

**Executive Summary – Enforcement Matter – Case No. 49294  
Continental Carbon Company  
RN102321577  
Docket No. 2014-1333-AIR-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

AIR

**Small Business:**

No

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

Continental Carbon Sunray Plant, 11702 Carbon Black Road, Sunray, Moore County

**Type of Operation:**

Carbon black 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:** January 23, 2015

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$40,500

**Amount Deferred for Expedited Settlement:** \$8,100

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

**Total Paid to General Revenue:** \$32,400

**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 29, 2014 through July 30, 2014

**Date(s) of NOE(s):** August 25, 2014

**Executive Summary – Enforcement Matter – Case No. 49294  
Continental Carbon Company  
RN102321577  
Docket No. 2014-1333-AIR-E**

***Violation Information***

Failed to submit a renewal application for New Source Review (“NSR”) Permit No. 9449 at least six months prior to the expiration date. Specifically, the Respondent did not submit a renewal application for NSR Permit No. 9449, NSR Permit No. 9449 expired on October 9, 2013, and the Plant continued to operate [30 TEX. ADMIN. CODE §§ 116.110(a) and 116.315(a) and TEX. HEALTH & SAFETY CODE §§ 382.0518(a), 382.055(a)(2), and 382.085(b)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

The Respondent submitted a NSR permit application for the Plant on August 26, 2014.

**Technical Requirements:**

The Order will require the Respondent to:

- a. Immediately, until such time authorization to operate is obtained or until 180 days, whichever is earlier, comply with the provisions in expired NSR Permit No. 9449;
- b. Within 15 days, submit written certification demonstrating compliance with Ordering Provision a.;
- c. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit application submitted on August 26, 2014, within 30 days after the date of such requests, or by any other deadline specified in writing; and
- d. Within 180 days, submit written certification that either authorization to operate the sources of air emissions at the Plant has been obtained or that operation has ceased until such time that appropriate authorization has been obtained.

***Litigation Information***

**Date Petition(s) Filed:** N/A

**Date Answer(s) Filed:** N/A

**SOAH Referral Date:** N/A

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

**Settlement Date:** N/A

**Executive Summary – Enforcement Matter – Case No. 49294  
Continental Carbon Company  
RN102321577  
Docket No. 2014-1333-AIR-E**

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Jessica Schildwachter, Enforcement Division, Enforcement Team 5, MC 149, (512) 239-2617; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456

**TCEQ SEP Coordinator:** N/A

**Respondent:** Terry Simerson, Environmental Health and Safety Superintendent, Continental Carbon Company, 11702 Carbon Black Road, Sunray, Texas 79086  
Steve W. Brown, Plant General Manager, Continental Carbon Company, 11702 Carbon Black Road, Sunray, Texas 79086

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





# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

<b>DATES</b>	<b>Assigned</b>	2-Sep-2014	<b>Screening</b>	11-Sep-2014	<b>EPA Due</b>	22-May-2015
	<b>PCW</b>	24-Sep-2014				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	Continental Carbon Company				
<b>Reg. Ent. Ref. No.</b>	RN102321577				
<b>Facility/Site Region</b>	1-Amarillo	<b>Major/Minor Source</b>	Major		

## CASE INFORMATION

<b>Enf./Case ID No.</b>	49294	<b>No. of Violations</b>	1
<b>Docket No.</b>	2014-1333-AIR-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Air	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Jessica Schildwachter
		<b>EC's Team</b>	Enforcement Team 5
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1** **\$45,000**

### 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** **-\$4,500**

Notes Reduction for high performer classification.

**Culpability** No 0.0% Enhancement **Subtotal 4** **\$0**

Notes The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply Total Adjustments** **Subtotal 5** **\$0**

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

Total EB Amounts	\$390
Estimated Cost of Compliance	\$5,000

\*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal** **\$40,500**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes  

**Final Penalty Amount** **\$40,500**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** **\$40,500**

**DEFERRAL** 20.0% Reduction **Adjustment** **-\$8,100**

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** **\$32,400**

Screening Date 11-Sep-2014

Docket No. 2014-1333-AIR-E

PCW

Respondent Continental Carbon Company

Policy Revision 4 (April 2014)

Case ID No. 49294

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102321577

Media [Statute] Air

Enf. Coordinator Jessica Schildwachter

### 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)

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

Adjustment Percentage (Subtotal 3)

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

Adjustment Percentage (Subtotal 7)

#### >> Compliance History Summary

Compliance History Notes

Reduction for high performer classification.

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

#### >> Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100%

**Screening Date** 11-Sep-2014  
**Respondent** Continental Carbon Company  
**Case ID No.** 49294  
**Reg. Ent. Reference No.** RN102321577  
**Media [Statute]** Air  
**Enf. Coordinator** Jessica Schildwachter

**Docket No.** 2014-1333-AIR-E

**PCW**

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

**Violation Number** 1

**Rule Cite(s)** 30 Tex. Admin. Code §§ 116.110(a) and 116.315(a) and Tex. Health & Safety Code §§ 382.0518(a), 382.055(a)(2), and 382.085(b)

**Violation Description**  
 Failed to submit a renewal application for New Source Review ("NSR") Permit No. 9449 at least six months prior to the expiration date. Specifically, the Respondent did not submit a renewal application for NSR Permit No. 9449, NSR Permit No. 9449 expired on October 9, 2013, and the Plant continued to operate.

**Base Penalty** \$25,000

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

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0.0%
Potential				

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
	x			15.0%

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

**Adjustment** \$21,250

\$3,750

**Violation Events**

Number of Violation Events: 12      337 Number of violation days

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

**Violation Base Penalty** \$45,000

Twelve monthly events are recommended from the October 9, 2013 expiration date to the September 11, 2014 screening date.

**Good Faith Efforts to Comply**

0.0%

Reduction \$0

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

Extraordinary		
Ordinary		
N/A	x	(mark with x)

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

**Violation Subtotal** \$45,000

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

**Statutory Limit Test**

**Estimated EB Amount** \$390

**Violation Final Penalty Total** \$40,500

**This violation Final Assessed Penalty (adjusted for limits)** \$40,500

## Economic Benefit Worksheet

**Respondent** Continental Carbon Company  
**Case ID No.** 49294  
**Req. Ent. Reference No.** RN102321577  
**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
<small>No commas or \$</small>							

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	\$0	\$0
Record Keeping System				0.00	\$0	\$0	\$0
Training/Sampling				0.00	\$0	\$0	\$0
Remediation/Disposal				0.00	\$0	\$0	\$0
Permit Costs	\$5,000	9-Oct-2013	1-May-2015	1.56	\$390	\$0	\$390
Other (as needed)				0.00	\$0	\$0	\$0

Notes for DELAYED costs

Estimated cost to obtain a new NSR permit. The Date Required is the date the permit expired 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

\$5,000

**TOTAL**

\$390

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.



# TCEQ Compliance History Report

**PENDING** Compliance History Report for CN600619407, RN102321577, Rating Year 2014 which includes Compliance History (CH) components from September 1, 2009, through August 31, 2014.

<b>Customer, Respondent, or Owner/Operator:</b>	CN600619407, Continental Carbon Company	<b>Classification:</b> HIGH	<b>Rating:</b> 0.00
<b>Regulated Entity:</b>	RN102321577, CONTINENTAL CARBON SUNRAY PLANT	<b>Classification:</b> HIGH	<b>Rating:</b> 0.00
<b>Complexity Points:</b>	16	<b>Repeat Violator:</b> NO	
<b>CH Group:</b>	05 - Chemical Manufacturing		
<b>Location:</b>	11702 CARBON BLACK RD SUNRAY, TX 79086-2003, MOORE COUNTY		
<b>TCEQ Region:</b>	REGION 01 - AMARILLO		

**ID Number(s):**

<b>POLLUTION PREVENTION PLANNING ID NUMBER</b> P00791	<b>AIR OPERATING PERMITS ACCOUNT NUMBER</b> MR0003G
<b>AIR OPERATING PERMITS PERMIT</b> 1259	<b>INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR)</b> 37773
<b>AIR NEW SOURCE PERMITS REGISTRATION</b> 23594	<b>AIR NEW SOURCE PERMITS ACCOUNT NUMBER</b> MR0003G
<b>AIR NEW SOURCE PERMITS AFS NUM</b> 4834100003	<b>AIR NEW SOURCE PERMITS EPA PERMIT</b> PSDTX463
<b>AIR NEW SOURCE PERMITS EPA PERMIT</b> PSDTX463M1	<b>AIR NEW SOURCE PERMITS PERMIT</b> 123003
<b>PUBLIC WATER SYSTEM/SUPPLY REGISTRATION</b> 1710019	<b>WATER LICENSING LICENSE</b> 1710019
<b>WASTEWATER PERMIT</b> WQ0002882000	<b>AIR EMISSIONS INVENTORY ACCOUNT NUMBER</b> MR0003G

**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:** Jessica Schildwachter

**Phone:** (512) 239-2617

**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:**

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	January 15, 2011	(890788)
Item 2	January 23, 2011	(891898)
Item 3	July 29, 2011	(943790)
Item 4	February 22, 2012	(988594)
Item 5	February 04, 2013	(1053457)
Item 6	July 15, 2013	(1101373)

**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  
CONTINENTAL CARBON  
COMPANY  
RN102321577

§  
§  
§  
§  
§  
§

BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY

**AGREED ORDER**  
**DOCKET NO. 2014-1333-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 Continental Carbon Company ("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 carbon black manufacturing plant located at 11702 Carbon Black Road in Sunray, Moore 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 30, 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 Forty Thousand Five Hundred Dollars (\$40,500) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Thirty-Two Thousand Four

Hundred Dollars (\$32,400) of the administrative penalty and Eight Thousand One Hundred Dollars (\$8,100) 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 submitted a New Source Review ("NSR") permit application for the Plant on August 26, 2014.
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 failed to submit a renewal application for NSR Permit No. 9449 at least six months prior to the expiration date, in violation of 30 TEX. ADMIN. CODE §§ 116.110(a) and 116.315(a) and TEX. HEALTH & SAFETY CODE §§ 382.0518(a), 382.055(a)(2), and 382.085(b), as documented during an investigation conducted from July 29, 2014 through July 30, 2014. Specifically, the Respondent did not submit a renewal application for NSR Permit No. 9449, NSR Permit No. 9449 expired on October 9, 2013, and the Plant continued to operate.

## 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: Continental Carbon Company, Docket No. 2014-1333-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. Immediately upon the effective date of this Agreed Order, until such time authorization to operate is obtained or until 180 days after the effective date of this Agreed Order, whichever is earlier, comply with the provisions in expired NSR Permit No. 9449;
  - b. Within 15 days after the effective date of this Agreed Order, submit written certification to demonstrate compliance with Ordering Provision No. 2.a. as described in Ordering Provision No. 2.d. below;
  - c. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit application submitted on August 26, 2014, within 30 days after the date of such requests, or by any other deadline specified in writing; and
  - d. Within 180 days after the effective date of this Agreed Order, submit written certification that either authorization to operate the sources of air emissions at the Plant has been obtained or that operation has ceased until such time that appropriate authorization has been obtained. 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  
Amarillo Regional Office  
Texas Commission on Environmental Quality  
3918 Canyon Drive  
Amarillo, Texas 79109-4933

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature

could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

*Pam Davis*  
For the Executive Director

3/9/15  
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.

*Steve W. Brown*  
Signature

11/25/2014  
Date

Steve W. Brown  
Name (Printed or typed)  
Authorized Representative of  
Continental Carbon Company

Plant General Manager  
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.