require the Respondent to:

- a. Within 30 days:
 - i. Implement measures and/or procedures to ensure that all records required by NSR Permit No. 18756, SC No. 8 are maintained;
 - ii. Conduct off-property ambient air monitoring for styrene, in accordance with NSR Permit No. 18756; and
 - iii. Implement measures and/or procedures to ensure off-property ambient air monitoring for styrene is conducted at least once every two years.
- 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: Rachel Bekowies, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-2608; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456
TCEQ SEP Coordinator: N/A
Respondent: Paul Warrington, Environmental Manager, The Praxis Companies, LLC, 435 Industrial Road, Savannah, Tennessee 38372-5996
Tony Ricketts, Chief Financial Officer, The Praxis Companies, LLC, 435 Industrial Road, Savannah, Tennessee 38372-5996
Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

DATES	Assigned	2-Sep-2014	Screening	12-Sep-2014	EPA Due	
	PCW	15-Sep-2014				

RESPONDENT/FACILITY INFORMATION	
Respondent	The Praxis Companies, LLC
Reg. Ent. Ref. No.	RN102539145
Facility/Site Region	4-Dallas/Fort Worth
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	49315	No. of Violations	4
Docket No.	2014-1336-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Rachel Bekowies
		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
 Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	-10.0% Enhancement	Subtotals 2, 3, & 7	-\$1,100
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Notes: Reduction for high performer classification.

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	-\$750
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$436
 Estimated Cost of Compliance: \$6,500
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$9,150
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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	\$9,150
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$9,150
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DEFERRAL	20.0% Reduction	Adjustment	-\$1,830
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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	\$7,320
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Screening Date 12-Sep-2014

Docket No. 2014-1336-AIR-E

PCW

Respondent The Praxis Companies, LLC

Policy Revision 4 (April 2014)

Case ID No. 49315

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102539145

Media [Statute] Air

Enf. Coordinator Rachel Bekowies

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>)	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 judgments 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) 0%

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

No

Adjustment Percentage (Subtotal 3) 0%

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

High Performer

Adjustment Percentage (Subtotal 7) -10%

>> **Compliance History Summary**

Compliance History Notes

Reduction for high performer classification.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) -10%

>> **Final Compliance History Adjustment**

Final Adjustment Percentage *capped at 100% -10%

Screening Date 12-Sep-2014
Respondent The Praxis Companies, LLC
Case ID No. 49315
Reg. Ent. Reference No. RN102539145
Media [Statute] Air
Enf. Coordinator Rachel Bekowies

Docket No. 2014-1336-AIR-E

PCW

Policy Revision 4 (April 2014)
 PCW Revision March 26, 2014

Violation Number

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), Tex. Health & Safety Code § 382.085(b), New Source Review ("NSR") Permit No. 18756, Special Conditions ("SC") Nos. 8B(4) and 8C(1) and (2), and Federal Operating Permit ("FOP") No. O2690, Special Terms and Conditions ("STC") No. 5

Violation Description Failed to maintain records. Specifically, it was documented during the investigation that the Respondent was not maintaining records of daily hours of operation of the make-up air heaters; monthly reports that reflect the annual hours of operation of the make-up air heaters based on a rolling 12-month period; and monthly reports that reflect the air contaminant emission rates, including combustion emissions, from each emission point on the Maximum Allowable Emission Rates Table in NSR Permit No. 18756 in pounds per hour as a daily average and in tons per year based on a rolling 12-month period.

Base Penalty

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	<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"/>	

>> Programmatic Matrix

Falsification	Harm			Percent
	Major	Moderate	Minor	
<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="text" value="7.0%"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	

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 checked="" type="checkbox"/>

Violation Base Penalty

Good Faith Efforts to Comply

Reduction

Before NOE/NOV NOE/NOV to EDRP/Settlement Offer

Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="checkbox"/>	(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 The Praxis Companies, LLC
Case ID No. 49315
Reg. Ent. Reference No. RN102539145
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,000	25-Jul-2014	31-Mar-2015	0.68	\$34	n/a	\$34

Notes for DELAYED costs

Estimated cost to implement measures and/or procedures to ensure that all records required by NSR Permit No. 18756, SC No. 8 are maintained. The Date Required is the investigation date. 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

\$34

Screening Date 12-Sep-2014
Respondent The Praxis Companies, LLC
Case ID No. 49315
Reg. Ent. Reference No. RN102539145
Media [Statute] Air
Enf. Coordinator Rachel Bekowies

Docket No. 2014-1336-AIR-E

PCW

Policy Revision 4 (April 2014)
 PCW Revision March 26, 2014

Violation Number
Rule Cite(s)

30 Tex. Admin. Code § 113.1060, 40 Code of Federal Regulations ("CFR") § 63.5910(a) and (b)(5), and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to submit a semi-annual compliance report for the September 7, 2013 through March 6, 2014 reporting period. Specifically, the Respondent is subject to 40 CFR Part 63, Subpart WWWW and should have submitted the semi-annual compliance report by April 5, 2014, but the report was not submitted.

Base Penalty

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

OR

Release	Harm		
	Major	Moderate	Minor
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>

Percent

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor
<input type="text"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Percent

Matrix Notes

100% of the rule requirement was not met.

Adjustment

Violation Events

Number of Violation Events

Number of violation days

mark only one with an x

daily	<input type="checkbox"/>
weekly	<input type="checkbox"/>
monthly	<input type="checkbox"/>
quarterly	<input type="checkbox"/>
semiannual	<input type="checkbox"/>
annual	<input type="checkbox"/>
single event	<input checked="" type="checkbox"/>

Violation Base Penalty

One single event is recommended.

Good Faith Efforts to Comply

Reduction

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

Notes: The Respondent completed corrective actions on September 15, 2014, after the September 3, 2014 Notice of Enforcement ("NOE").

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 The Praxis Companies, LLC
Case ID No. 49315
Reg. Ent. Reference No. RN102539145
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				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	5-Apr-2014	15-Sep-2014	0.45	\$6	n/a	\$6

Notes for DELAYED costs

Estimated cost to submit the semi-annual compliance report for the September 7, 2013 through March 6, 2014 reporting period. The Date Required is the date the semi-annual compliance report for the September 7, 2013 through March 6, 2014 reporting period was due. 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

\$6

Screening Date 12-Sep-2014
Respondent The Praxis Companies, LLC
Case ID No. 49315
Reg. Ent. Reference No. RN102539145
Media [Statute] Air
Enf. Coordinator Rachel Bekowies

Docket No. 2014-1336-AIR-E

PCW

Policy Revision 4 (April 2014)
 PCW Revision March 26, 2014

Violation Number
Rule Cite(s)

30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), Tex. Health & Safety Code § 382.085(b), NSR Permit No. 18756, SC No. 12, and FOP No. O2690, STC No. 5

Violation Description

Failed to conduct off-property ambient air monitoring for styrene at least once every two years. Specifically, the Respondent provided records that demonstrated that off-property ambient air monitoring for styrene was last conducted on June 15, 2011 and has not been conducted since then, as of the July 25, 2014 investigation.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
Potential	<input type="text"/>	<input type="text"/>	<input checked="" type="text" value="x"/>

Percent

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Percent

Matrix Notes

Human health or the environment will or could be exposed to insignificant amounts of pollutants that would not 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 checked="" type="text" value="x"/>

Violation Base Penalty

One single event is recommended.

Good Faith Efforts to Comply

Reduction

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="text" value="x"/>	(mark with x)

Notes

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

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 The Praxis Companies, LLC
Case ID No. 49315
Reg. Ent. Reference No. RN102539145
Media Air
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$5,000	7-Sep-2013	31-Mar-2015	1.56	\$390	n/a	\$390

Notes for DELAYED costs

Estimated cost to conduct off-property ambient air monitoring for styrene and to implement measures and/or procedures to ensure off-property ambient air monitoring for styrene is conducted at least once every two years. The Date Required is the date the Respondent took ownership of, and began operating, the Plant. 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

\$5,000

TOTAL

\$390

Screening Date 12-Sep-2014

Docket No. 2014-1336-AIR-E

PCW

Respondent The Praxis Companies, LLC

Policy Revision 4 (April 2014)

Case ID No. 49315

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102539145

Media [Statute] Air

Enf. Coordinator Rachel Bekowies

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(B), Tex. Health & Safety Code § 382.085(b), and FOP No. O2690, General Terms and Conditions

Violation Description Failed to submit a semi-annual deviation report. Specifically, deviations were documented to have occurred during the September 7, 2013 through March 6, 2014 reporting period, but a deviation report for this period was not submitted.

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			15.0%

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

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1 160 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$3,750

One single event is recommended.

Good Faith Efforts to Comply

10.0%

Reduction \$375

Before NOE/NOV NOE/NOV to EDP RP/Settlement Offer

Extraordinary		
Ordinary		x
N/A		(mark with x)

Notes The Respondent completed corrective actions on September 15, 2014, after the September 3, 2014 NOE.

Violation Subtotal \$3,375

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$6

Violation Final Penalty Total \$3,000

This violation Final Assessed Penalty (adjusted for limits) \$3,000

Economic Benefit Worksheet

Respondent The Praxis Companies, LLC
Case ID No. 49315
Reg. Ent. Reference No. RN102539145
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 for \$							

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	5-Apr-2014	15-Sep-2014	0.45	\$6	n/a	\$6

Notes for DELAYED costs

Estimated cost to submit the deviation report for the September 7, 2013 through March 6, 2014 reporting period. The Date Required is the date the deviation report for the September 7, 2013 through March 6, 2014 reporting period was due. 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

\$6

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 CN604377358, RN102539145, Rating Year 2014 which includes Compliance History (CH) components from September 1, 2009, through August 31, 2014.

Customer, Respondent, or Owner/Operator: CN604377358, The Praxis Companies, LLC **Classification:** HIGH **Rating:** 0.00

Regulated Entity: RN102539145, KORAL INDUSTRIES **Classification:** HIGH **Rating:** 0.00

Complexity Points: 11 **Repeat Violator:** NO

CH Group: 14 - Other

Location: 1504 SOUTH KAUFMAN STREET ENNIS, TEXAS 75119-7037, ELLIS COUNTY

TCEQ Region: REGION 04 - DFW METROPLEX

ID Number(s):

AIR NEW SOURCE PERMITS PERMIT 18756	AIR NEW SOURCE PERMITS ACCOUNT NUMBER ED0013W
AIR NEW SOURCE PERMITS AFS NUM 4813900037	AIR OPERATING PERMITS ACCOUNT NUMBER ED0013W
AIR OPERATING PERMITS PERMIT 2690	AIR OPERATING PERMITS ACCOUNT NUMBER ED0013W
AIR OPERATING PERMITS PERMIT 2690	STORMWATER PERMIT TXRNEZ801
AIR EMISSIONS INVENTORY ACCOUNT NUMBER ED0013W	POLLUTION PREVENTION PLANNING ID NUMBER P01947

Compliance History Period: September 01, 2009 to August 31, 2014 **Rating Year:** 2014 **Rating Date:** 09/01/2014

Date Compliance History Report Prepared: September 11, 2014

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: September 11, 2009 to September 11, 2014

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

Name: Rachel Bekowies

Phone: (512) 239-2608

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? YES
- 3) If **YES** for #2, who is the current owner/operator? The Praxis Companies, LLC, owner/operator since 9/7/2013
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? Koral Industries, Inc., owner/operator 1/1/1800 to 9/6/2013
- 5) If **YES**, when did the change(s) in owner or operator occur? September 7, 2013

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

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

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	November 24, 2009	(782467)
Item 2	January 17, 2011	(880479)
Item 3	January 23, 2012	(974435)
Item 4	October 19, 2012	(1036234)

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
THE PRAXIS COMPANIES, LLC
RN102539145**

§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2014-1336-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 The Praxis Companies, LLC ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a fiberglass bathtub and shower manufacturing plant at 1504 South Kaufman Street in Ennis, Ellis 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 September 8, 2014.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Nine Thousand One Hundred Fifty Dollars (\$9,150) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Seven Thousand Three Hundred Twenty Dollars (\$7,320) of the administrative penalty and One Thousand Eight Hundred Thirty

Dollars (\$1,830) 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 on September 15, 2014, the Respondent submitted the semi-annual deviation report and the semi-annual compliance report for the September 7, 2013 through March 6, 2014 reporting period.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have:

1. Failed to maintain records, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), New Source Review ("NSR") Permit No. 18756, Special Conditions ("SC") Nos. 8B(4) and 8C(1) and (2), and Federal Operating Permit ("FOP") No. O2690, Special Terms and Conditions ("STC") No. 5, as documented during an investigation conducted on July 25, 2014. Specifically, it was documented during the investigation that the Respondent was not maintaining records of daily hours of operation of the make-up air heaters; monthly reports that reflect the annual hours of operation of the make-up air heaters based on a rolling 12-month period; and monthly reports that reflect the air contaminant emission rates, including combustion emissions, from each emission point on the Maximum Allowable Emission Rates Table in NSR Permit No. 18756 in pounds per hour as a daily average and in tons per year based on a rolling 12-month period.
2. Failed to submit a semi-annual compliance report for the September 7, 2013 through March 6, 2014 reporting period, in violation of 30 TEX. ADMIN. CODE § 113.1060, 40 CODE OF FEDERAL REGULATIONS ("CFR") § 63.5910(a) and (b)(5), and TEX. HEALTH &

SAFETY CODE § 382.085(b), as documented during an investigation conducted on July 25, 2014. Specifically, the Respondent is subject to 40 CFR Part 63, Subpart WWWW and should have submitted the semi-annual compliance report by April 5, 2014, but the report was not submitted.

3. Failed to conduct off-property ambient air monitoring for styrene at least once every two years, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), NSR Permit No. 18756, SC No. 12, and FOP No. O2690, STC No. 5, as documented during an investigation conducted on July 25, 2014. Specifically, the Respondent provided records that demonstrated that off-property ambient air monitoring for styrene was last conducted on June 15, 2011 and has not been conducted since then, as of the July 25, 2014 investigation.
4. Failed to submit a semi-annual deviation report, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(B), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP No. O2690, General Terms and Conditions, as documented during an investigation conducted on July 25, 2014. Specifically, deviations were documented to have occurred during the September 7, 2013 through March 6, 2014 reporting period, but a deviation report for this period was not submitted.

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: The Praxis Companies, LLC, Docket No. 2014-1336-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:
 - i. Implement measures and/or procedures to ensure that all records required by NSR Permit No. 18756, SC No. 8 are maintained;

- ii. Conduct off-property ambient air monitoring for styrene, in accordance with NSR Permit No. 18756; and
 - iii. Implement measures and/or procedures to ensure off-property ambient air monitoring for styrene is conducted at least once every two years.
- 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

2/17/15

Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature

11-07-14

Date

Tony Ricketts

Name (Printed or typed)
Authorized Representative of
The Praxis Companies, LLC

LF0

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.