

Executive Summary – Enforcement Matter – Case No. 49308
Samsung Austin Semiconductor, LLC
RN100518026
Docket No. 2014-1332-AIR-E

Order Type:

Findings Agreed Order

Findings Order Justification:

Three or more enforcement actions (NOVs, orders, etc.) over the prior five year period for the same violation(s).

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Samsung Austin Semiconductor, 12100 Samsung Boulevard, Austin, Travis County

Type of Operation:

Semiconductor fabrication 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 16, 2015

Comments Received: No

Penalty Information

Total Penalty Assessed: \$9,145

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$4,573

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$4,572

Name of SEP: Texas Association of Resource Conservation and Development Areas, Inc. (Third-Party Pre-Approved)

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014

Executive Summary – Enforcement Matter – Case No. 49308
Samsung Austin Semiconductor, LLC
RN100518026
Docket No. 2014-1332-AIR-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: July 29, 2014

Date(s) of NOE(s): August 29, 2014

Violation Information

1. Failed to include a signed certification of accuracy and completeness [30 TEX. ADMIN. CODE §§ 122.143(15) and 122.165(a), TEX. HEALTH & SAFETY CODE § 382.085(b), Federal Operating Permit ("FOP") No. O3046, General Terms and Conditions ("GTC")].
2. Failed to report all instances of deviations [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP No. O3046, GTC].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

On May 2, 2014, the Respondent submitted a revised deviation report for the April 13, 2013 through October 12, 2013, reporting period that includes the failure to report all instances of deviations.

Technical Requirements:

1. The Order will require the Respondent to implement and complete a Supplemental Environmental Project ("SEP"). (See SEP Attachment A)
2. The Order will also require the Respondent to:
 - a. Within 30 days:
 - i. Implement measures to ensure that a signed certificate of accuracy and completeness is submitted as required; and
 - ii. Implement measures to ensure all deviations are accurately reported.
 - b. Within 45 days, submit written certification to demonstrate compliance with a.

Executive Summary – Enforcement Matter – Case No. 49308
Samsung Austin Semiconductor, LLC
RN100518026
Docket No. 2014-1332-AIR-E

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: Eduardo Heras, Enforcement Division,
Enforcement Team 5, MC 149, (512) 239-2422; Candy Garrett, Enforcement Division,
MC 219, (512) 239-1456
TCEQ SEP Coordinator: Stuart Beckley, SEP Coordinator, Enforcement Division,
MC 219, (512) 239-3565
Respondent: Tim Jones, Senior Engineer, Environmental Policy and Regulatory
Affairs, Samsung Austin Semiconductor, LLC, 12100 Samsung Boulevard, Austin, Texas
78754
Respondent's Attorney: N/A

Attachment A
Docket Number: 2014-1332-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Samsung Austin Semiconductor, LLC
Penalty Amount:	Nine Thousand One Hundred Forty-Five Dollars (\$9,145)
SEP Offset Amount:	Four Thousand Five Hundred Seventy-Two Dollars (\$4,572)
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Texas Association of Resource Conservation and Development Areas, Inc.
Project Name:	<i>Clean Buses Project</i>
Location of SEP:	Texas Air Quality Control Region 212: Austin - Waco

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project (“SEP”). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Texas Association of Resource Conservation and Development Areas, Inc. (“RC&D”)** for the *Clean Buses Project*. The contribution will be used in accordance with the SEP Project Agreement between the Third-Party Administrator and the TCEQ (the “Project”). Specifically, the SEP Offset Amount will be used to retrofit older diesel buses with lower emissions or clean fuel technology in order to reduce nitrogen oxides air emissions and replace model year 2006 or older buses with lower-emission buses that are model year 2010 or newer for public school districts or public charter schools (the “Project”). RC&D shall ensure that each replacement bus purchased has an engine that meets 2010 EPA standards and that the older bus is taken out of service. The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of the Project, including but not limited to supplies, materials, and equipment. Any portion of this contribution that is not able to be spent on the specifically identified SEP may, at the discretion of the Executive Director (“ED”), be applied to another pre-approved SEP.

Samsung Austin Semiconductor, LLC
Agreed Order - Attachment A

The Respondent's signature affixed to this Agreed Order certifies that it has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

This SEP will directly benefit air quality by reducing harmful exhaust emissions that contribute to the formation of ozone and may cause or exacerbate a number of respiratory diseases, including asthma.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Texas Association of RC&D SEP** and shall mail the contribution with a copy of the Agreed Order to:

Texas Association of RC&D Areas, Inc.
Attn.: Jerry Pearce, Executive Director
P.O. Box 2533
Victoria, Texas 77902

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. The Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality
Enforcement Division
Attention: SEP Coordinator, MC 219
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount, as described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the Project, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality;" and shall mail it to:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP and/or project, made by or on behalf of the Respondent must include a clear statement that **the project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

DATES	Assigned	8-Sep-2014	Screening	12-Sep-2014	EPA Due	
	PCW	12-Sep-2014				

RESPONDENT/FACILITY INFORMATION

Respondent	Samsung Austin Semiconductor, LLC		
Reg. Ent. Ref. No.	RN100518026		
Facility/Site Region	11-Austin	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	49308	No. of Violations	3
Docket No.	2014-1332-AIR-E	Order Type	Findings
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Eduardo Heras
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$7,750**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **18.0%** Enhancement **Subtotals 2, 3, & 7** **\$1,395**

Notes

Enhancement for one order with denial of liability and reduction for one disclosure of violations.

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	\$238
Estimated Cost of Compliance	\$3,500

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$9,145**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount **\$9,145**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$9,145**

DEFERRAL **0.0%** Reduction **Adjustment** **\$0**

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

Notes

No deferral is recommended for Findings Orders.

PAYABLE PENALTY **\$9,145**

Screening Date 12-Sep-2014

Docket No. 2014-1332-AIR-E

PCW

Respondent Samsung Austin Semiconductor, LLC

Policy Revision 4 (April 2014)

Case ID No. 49308

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100518026

Media [Statute] Air

Enf. Coordinator Eduardo Heras

Compliance History Worksheet

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of 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>)	1	-2%

Please Enter Yes or No

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

Adjustment Percentage (Subtotal 2) 18%

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

No

Adjustment Percentage (Subtotal 3) 0%

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

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

Enhancement for one order with denial of liability and reduction for one disclosure of violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 18%

>> **Final Compliance History Adjustment**

Final Adjustment Percentage *capped at 100% 18%

Screening Date 12-Sep-2014

Docket No. 2014-1332-AIR-E

PCW

Respondent Samsung Austin Semiconductor, LLC

Policy Revision 4 (April 2014)

Case ID No. 49308

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100518026

Media [Statute] Air

Enf. Coordinator Eduardo Heras

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 122.143(15) and 122.165(a), Tex. Health & Safety Code § 382.085(b), and Federal Operating Permit ("FOP") No. O3046, General Terms and Conditions ("GTC")

Violation Description

Failed to include a signed certification of accuracy and completeness for the deviation report for the reporting period from April 13, 2013 through October 12, 2013.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 15.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1

305 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

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 \$110

Violation Final Penalty Total \$4,425

This violation Final Assessed Penalty (adjusted for limits) \$4,425

Economic Benefit Worksheet

Respondent Samsung Austin Semiconductor, LLC
Case ID No. 49308
Reg. Ent. Reference No. RN100518026
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	\$1,500	11-Nov-2013	1-May-2015	1.47	\$110	n/a	\$110
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to implement measures to ensure the signed certification of accuracy and completeness is submitted with all deviation reports. The Date Required is the date the first report was due and the Final Date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$110

Screening Date 12-Sep-2014

Docket No. 2014-1332-AIR-E

PCW

Respondent Samsung Austin Semiconductor, LLC

Policy Revision 4 (April 2014)

Case ID No. 49308

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100518026

Media [Statute] Air

Enf. Coordinator Eduardo Heras

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(A), Tex. Health & Safety Code § 382.085(b), and FOP No. O3046, GTC

Violation Description Failed to report all instances of deviations. Specifically, the Respondent did not report the failure to report all instances of deviations in the deviation report for the April 13, 2013 through October 12, 2013 reporting period.

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

Less than 30% of the rule requirement was met.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1 Number of violation days 305

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 incomplete report.

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 \$116

Violation Final Penalty Total \$4,425

This violation Final Assessed Penalty (adjusted for limits) \$4,425

Economic Benefit Worksheet

Respondent Samsung Austin Semiconductor, LLC
Case ID No. 49308
Reg. Ent. Reference No. RN100518026
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$1,500	11-Nov-2013	1-May-2015	1.47	\$110	n/a	\$110
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$250	11-Nov-2013	2-May-2014	0.47	\$6	n/a	\$6

Notes for DELAYED costs

Estimated cost to submit a revised deviation report for the April 13, 2013 through October 12, 2013 reporting period that includes the failure to report all instances of deviations and implement measures to ensure all deviations are accurately reported. The Date Required is the date the first deviation report was due and the Final Dates are the estimated date of compliance (May 1, 2015) and the date a revised deviation report was submitted (May 2, 2014).

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

\$116

Screening Date 12-Sep-2014

Docket No. 2014-1332-AIR-E

PCW

Respondent Samsung Austin Semiconductor, LLC

Policy Revision 4 (April 2014)

Case ID No. 49308

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100518026

Media [Statute] Air

Enf. Coordinator Eduardo Heras

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(A), Tex. Health & Safety Code § 382.085(b), and FOP No. O3046, GTC

Violation Description

Failed to report all instances of deviations. Specifically, the Respondent did not report the failure to report all instances of deviations in the deviation report for the October 13, 2013 through April 12, 2014 reporting period.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
			X

Percent 1.0%

Matrix Notes

At least 70% of the rule requirement was met.

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 1

123 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$250

One single event is recommended for the incomplete report.

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 \$250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$295

This violation Final Assessed Penalty (adjusted for limits) \$295

Economic Benefit Worksheet

Respondent Samsung Austin Semiconductor, LLC
Case ID No. 49308
Reg. Ent. Reference No. RN100518026
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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

See Economic Benefit in Violation No. 2.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$0

TOTAL \$0

The TCEQ is committed to accessibility.

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



TCEQ Compliance History Report

PENDING Compliance History Report for CN602914442, RN100518026, Rating Year 2014 which includes Compliance History (CH) components from September 1, 2009, through August 31, 2014.

Customer, Respondent, or Owner/Operator:	CN602914442, Samsung Austin Semiconductor, LLC	Classification:	SATISFACTORY	Rating:	2.50
Regulated Entity:	RN100518026, SAMSUNG AUSTIN SEMICONDUCTOR	Classification:	SATISFACTORY	Rating:	2.50
Complexity Points:	27	Repeat Violator:	NO		
CH Group:	14 - Other				
Location:	12100 SAMSUNG BLVD AUSTIN, TX 78754-1903, TRAVIS COUNTY				
TCEQ Region:	REGION 11 - AUSTIN				

ID Number(s):

WASTEWATER PERMIT 2E0000014	AIR NEW SOURCE PERMITS PERMIT 31811
AIR NEW SOURCE PERMITS REGISTRATION 46992	AIR NEW SOURCE PERMITS ACCOUNT NUMBER TH0602A
AIR NEW SOURCE PERMITS AFS NUM 4845300072	AIR NEW SOURCE PERMITS REGISTRATION 52511
AIR NEW SOURCE PERMITS REGISTRATION 81439	AIR NEW SOURCE PERMITS REGISTRATION 93725
AIR NEW SOURCE PERMITS REGISTRATION 102653	AIR NEW SOURCE PERMITS REGISTRATION 122065
STORMWATER PERMIT TXR05M224	STORMWATER PERMIT TXR15PW66
AIR OPERATING PERMITS ACCOUNT NUMBER TH0602A	AIR OPERATING PERMITS PERMIT 3046
INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXR000018853	INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 85035
PETROLEUM STORAGE TANK REGISTRATION REGISTRATION 69721	PETROLEUM STORAGE TANK REGISTRATION REGISTRATION 78098
AIR EMISSIONS INVENTORY ACCOUNT NUMBER TH0602A	POLLUTION PREVENTION PLANNING ID NUMBER P03176

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

Date Compliance History Report Prepared: September 22, 2014

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: September 12, 2009 to September 12, 2014

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

Name: Eduardo Heras

Phone: (512) 239-2422

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If **YES** for #2, who is the current owner/operator? N/A
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If **YES**, when did the change(s) in owner or operator occur? N/A

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

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

- 1 Effective Date: 06/05/2014 ADMINORDER 2013-1753-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:Special Terms and Conditions No. 2(F) OP

Description: Failed to report Incident Nos. 172451 and 174373 within 24 hours of discovery. Specifically, Incident No.

172451 was discovered on August 18, 2012, but was not reported until August 20, 2012 and Incident No. 174373 was discovered on September 29, 2012, but was not reported until October 4, 2012.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:Special Terms and Conditions No. 2(F) OP

Description: Failed to report all instances of deviations. Specifically, the deviation report for the reporting period from April 13, 2012 through October 12, 2012 did not include deviations for eight late initial notifications of an emissions event and the failure to report all instances of deviations on the deviation report for the previous reporting period of 10/13/2011 through 4/12/12.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.146(1)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:General Terms and Conditions OP

Description: Failed to certify compliance with the terms and conditions of the permit for at least each 12-month period following initial permit issuance. Specifically, the permit compliance certification ("PCC") for the April 13, 2012 through October 12, 2012 certification period was not submitted.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	September 30, 2009	(777698)
Item 2	November 19, 2009	(783143)
Item 3	December 30, 2009	(786918)
Item 4	February 22, 2010	(792729)
Item 5	February 24, 2010	(793487)
Item 6	June 22, 2010	(801979)
Item 7	September 23, 2010	(842345)
Item 8	November 30, 2010	(879530)
Item 9	January 21, 2011	(878557)
Item 10	August 01, 2011	(943490)
Item 11	January 13, 2012	(980547)
Item 12	March 09, 2012	(977374)
Item 13	May 01, 2012	(1002271)
Item 14	May 15, 2012	(1006815)
Item 15	September 07, 2012	(1030073)
Item 16	September 10, 2012	(1030426)
Item 17	September 14, 2012	(1031058)
Item 18	September 26, 2012	(1034850)
Item 19	October 01, 2012	(1035621)

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:

Notice of Intent Date: 02/20/2008 (639318) *Outside 5 year period

Disclosure Date: 03/11/2010

Viol. Classification: Major

Citation: 30 TAC Chapter 116, SubChapter B 116.110

30 TAC Chapter 116, SubChapter B 116.116

5C THSC Chapter 382 382.0518

Rqmt Prov: IHWPERMTCP 31811

Description: Failure to comply with permit MAERT emission limits for CO and NOx for Fab 1 and 2.

Viol. Classification: Major

Citation: 30 TAC Chapter 116, SubChapter B 116.115

30 TAC Chapter 116, SubChapter B 116.116

5C THSC Chapter 382 382.085

Description: Failure to comply with permit 31811 special condition 2 for emissions of air contaminants provided certain criteria are satisfied for hydrofluoric acid, diatomic fluorine, and crystalline silica.

Viol. Classification: Major

Citation: 30 TAC Chapter 122, SubChapter B 122.121

5C THSC Chapter 382 382.054

Description: Failure to obtain a Title V permit to authorize CO and NOx and hydrofluoric acid, diatomic fluorine and crystalline silica from the Fabs.

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

Component Appendices

Appendix A

All NOVs Issued During Component Period 9/12/2009 and 9/12/2014

- 1 Date: 06/10/2010 (801977) CN602914442
Classification: Moderate
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
Description: The SASC failed to report four Incidents (No. 127986, 129872, 131814, and 132524) on the respective deviation reports, which is a violation of 30 TAC 122.145(2)(D). According to 30 TAC 122.145(2)(D), reporting in accordance with §101.6 and §101.7 of this title does not substitute for reporting deviations under this paragraph.
- 2 Date: 07/17/2012 (1020349) CN602914442
Classification: Moderate
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Description: Failure to comply with the General Terms and Conditions of the FOP O-3046, a violation of 30 TAC 122.143(4).
- 3 Date: 08/06/2012 (1023324) CN602914442
Classification: Moderate
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)
5C THSC Chapter 382 382.085(b)
Description: Failure to comply with 30 TAC 101.201(a)(1), which states that as soon as practical, but not later than 24 hours after the discovery of an emissions event, the owner or operator of a regulated entity shall determine if the event was reportable emission event; and notify the region.
- 4 Date: 08/28/2013 (1106063) CN602914442
Classification: Moderate
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
NSR No. 31811, Special Condition 6B PERMIT
Description: Failed to maintain the nominal operating temperature in the combustion chamber (or in the duct immediately downstream of the combustion chamber before any substantial heat exchange occurs) at 1650°F or greater, in violation of NSR Permit No. 31811, Special Condition No. 6.B., §116.115(c), and THSC §382.085(b), on 4 occasions.
Classification: Moderate
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 122, SubChapter B 122.143(15)
30 TAC Chapter 122, SubChapter B 122.165
5C THSC Chapter 382 382.085(b)
Description: Failed to include a signed certification of accuracy and completeness (Form OP-CRO1), in violation of §§ 122.143(15) and 122.165(a), and THSC §382.085(b), on 3 occasions.

* NOVs applicable for the Compliance History rating period 9/1/2009 to 8/31/2014

Appendix B

All Investigations Conducted During Component Period September 12, 2009 and September 12, 2014

- (777698)
Item 1* September 30, 2009** For Informational Purposes Only
(783143)

Item 2* November 19, 2009** For Informational Purposes Only
(786918)

Item 3* December 30, 2009** For Informational Purposes Only
(792729)

Item 4* February 22, 2010** For Informational Purposes Only
(793487)

Item 5* February 24, 2010** For Informational Purposes Only
(801977)

Item 6 June 08, 2010** For Informational Purposes Only
(801979)

Item 7* June 22, 2010** For Informational Purposes Only
(842345)

Item 8* September 23, 2010** For Informational Purposes Only
(879530)

Item 9* November 30, 2010** For Informational Purposes Only
(878557)

Item 10* January 21, 2011** For Informational Purposes Only
(943490)

Item 11* August 01, 2011** For Informational Purposes Only
(828260)

Item 12 August 10, 2011** For Informational Purposes Only
(968244)

Item 13 January 09, 2012** For Informational Purposes Only
(980547)

Item 14* January 13, 2012** For Informational Purposes Only
(977374)

Item 15* March 09, 2012** For Informational Purposes Only
(1002271)

Item 16* May 01, 2012** For Informational Purposes Only
(1006815)

Item 17* May 15, 2012** For Informational Purposes Only
(1020349)

Item 18 July 23, 2012** For Informational Purposes Only
(1023324)

Item 19 August 07, 2012** For Informational Purposes Only
(1030073)

Item 20* September 07, 2012** For Informational Purposes Only
(1030426)

Item 21* September 10, 2012** For Informational Purposes Only
(1031058)

Item 22* September 14, 2012** For Informational Purposes Only

(1034850)

Item 23* September 26, 2012** For Informational Purposes Only

(1035621)

Item 24* October 01, 2012** For Informational Purposes Only

(1106063)

Item 25 August 27, 2013** For Informational Purposes Only

(1138786)

Item 26 August 29, 2014** For Informational Purposes Only

* No violations documented during this investigation

**Investigation applicable for the Compliance History Rating period between 09/01/2009 and 08/31/2014.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
SAMSUNG AUSTIN
SEMICONDUCTOR, LLC
RN100518026**

§
§
§
§
§
§

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2014-1332-AIR-E**

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Samsung Austin Semiconductor, 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 presented this agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. 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. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The Respondent owns and operates a semiconductor fabrication plant located at 12100 Samsung Boulevard in Austin, Travis County, Texas (the "Plant").

2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. During an investigation conducted on July 29, 2014, TCEQ staff documented that a signed certification of accuracy and completeness was not included with the deviation report for the reporting period from April 13, 2013 through October 12, 2013.
4. During an investigation conducted on July 29, 2014, TCEQ staff documented that the Respondent did not report the failure to report all instances of deviations in the deviation report for the April 13, 2013 through October 12, 2013 reporting period and did not report the failure to report all instances of deviations in the deviation report for the October 13, 2013 through April 12, 2014 reporting period.
5. The Respondent received notice of the violations on September 3, 2014.
6. The Executive Director recognizes that on May 2, 2014, the Respondent submitted a revised deviation report for the April 13, 2013 through October 12, 2013, reporting period that includes the failure to report all instances of deviations.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 382, TEX. WATER CODE ch. 7, and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the Respondent failed to include a signed certification of accuracy and completeness, in violation of 30 TEX. ADMIN. CODE §§ 122.143(15) and 122.165(a), TEX. HEALTH & SAFETY CODE § 382.085(b), and Federal Operating Permit ("FOP") No. O3046, General Terms and Conditions ("GTC").
3. As evidenced by Findings of Fact No. 4, the Respondent failed to report all instances of deviations, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP No. O3046, GTC.
4. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
5. An administrative penalty in the amount of Nine Thousand One Hundred Forty-Five Dollars (\$9,145) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent has paid Four Thousand Five Hundred Seventy-Three Dollars (\$4,573), of the administrative penalty. Four Thousand Five Hundred Seventy-Two Dollars (\$4,572) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of Nine Thousand One Hundred Forty-Five Dollars (\$9,145) as set forth in Section II, Paragraph 5 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Samsung Austin Semiconductor, LLC, Docket No. 2014-1332-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. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE §7.067. As set forth in Section II, Paragraph 5 above, Four Thousand Five Hundred Seventy-Two Dollars (\$4,572) of the assessed administrative penalty shall be offset with the condition that the SEP defined in Attachment A, incorporated herein by reference, is implemented by the Respondent. The Respondent's obligation to pay the conditionally offset portion of the assessed administrative penalty shall be discharged upon final completion of all provisions of the SEP agreement.
3. The Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order:
 - i. Implement measures to ensure that a signed certificate of accuracy and completeness is submitted as required; and
 - ii. Implement measures to ensure all deviations are accurately reported.
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance

with Ordering Provision Nos. 3.a.i. and 3.a.ii. 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
Austin Regional Office
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. 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.
5. 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.
6. 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.

7. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
8. 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.
9. 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.
10. 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.
11. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.



Samsung Austin Semiconductor, LLC
DOCKET NO. 2014-1332-AIR-E
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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Pamela Marie J
For the Executive Director

12/2/15
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Samsung Austin Semiconductor, LLC. I am authorized to agree to the attached Agreed Order on behalf of Samsung Austin Semiconductor, LLC, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, Samsung Austin Semiconductor, LLC waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

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.

Tim Jones
Signature

2/9/2015
Date

Tim Jones
Name (Printed or typed)
Authorized Representative of
Samsung Austin Semiconductor, LLC

Sr. Engineer - Env. Policy & Regulatory Affairs
Title

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

Attachment A
Docket Number: 2014-1332-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Samsung Austin Semiconductor, LLC
Penalty Amount:	Nine Thousand One Hundred Forty-Five Dollars (\$9,145)
SEP Offset Amount:	Four Thousand Five Hundred Seventy-Two Dollars (\$4,572)
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Texas Association of Resource Conservation and Development Areas, Inc.
Project Name:	<i>Clean Buses Project</i>
Location of SEP:	Texas Air Quality Control Region 212: Austin - Waco

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project (“SEP”). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Texas Association of Resource Conservation and Development Areas, Inc. (“RC&D”)** for the *Clean Buses Project*. The contribution will be used in accordance with the SEP Project Agreement between the Third-Party Administrator and the TCEQ (the “Project”). Specifically, the SEP Offset Amount will be used to retrofit older diesel buses with lower emissions or clean fuel technology in order to reduce nitrogen oxides air emissions and replace model year 2006 or older buses with lower-emission buses that are model year 2010 or newer for public school districts or public charter schools (the “Project”). RC&D shall ensure that each replacement bus purchased has an engine that meets 2010 EPA standards and that the older bus is taken out of service. The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of the Project, including but not limited to supplies, materials, and equipment. Any portion of this contribution that is not able to be spent on the specifically identified SEP may, at the discretion of the Executive Director (“ED”), be applied to another pre-approved SEP.

Samsung Austin Semiconductor, LLC
Agreed Order - Attachment A

The Respondent's signature affixed to this Agreed Order certifies that it has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

This SEP will directly benefit air quality by reducing harmful exhaust emissions that contribute to the formation of ozone and may cause or exacerbate a number of respiratory diseases, including asthma.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Texas Association of RC&D SEP** and shall mail the contribution with a copy of the Agreed Order to:

Texas Association of RC&D Areas, Inc.
Attn.: Jerry Pearce, Executive Director
P.O. Box 2533
Victoria, Texas 77902

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. The Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality
Enforcement Division
Attention: SEP Coordinator, MC 219
P.O. Box 13087
Austin, Texas 78711-3087

4. **Failure to Fully Perform**

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount, as described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the Project, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality;" and shall mail it to:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

5. **Publicity**

Any public statements concerning this SEP and/or project, made by or on behalf of the Respondent must include a clear statement that **the project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

6. **Clean Texas Program**

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. **Other SEPs by TCEQ or Other Agencies**

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.