

**Executive Summary – Enforcement Matter – Case No. 50364**  
**LoneStar Fiberglass Components of Texas LLC**  
**RN104314273**  
**Docket No. 2015-0560-AIR-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

AIR

**Small Business:**

No

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

LoneStar Fiberglass Pools Kingsbury Plant, 15655 East Highway 90, Kingsbury,  
Guadalupe County

**Type of Operation:**

Fiberglass pool 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:** August 14, 2015

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$16,500

**Amount Deferred for Expedited Settlement:** \$3,300

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

**Total Paid to General Revenue:** \$13,200

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**Supplemental Environmental Project ("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:** April 2014

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**RN104314273**  
**Docket No. 2015-0560-AIR-E**

***Investigation Information***

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

**Complaint Information:** N/A

**Date(s) of Investigation:** February 24, 2015 through February 25, 2015

**Date(s) of NOE(s):** March 19, 2015

***Violation Information***

1. Failed to comply with the maximum solvent content by weight for gelcoat used at the Plant. Specifically, the Respondent used gelcoats with a styrene content greater than 30.0 percent by weight and a methyl methacrylate content greater than 5.0 percent by weight [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Federal Operating Permit ("FOP") No. O2808, Special Terms and Conditions No. 5, and New Source Review ("NSR") Permit No. 72302, Special Conditions Nos. 8 and 9].

2. Failed to certify compliance with the terms and conditions of FOP No. O2808 for at least each 12-month period following initial permit issuance. Specifically, the Permit Compliance Certification ("PCC") submitted on December 9, 2013 for the December 1, 2012 through November 30, 2013 certification period did not include the dates of the certification period [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.146(1), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP No. O2808, General Terms and Conditions].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

N/A

**Technical Requirements:**

The Order will require the Respondent to:

a. Within 30 days:

i. Submit a revised PCC for the December 1, 2012 through November 30, 2013 certification period;

ii. Implement measures and/or procedures to ensure that PCCs are complete and accurate when submitted; and

iii. Submit an administratively complete permit amendment application for NSR Permit No. 72302 to increase the styrene and methyl methacrylate content for gelcoats used at the Plant.

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**LoneStar Fiberglass Components of Texas LLC**  
**RN104314273**  
**Docket No. 2015-0560-AIR-E**

- b. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit amendment application within 30 days after the date of such requests, or by any other deadline specified in writing;
- c. Within 45 days, submit written certification to demonstrate compliance with a.;
- d. Within 180 days, submit written certification that the NSR Permit amendment has been obtained or that operation has ceased until such time that appropriate authorization is 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

***Contact Information***

**TCEQ Attorney:** N/A  
**TCEQ Enforcement Coordinator:** Amancio R. Gutierrez, Enforcement Division, Enforcement Team 5, MC 149, (512) 239-3921; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456  
**TCEQ SEP Coordinator:** N/A  
**Respondent:** Chris Owens, President, LoneStar Fiberglass Components of Texas LLC, 15655 East Highway 90, Kingsbury, Texas 78638  
**Respondent's Attorney:** N/A





# Penalty Calculation Worksheet (PCW)

<b>DATES</b>	<b>Assigned</b>	23-Mar-2015	<b>Screening</b>	8-Apr-2015	<b>EPA Due</b>	
	<b>PCW</b>	5-May-2015				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	LoneStar Fiberglass Components of Texas LLC
<b>Reg. Ent. Ref. No.</b>	RN104314273
<b>Facility/Site Region</b>	13-San Antonio
<b>Major/Minor Source</b>	Major

<b>CASE INFORMATION</b>		<b>No. of Violations</b>	2
<b>Enf./Case ID No.</b>	50364	<b>Order Type</b>	1660
<b>Docket No.</b>	2015-0560-AIR-E	<b>Government/Non-Profit</b>	No
<b>Media Program(s)</b>	Air	<b>Enf. Coordinator</b>	Amancio R. Gutierrez
<b>Multi-Media</b>		<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**

**ADJUSTMENTS (+/-) TO SUBTOTAL 1**  
 Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

<b>Compliance History</b>	10.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	<input type="text" value="\$1,500"/>
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Notes

<b>Culpability</b>	No	0.0% Enhancement	<b>Subtotal 4</b>	<input type="text" value="\$0"/>
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Notes

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	<input type="text" value="\$0"/>
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	<input type="text" value="\$0"/>
Total EB Amounts	\$488	*Capped at the Total EB \$ Amount	
Estimated Cost of Compliance	\$6,750		

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

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

Notes

**Final Penalty Amount**

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

**DEFERRAL**  Reduction **Adjustment**

Notes

**PAYABLE PENALTY**

Screening Date 8-Apr-2015

Docket No. 2015-0560-AIR-E

PCW

Respondent LoneStar Fiberglass Components of Texas LLC

Policy Revision 4 (April 2014)

Case ID No. 50364

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN104314273

Media [Statute] Air

Enf. Coordinator Amancio R. Gutierrez

### Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	2	10%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of 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) 10%

>> 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 two NOVs with same/similar violations.

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

>> Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% 10%

Screening Date 8-Apr-2015

Docket No. 2015-0560-AIR-E

PCW

Respondent LoneStar Fiberglass Components of Texas LLC

Policy Revision 4 (April 2014)

Case ID No. 50364

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN104314273

Media [Statute] Air

Enf. Coordinator Amancio R. Gutierrez

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), Tex. Health & Safety Code § 382.085(b), Federal Operating Permit ("FOP") No. O2808, Special Terms and Conditions No. 5, and New Source Review Permit No. 72302, Special Conditions Nos. 8 and 9

Violation Description

Failed to comply with the maximum solvent content by weight for gelcoat used at the Plant. Specifically, the Respondent used gelcoats with a styrene content greater than 30.0 percent by weight and a methyl methacrylate content greater than 5.0 percent by weight.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 3

261 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$11,250

Three quarterly events are recommended from the July 21, 2014 investigation date to the April 8, 2015 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 \$11,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$325

Violation Final Penalty Total \$12,375

This violation Final Assessed Penalty (adjusted for limits) \$12,375

# Economic Benefit Worksheet

**Respondent** LoneStar Fiberglass Components of Texas LLC  
**Case ID No.** 50364  
**Reg. Ent. Reference No.** RN104314273  
**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	\$5,000	21-Jul-2014	8-Nov-2015	1.30	\$325	n/a	\$325
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to obtain a permit amendment. The Date Required is the investigation date and the Final Date is the estimated date of compliance.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

**TOTAL**

\$325

Screening Date 8-Apr-2015

Docket No. 2015-0560-AIR-E

PCW

Respondent LoneStar Fiberglass Components of Texas LLC

Policy Revision 4 (April 2014)

Case ID No. 50364

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN104314273

Media [Statute] Air

Enf. Coordinator Amancio R. Gutierrez

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 122.143(4) and 122.146(1), Tex. Health & Safety Code § 382.085(b), and FOP No. O2808, General Terms and Conditions

Violation Description Failed to certify compliance with the terms and conditions of FOP No. O2808 for at least each 12-month period following initial permit issuance. Specifically, the Permit Compliance Certification ("PCC") submitted on December 9, 2013 for the December 1, 2012 through November 30, 2013 certification period did not include the dates of the certification period.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	12/30/2013				

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
		X			15.0%
100% of the rule requirement was not met.					

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1 Number of violation days 485

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 for the PCC.

Good Faith Efforts to Comply

0.0%

Reduction \$0

	Before NOE/NOV	NOE/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 \$163

Violation Final Penalty Total \$4,125

This violation Final Assessed Penalty (adjusted for limits) \$4,125

# Economic Benefit Worksheet

**Respondent** LoneStar Fiberglass Components of Texas LLC  
**Case ID No.** 50364  
**Reg. Ent. Reference No.** RN104314273  
**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	\$1,500	30-Dec-2013	8-Nov-2015	1.86	\$139	n/a	\$139
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$250	30-Dec-2013	8-Nov-2015	1.86	\$23	n/a	\$23

**Notes for DELAYED costs**

Estimated cost to submit a revised PCC for the December 1, 2012 through November 30, 2013 certification period and implement measures and/or procedures to ensure that PCCs are complete and accurate when submitted. The Dates Required are the date the PCC was due and the Final Dates are the estimated 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)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

Approx. Cost of Compliance

\$1,750

**TOTAL**

\$163

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

**PUBLISHED** Compliance History Report for CN603812926, RN104314273, Rating Year 2014 which includes Compliance History (CH) components from September 1, 2009, through August 31, 2014.

**Customer, Respondent, or Owner/Operator:** CN603812926, LoneStar Fiberglass Components of Texas LLC **Classification:** SATISFACTORY **Rating:** 2.17

**Regulated Entity:** RN104314273, LONESTAR FIBERGLASS POOLS KINGSBURY PLANT **Classification:** SATISFACTORY **Rating:** 2.17

**Complexity Points:** 5 **Repeat Violator:** NO

**CH Group:** 14 - Other

**Location:** 15655 E HIGHWAY 90 KINGSBURY, TX 78638-2738, GUADALUPE COUNTY

**TCEQ Region:** REGION 13 - SAN ANTONIO

### ID Number(s):

**AIR NEW SOURCE PERMITS PERMIT** 72302

**AIR NEW SOURCE PERMITS ACCOUNT NUMBER** GLA001A

**AIR EMISSIONS INVENTORY ACCOUNT NUMBER** GLA001A

**AIR NEW SOURCE PERMITS AFS NUM** 4818700019

**AIR OPERATING PERMITS PERMIT** 2808

**POLLUTION PREVENTION PLANNING ID NUMBER** P07505

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

**Date Compliance History Report Prepared:** April 06, 2015

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** April 06, 2010 to April 06, 2015

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

**Name:** Amancio R. Gutierrez

**Phone:** (512) 239-3921

### 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 09, 2011	(886388)
Item 2	April 11, 2012	(995343)
Item 3	January 31, 2013	(1055048)

#### **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.

1	Date:	08/14/2014 (1186389)	CN603812926
	Self Report?	NO	Classification: Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b)	

SC No. 5 OP  
SC No. 8 PERMIT

Description: Failure to comply with permit requirements. Specifically, Lonestar Fiberglass Components of Texas LLC was utilizing gelcoats with styrene content greater than 30.0 percent by weight and methyl methacrylate styrene content greater than 5.0 percent by weight.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.146  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP

Description: Failure to certify compliance with the terms and conditions of the permit for at least each 12-month period following initial permit issuance. Specifically, Lonestar Fiberglass Components of Texas LLC failed to specify the certification period start and end dates on the permit compliance certification submitted on December 9, 2013

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 113, SubChapter C 113.1060  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT WWWW 63.5910(b)(3)  
5C THSC Chapter 382 382.085(b)  
SC No. 1A OP  
SC No. 1D OP

Description: Failure to submit semi-annual report for 40 CFR 63 Subpart WWWW . Specifically, Lonestar Fiberglass Components of Texas LLC failed to submit the semi-annual report for the period of January 1, 2013 to June 30, 2013 by July 31, 2013.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter C 122.241(b)  
5C THSC Chapter 382 382.085(b)  
General Conditions OP

Description: Failure to submit a timely Federal Operating Permit renewal application. Specifically, LoneStar Fiberglass Components of Texas LLC failed to submit a Federal Operating Permit renewal application at least six months prior to the Federal Operating Permit expiration date of January 5, 2015. The renewal application due date was July 5, 2014.

2 Date: 03/19/2015 (1228895) CN603812926

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.146(2)  
5C THSC Chapter 382 382.085(b)  
Special Term and Condition 8 OP

Description: Failure to submit the Permit Compliance Certification (PCC) no later than 30 days after the end of the certification period.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(C)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP

Description: Failure to submit Deviation Report (DR) no later than 30 days after the end of each reporting period.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(B)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP

Description: Failure to submit a Deviation Report (DR) for at least each six-month period after permit issuance at the frequency required by an applicable requirement which requires more frequent reporting.

**Environmental audits:**

N/A

**Type of environmental management systems (EMSs):**

N/A

**I. 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  
LONESTAR FIBERGLASS  
COMPONENTS OF TEXAS LLC  
RN104314273**

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

**AGREED ORDER  
DOCKET NO. 2015-0560-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 LoneStar Fiberglass Components of Texas 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 pool manufacturing plant at 15655 East Highway 90 in Kingsbury, Guadalupe 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 March 24, 2015.
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 Sixteen Thousand Five Hundred Dollars (\$16,500) is assessed by the Commission in settlement of the violations alleged in

Section II ("Allegations"). The Respondent has paid Thirteen Thousand Two Hundred Dollars (\$13,200) of the administrative penalty and Three Thousand Three Hundred Dollars (\$3,300) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

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

1. Failed to comply with the maximum solvent content by weight for gelcoat used at the Plant, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Federal Operating Permit ("FOP") No. O2808, Special Terms and Conditions No. 5, and New Source Review ("NSR") Permit No. 72302, Special Conditions Nos. 8 and 9, as documented during a record review conducted from February 24 through 25, 2015. Specifically, the Respondent used gelcoats with a styrene content greater than 30.0 percent by weight and a methyl methacrylate content greater than 5.0 percent by weight.
2. Failed to certify compliance with the terms and conditions of FOP No. O2808 for at least each 12-month period following initial permit issuance, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.146(1), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP No. O2808, General Terms and Conditions, as documented during a record review conducted from February 24 through 25, 2015. Specifically, the Permit Compliance Certification ("PCC") submitted on December 9, 2013 for the December 1, 2012 through November 30, 2013 certification period did not include the dates of the certification period.

### 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: LoneStar Fiberglass Components of Texas LLC, Docket No. 2015-0560-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. Submit a revised PCC for the December 1, 2012 through November 30, 2013 certification period;
    - ii. Implement measures and/or procedures to ensure that PCCs are complete and accurate when submitted; and
    - iii. Submit an administratively complete permit amendment application for NSR Permit No. 72302 to increase the styrene and methyl methacrylate content for gelcoats used at the Plant, in accordance with 30 TEX. ADMIN. CODE § 116.111, to:

Air Permits Division, MC 163  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087
  - b. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit amendment application within 30 days after the date of such requests, or by any other deadline specified in writing;

- c. Within 45 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.e. to demonstrate compliance with Ordering Provision No. 2.a.;
- d. Within 180 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.e., that the NSR Permit amendment has been obtained or that operation has ceased until such time that appropriate authorization is obtained; and
- e. The certification shall include detailed supporting documentation including photographs, receipts, and/or other records and 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  
San Antonio Regional Office  
Texas Commission on Environmental Quality  
14250 Judson Road  
San Antonio, Texas 78233-4480

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

10/19/15  
\_\_\_\_\_  
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

7-10-15  
\_\_\_\_\_  
Date

Chris Owens  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
LoneStar Fiberglass Components of Texas LLC

President  
\_\_\_\_\_  
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.