**Order Type:** 

1660 Agreed Order

**Findings Order Justification:** 

N/A

**Media:** 

MLM - AIR, WQ

**Small Business:** 

No

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

La Quinta Plant, 2800 Kay Bailey Hutchison Road, Portland, San Patricio County

**Type of Operation:** 

Direct reduced iron/hot briquetting iron production plant

**Other Significant Matters:** 

Additional Pending Enforcement Actions: Yes, Docket No. 2019-1114-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: The complainants and commenter have expressed an

interest in this matter but have not indicated a wish to speak at Agenda.

**Texas Register Publication Date:** April 3, 2020

**Comments Received:** Yes, one comment was received from the Honorable Cathy

Skurow, Mayor of the City of Portland

#### **Penalty Information**

**Total Penalty Assessed:** \$658,926

**Amount Deferred for Expedited Settlement:** \$131,785

**Total Paid to General Revenue:** \$263.571

**Total Due to General Revenue:** §0

Payment Plan: N/A

**Supplemental Environmental Project ("SEP") Conditional Offset:** \$131,785

Name of SEP: Texas A&M University – Texas Congress of Parents and Teachers

dba Texas PTA (Third-Party Pre-Approved)

**Supplemental Environmental Project ("SEP") Conditional Offset:** \$131,785

Name of SEP: Texas Natural Gas Foundation (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

# Investigation Information

**Complaint Date(s):** May 16, 2017 to August 13, 2018

**Complaint Information**: Over 150 complaints

**Date(s) of Investigation:** May 16, 2017 through October 16, 2017; November 14, 2017 through January 22, 2018; November 24, 2017 through April 17, 2018; and

November 1, 2017 through June 14, 2018

**Date(s) of NOE(s):** November 3, 2017; February 22, 2018; May 9, 2018; and July 30,

2018

#### **Violation Information**

- 1. Failed to prevent nuisance conditions. Specifically, on May 16, 2017, May 17, 2017, May 18, 2017, May 19, 2017, May 20, 2017, May 23, 2017, May 24, 2017, May 25, 2017, May 26, 2017, May 30, 2017, June 2, 2017, June 5, 2017, June 8, 2017, June 13, 2017, June 15, 2017, June 23, 2017, June 30, 2017, July 13, 2017, July 19, 2017, September 8, 2017, and October 16, 2017, TCEQ staff documented iron ore dust at 141 off-site properties. Laboratory analysis of tape-lift samples that were collected from 20 of the off-site properties indicated that the dust particles had diameters and x-ray spectra consistent with the reference samples taken from the outdoor stockpiles at the Plant [30 Tex. Admin. Code § 101.4 and Tex. Health & Safety Code § 382.085(a) and (b)].
- 2. Failed to store iron ore pellets in enclosed storage. Specifically, TCEQ staff observed five non-enclosed storage piles containing iron ore pellets [30 Tex. Admin. Code §§ 101.20(3) and 116.115(c), New Source Review ("NSR") Permit Nos. 108113 and PSDTX1344M1, Special Conditions ("SC") No. 17, and Tex. Health & Safety Code § 382.085(b)].
- 3. Failed to obtain a permit amendment prior to constructing and operating additional sources of air contaminants. Specifically, the Respondent did not obtain a permit amendment before operating additional non-enclosed stockpiles containing fines, clusters, chips, sludge, and remet [30 Tex. Admin. Code §§ 116.110(a) and 116.116(b)(1) and Tex. Health & Safety Code §§ 382.085(b) and 382.0518(a)].
- 4. Failed to prevent nuisance conditions. Specifically, TCEQ staff documented iron ore dust nuisance conditions at three off-site properties on November 15, 2017 and December 1, 2017 and obtained citizen-collected evidence from one of the properties that documented additional dust nuisance conditions on November 9, 2017, November 16, 2017, and December 19, 2017. Laboratory analysis of tape-lift samples that were collected from two of the off-site properties indicated that the dust particles had diameters and x-ray spectra consistent with the reference samples taken from the outdoor stockpiles at the Plant [30 Tex. Admin. Code § 101.4 and Tex. Health & Safety Code § 382.085(a) and (b)].

- 5. Failed to comply with the maximum allowable emissions rate ("MAER"). Specifically, during stack testing conducted on March 8 and 9, 2017, the Respondent exceeded the particulate matter ("PM") MAER of 4.20 pounds per hour ("lbs/hr") by 13.42 lbs/hr for the Reformer Main Flue Ejector Stack, Emissions Point Number ("EPN") 29, resulting in 139,782.72 lbs of unauthorized PM [30 Tex. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), NSR Permit Nos. 108113 and PSDTX1344M1, General Conditions ("GC") Nos. 1, 8, and 14 and SC No. 1, Federal Operating Permit ("FOP") No. O3903, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 7, and Tex. Health & Safety Code § 382.085(b)].
- 6. Failed to comply with the MAER. Specifically, during a stack test conducted on March 15, 2017, the Respondent exceeded the carbon monoxide MAER of 873.00 lbs/hr by 17.58 lbs/hr for the Furnace Dedusting Wet Scrubber Stack, EPN 8, resulting in 180,159.8 lbs of unauthorized carbon monoxide [30 Tex. Admin. Code §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), NSR Permit Nos. 108113 and PSDTX1344M1, GC Nos. 1, 8, and 14 and SC No. 1, FOP No. O3903, GTC and STC No. 7, and Tex. Health & Safety Code § 382.085(b)].
- 7. Failed to conduct employee training at least once per year. Specifically, operations at the Plant began in September of 2016 but employees had not received training on the stormwater pollution prevention plan [30 Tex. Admin. Code §§ 281.25(a)(4) and 305.125(1), 40 Code of Federal Regulations ("CFR") § 122.26(c), and Texas Pollutant Discharge Elimination System ("TPDES") Multi-Sector General Permit ("MSGP") No. TXR05CR67, Part III, Section A.4(f)(1)].
- 8. Failed to certify that the Plant's stormwater system has been evaluated and that discharges of non-stormwater and non-permitted flows do not occur. Specifically, the stormwater pollution prevention plan certification was not available for review upon request [30 Tex. Admin. Code §§ 281.25(a)(4) and 305.125(1), 40 CFR § 122.26(c), and TPDES MSGP No. TXR05CR67, Part III, Section B.1(c)].
- 9. Failed to identify all stormwater outfalls at the Plant. Specifically, the Respondent depicted one stormwater outfall on the Drainage Area Site Map, but additional outfalls were identified around the dock area and on the north side of the Plant [30 Tex. Admin. Code §§ 281.25(a)(4) and 305.125(1), 40 CFR § 122.26(c), and TPDES MSGP No. TXR05CR67, Part III, Section A.3(d)(1)].
- 10. Failed to conduct benchmark monitoring once every six months (January through June or July through December) following permit issuance and then once each subsequent semiannual period. Specifically, TPDES MSGP No. TXR05CR67 was issued on April 27, 2016, the Plant began operating in September 2016, and the Respondent had not conducted any benchmark monitoring [30 Tex. Admin. Code §§ 281.25(a)(4)

and 305.125(1), 40 CFR § 122.26(c), and TPDES MSGP No. TXR05CR67, Part IV, Section B.1(a)].

- 11. Failed to comply with the MAER. Specifically, the Respondent exceeded the PM MAER of 0.22 ton per year ("tpy") based on a 12-month rolling period for the 12-month periods ending from January 2017 through October 2017 for the Oxide Pellet Transfer (Post Storage) Fabric Filter Stack, EPN 6, resulting in 0.241 ton of unauthorized PM [30 Tex. Admin. Code §§ 101.20(3) and 116.115(b)(2)(F) and (c), NSR Permit Nos. 108113 and PSDTX1344M1, GC Nos. 1, 8, and 14 and SC No. 1, and Tex. Health & Safety Code § 382.085(b)].
- 12. Failed to comply with the MAER. Specifically, the Respondent exceeded the PM MAER of 0.22 tpy based on a 12-month rolling period for the 12-month periods ending from January 2017 through November 2017 for the Oxide Tower Transfer Fabric Filter Stack, EPN 7D, resulting in 0.0022 ton of unauthorized PM [30 Tex. ADMIN. CODE §§ 101.20(3) and 116.115(b)(2)(F) and (c), NSR Permit Nos. 108113 and PSDTX1344M1, GC Nos. 1, 8, and 14 and SC No. 1, and Tex. Health & Safety Code § 382.085(b)].
- 13. Failed to comply with the MAERs. Specially, the Respondent exceeded the PM, particulate matter equal to or less than 10 microns in diameter ("PM10"), and the particulate matter equal to or less than 2.5 microns in diameter ("PM2.5") MAERs of 18.39 tpy based on a 12-month rolling period for the 12-month periods ending from March 2017 through November 2017 for the Reformer Main Flue Ejector Stack, EPN 29, resulting in 55.68 tons of unauthorized PM [30 Tex. Admin. Code §§ 101.20(3) and 116.115(b)(2)(F) and (c), NSR Permit Nos. 108113 and PSDTX1344M1, GC Nos. 1, 8, and 14 and SC No. 1, and Tex. Health & Safety Code § 382.085(b)].
- 14. Failed to comply with the MAERs. Specifically, the Respondent exceeded the PM MAER of 11.44 tpy based on a 12-month rolling period and the PM10 and PM2.5 MAERs of 0.34 tpy based on a 12-month rolling period for the 12-month periods ending from June 2017 through November 2017 for the Salt Water Cooling Tower, EPN 33, resulting in 4.42 tons of unauthorized PM [30 Tex. Admin. Code §§ 101.20(3) and 116.115(b)(2)(F) and (c), NSR Permit Nos. 108113 and PSDTX1344M1, GC Nos. 1, 8, and 14 and SC No. 1, and Tex. Health & Safety Code § 382.085(b)].
- 15. Failed to conduct quarterly visible emissions observations. Specifically, the Respondent did not conduct quarterly visible emissions observations for 13 EPNs from the second quarter of 2016 through the third quarter of 2017 [30 Tex. Admin. Code §§ 101.20(3) and 116.115(c), NSR Permit Nos. 108113 and PSDTX1344M1, SC No. 6, and Tex. Health & Safety Code § 382.085(b)].
- 16. Failed to conduct quarterly visible emissions observations. Specifically, the Respondent did not conduct quarterly fugitive visible emissions observations of the process buildings and/or fugitive sources for the second, third, and fourth quarters of

2016 and the first quarter of 2017 [30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(c), NSR Permit Nos. 108113 and PSDTX1344M1, SC No. 7, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

- 17. Failed to maintain records for the quarterly inspections. Specifically, the Respondent did not maintain records for the quarterly inspections of the hoods and ductwork for the emission capture and control systems in the third and fourth quarters of 2016 [30 Tex. Admin. Code §§ 101.20(3) and 116.115(c), NSR Permit Nos. 108113 and PSDTX1344M1, SC No. 42D, and Tex. Health & Safety Code § 382.085(b)].
- 18. Failed to sample the cooling water for the concentration of total dissolved solids ("TDS") once a week. Specifically, the Respondent did not sample the cooling water TDS concentrations for the Salt Water Cooling Tower, EPN 33, for 11 weeks from September 26, 2016 through December 11, 2016 [30 Tex. ADMIN. CODE §§ 101.20(3) and 116.115(c), NSR Permit Nos. 108113 and PSDTX1344M1, SC No. 25A, and Tex. HEALTH & SAFETY CODE § 382.085(b)].
- 19. Failed to sample the cooling water once a day for conductivity or monitor the cooling water continuously for conductivity. Specifically, the Respondent did not sample and analyze the cooling water conductivity for the Salt Water Cooling Tower, EPN 33, on 34 days: October 1, 2016, October 5 through 10, 2016, October 12 through 24, 2016, October 26 through 31, 2016, November 6, 2016, November 13, 2016, November 20, 2016, November 27, 2016, December 4, 2016, December 11, 2016, December 18, 2016, and December 25, 2016 [30 Tex. Admin. Code §§ 101.20(3) and 116.115(c), NSR Permit Nos. 108113 and PSDTX1344M1, SC No. 25A, and Tex. Health & Safety Code § 382.085(b)].
- 20. Failed to conduct daily visible emissions observations for the wet scrubbers. Specifically, the Respondent did not conduct daily visible emissions observations for the Furnace Dedusting (BSG Dust Collection) Wet Scrubber Stack, EPN 8, and the Hot Pressure Relief Vent (Flare), EPN 38, on 284 days and did not to conduct daily visible emissions observations for the Briquetter Dedusting Scrubber Stack, EPN 9, and the Hot Iron Briquette Cooling Conveyer Scrubber Stack, EPN 11, on 286 days during the time period from September 28, 2016 to December 6, 2017 [30 Tex. Admin. Code §§ 101.20(3) and 116.115(c), NSR Permit Nos. 108113 and PSDTX1344M1, SC No. 30, and Tex. Health & Safety Code § 382.085(b)].
- 21. Failed to comply with the certified emissions rate. Specifically, the Respondent exceeded the certified PM2.5 emissions rate of 0.01 tpy based on any consecutive 12-month period for the 12-month periods ending from October 2017 through November 2017 for the 75,000 metric tons Grade C Hot Briquette Iron, EPN 44, resulting in 0.01 ton of unauthorized PM2.5 [30 Tex. Admin. Code §§ 106.6(c) and 106.261, Permit by Rule Registration No. 147082, and Tex. Health & Safety Code § 382.085(b)].

22. Failed to prevent fugitive emissions from leaving the property from process buildings or fugitive sources resulting in the unauthorized discharge of industrial waste into or adjacent to any water in the state. Specifically, on November 1, 2017, iron oxide dust was observed on the Plant's grounds and in the adjacent marsh area owned by the Port of Corpus Christi Authority, directly north of the Plant's loading dock [Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code §§ 101.20(3) and 116.115(c), NSR Permit Nos. 108113 and PSDTX1344M1, SC No. 7, and Tex. Health & Safety Code § 382.085(b)].

#### Corrective Actions/Technical Requirements

#### **Corrective Action(s) Completed:**

The Respondent implemented the following corrective measures:

- a. On December 18, 2016, began sampling the cooling water for the concentration of TDS once a week;
- b. On December 26, 2016, began sampling the cooling water for the conductivity once a day;
- c. On May 25, 2017, began conducting quarterly fugitive visible emissions observations of the process buildings and/or fugitive sources;
- d. By May 31, 2017, began maintaining records for the quarterly inspections of the hoods and ductwork for the emission capture and control systems;
- e. By June 30, 2017, implemented measures and procedures in order to ensure that the baghouses for EPNs 6 and 7D were operating properly during normal operations;
- f. On July 6, 2017, obtained Permit by Rule Registration No. 147082 to authorize storage piles at the Plant;
- g. By November 11, 2017, evaluated the stormwater system and certified that discharges of non-stormwater and non-permitted flows do not occur;
- h. By November 17, 2017, provided employees with stormwater pollution prevention training;
- i. On November 20, 2017, depicted the location of each outfall on the Drainage Area Site Map;
- j. By November 30, 2017, demonstrated compliance with the PM annual MAER for EPN 6;

- k. On December 7, 2017, began conducting daily visible emissions observations of EPNs 8, 9, 11, and 38;
- l. On December 7, 2017, began conducting semiannual benchmark monitoring as required by TPDES MSGP No. TXR05CR67, Part IV, Section B.1(a);
- m. By December 31, 2017, demonstrated compliance with the PM annual MAER for EPN 7D:
- n. By February 28, 2018, implemented measures in order to decrease the level of throughput at EPN 44;
- o. By March 31, 2018, began conducting quarterly visible emissions observations of EPNs 4A, 4B, 5A, 5B, 6, 7A, 7B, 7C, 7D, 8, 16, 17, and 29;
- p. By November 30, 2018, demonstrated compliance with the certified PM2.5 emissions rate for EPN 44;
- q. On January 22, 2019, obtained a revision for Permit by Rule Registration No. 147082 to certify the revised emissions and to represent that the fugitive dust emissions from the storage piles are controlled by a water spray and/or dust suppressant spray;
- r. On May 30, 2019, submitted an amendment application for NSR Permit Nos. 108113 and PSDTX1344M that includes the incorporation of Permit By Rule No. 147082; the increase of the carbon monoxide hourly MAER for EPN 8; the increase of the PM, PM10, and PM2.5 MAERs for EPN 29; and the amendment of the PM, PM10, and PM2.5 MAERs for EPN 33;
- s. By June 1, 2019, removed the five non-enclosed storage piles containing iron ore pellets and has ensured that all iron ore pellets are stored in enclosed storage in order to comply with NSR Permit Nos 108113 and PSDTX1344M1; and
- t. On January 21, 2020, obtained approval for the plan dated November 11, 2019 that identified measures taken to date, proposed upgrades and changes to equipment and work practices, incorporated best management practices, and provided schedules and plans for implementation in order to address visible iron oxide and/or metallic iron fugitive emissions from process buildings or fugitive sources from leaving the property and to address iron oxide and/or metallic iron dust from creating nuisance conditions.

# **Technical Requirements:**

- 1. The Order will require the Respondent to implement and complete two SEPs (see SEP Attachments A and B).
- 2. The Order will also require the Respondent to:
- a. 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;
- b. Within 30 days, implement all provisions of the approved Plan;
- c. Within 15 days after completion of the approved Plan implementation, submit written certification to demonstrate compliance with b.; and
- d. Within 360 days, submit written certification that either the amendment for NSR Permit Nos. 108113 and PSDTX1344M1 has been obtained or that the operation has ceased until such time that appropriate authorization is obtained, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance.

#### **Contact Information**

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Yuliya Dunaway, Enforcement Division, Enforcement Team 4, MC R-13, (210) 403-4077; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

**TCEQ SEP Coordinator**: Stuart Beckley, SEP Coordinator, Enforcement Division, MC 219, (512) 239-3565

**SEP Third-Party Administrator:** Texas PTA, 408 West 11th Street, Austin, Texas 78701

Texas Natural Gas Foundation, Attention: Heather Ball, Executive Director, 2315 Newfield Lane, Austin, Texas 78703

**Respondent:** Stefan Einfalt, Chief Executive Officer, voestalpine Texas LLC, 2800 Kay Bailey Hutchison Road, Portland, Texas 78374

Helmut Schwarz, Chief Technical Officer, voestalpine Texas LLC, 2800 Kay Bailey

Hutchison Road, Portland, Texas 78374

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

# TCEQ Interoffice Memorandum

**To:** Commissioners

**Thru:** Susan M. Jablonski, P.E., Deputy Director, Enforcement Division

From: Michael De La Cruz, Manager, Enforcement Division

**Date:** January 10, 2022

**Subject:** Response to Comment Received Concerning Proposed Agreed Enforcement Order

voestalpine Texas LLC, Portland, San Patricio County

RN106597875; Enforcement Case No. 55381; Docket No. 2018-1266-MLM-E

In response to a publication in the *Texas Register* on April 3, 2020, one comment has been received regarding a proposed agreed enforcement order requiring certain actions of voestalpine Texas LLC. The comment was received within the comment period. Please note that this case has been backlogged and cites violations beginning in 2017. Efforts in earnest began in FY 2022 to proceed with bringing backlogged cases to Commissioners' Agenda for resolution. These efforts include proceeding with cases that have garnered public comments and involve multiple violations over protracted time periods.

The proposed agreed order includes 22 violations documented during investigations conducted from May 16, 2017 through October 16, 2017, November 14, 2017 through January 22, 2018, and November 1, 2017 through June 14, 2018 and a record review conducted from November 24, 2017 through April 17, 2018. The violations addressed in the proposed order include the following:

- 1) Failed to prevent nuisance conditions at 141 off-site properties, in violation of 30 Tex. ADMIN. CODE § 101.4 and Tex. Health & Safety Code § 382.085(a) and (b);
- 2) Failed to store iron ore pellets in enclosed storage, in violation of 30 Tex. ADMIN. CODE §§ 101.20(3) and 116.115(c), New Source Review Permit (NSR) Nos. 108113 and PSDTX1344M1, Special Conditions (SC) No. 17, and Tex. Health & Safety Code § 382.085(b);
- 3) Failed to obtain a permit amendment prior to constructing and operating additional sources of air contaminants, in violation of 30 Tex. ADMIN. CODE §§ 116.110(a) and 116.116(b)(1) and Tex. Health & Safety Code §§ 382.085(b) and 382.0518(a);
- 4) Failed to prevent nuisance conditions at three off-site properties, in violation of 30 Tex. Admin. Code § 101.4 and Tex. Health & Safety Code § 382.085(a) and (b);
- 5) Failed to comply with the particulate matter (PM) hourly maximum allowable emissions rate (MAER) during a stack test conducted on March 8, 2017 and March 9, 2017 for the Reformer Main Flue Ejector Stack, in violation of 30 Tex. Admin. Code §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), NSR Permit Nos. 108113 and PSDTX1344M1, General Conditions (GC) Nos. 1, 8, and 14 and SC No. 1, Federal Operating Permit (FOP) No. O3903, General Terms and Conditions (GTC) and Special Terms and Conditions (STC) No. 7, and Tex. Health & Safety Code § 382.085(b);
- 6) Failed to comply with the carbon monoxide hourly MAER during a stack test conducted on March 15, 2017 for the Furnace Dedusting Wet Scrubber Stack, in violation of 30 Tex. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), NSR Permit Nos. 108113 and

- PSDTX1344M1, GC Nos. 1, 8, and 14 and SC No. 1, FOP No. O3903, GTC and STC No. 7, and TEX. HEALTH & SAFETY CODE § 382.085(b):
- 7) Failed to conduct employee training at least once per year, in violation of 30 TEX. ADMIN. CODE §§ 281.25(a)(4) and 305.125(1), 40 CODE OF FEDERAL REGULATIONS (CFR) § 122.26(c), and Texas Pollutant Discharge Elimination System (TPDES) Multi-Sector General Permit (MSGP) No. TXR05CR67, Part III, Section A.4(f)(1);
- 8) Failed to certify that the stormwater system has been evaluated and that discharges of non-stormwater and non-permitted flows do not occur, in violation of 30 TEX. ADMIN. CODE §§ 281.25(a)(4) and 305.125(1), 40 CFR § 122.26(c), and TPDES MSGP No. TXR05CR67, Part III, Section B.1(c);
- 9) Failed to identify all stormwater outfalls, in violation of 30 TEX. ADMIN. CODE §§ 281.25(a)(4) and 305.125(1), 40 CFR § 122.26(c), and TPDES MSGP No. TXR05CR67, Part III, Section A.3(d)(1);
- 10) Failed to conduct benchmark monitoring once every six months (January through June or July through December) following permit issuance and then once each subsequent semiannual period, in violation of 30 Tex. Admin. Code §§ 281.25(a)(4) and 305.125(1), 40 CFR § 122.26(c), and TPDES MSGP No. TXR05CR67, Part III, Section B.1(a);
- 11) Failed to comply with the PM annual MAER for the Oxide Pellet Transfer (Post Storage) Fabric Filter Stack, in violation of 30 Tex. ADMIN. CODE §§ 101.20(3) and 116.115(b)(2)(F) and (c), NSR Permit Nos. 108113 and PSDTX1344M1, GC Nos. 1, 8, and 14 and SC No. 1, and Tex. HEALTH & SAFETY CODE § 382.085(b);
- 12) Failed to comply with the PM annual MAER for the Oxide Tower Transfer Fabric Filter Stack, in violation of 30 Tex. Admin. Code §§ 101.20(3) and 116.115(b)(2)(F) and (c), NSR Permit Nos. 108113 and PSDTX1344M1, GC Nos. 1, 8, and 14 and SC No. 1, and Tex. Health & Safety Code § 382.085(b):
- 13) Failed to comply with the PM annual MAER for the Reformer Main Flue Ejector Stack, in violation of 30 Tex. ADMIN. CODE §§ 101.20(3) and 116.115(b)(2)(F) and (c), NSR Permit Nos. 108113 and PSDTX1344M1, GC Nos. 1, 8, and 14 and SC No. 1, and Tex. Health & Safety Code § 382.085(b);
- 14) Failed to comply with the PM annual MAER for the Salt Water Cooling Tower, in violation of 30 Tex. Admin. Code §§ 101.20(3) and 116.115(b)(2)(F) and (c), NSR Permit Nos. 108113 and PSDTX1344M1, GC Nos. 1, 8, and 14 and SC No. 1, and Tex. Health & Safety Code § 382.085(b);
- 15) Failed to conduct quarterly visible emissions observations for 13 emission points, in violation of 30 Tex. ADMIN. CODE §§ 101.20(3) and 116.115(c), NSR Permit Nos. 108113 and PSDTX1344M1, SC No. 6, and Tex. Health & Safety Code § 382.085(b);
- 16) Failed to conduct quarterly visible emissions observations of the process buildings and/or fugitive sources, in violation of 30 Tex. ADMIN. CODE §§ 101.20(3) and 116.115(c), NSR Permit Nos. 108113 and PSDTX1344M1, SC No. 7, and Tex. Health & Safety Code § 382.085(b);

- 17) Failed to maintain records for the quarterly inspections, in violation of 30 Tex. Admin. Code §§ 101.20(3) and 116.115(c), NSR Permit Nos. 108113 and PSDTX1344M1, SC No. 42.D, and Tex. Health & Safety Code § 382.085(b);
- 18) Failed to sample the cooling water for the concentrations of Total Dissolved Solids once a week, in violation of 30 Tex. ADMIN. CODE §§ 101.20(3) and 116.115(c), NSR Permit Nos. 108113 and PSDTX1344M1, SC No. 25.A, and Tex. Health & Safety Code § 382.085(b);
- 19) Failed to sample the cooling water once a day for conductivity or monitor the cooling water continuously for conductivity, in violation of 30 Tex. ADMIN. CODE §§ 101.20(3) and 116.115(c), NSR Permit Nos. 108113 and PSDTX1344M1, SC No. 25.A, and Tex. Health & Safety Code § 382.085(b);
- 20) Failed to conduct daily visible emissions observations for the wet scrubbers, in violation of 30 Tex. Admin. Code §§ 101.20(3) and 116.115(c), NSR Permit Nos. 108113 and PSDTX1344M1, SC No. 30, and Tex. Health & Safety Code § 382.085(b);
- 21) Failed to comply with the certified particulate matter equal to or less than 2.5 microns in diameter emissions rate for the 75,000 metric tons Grade C Hot Briquette Iron, in violation of 30 Tex. Admin. Code §§ 106.6(c) and 106.261, Permit by Rule Registration No. 147082, and Tex. Health & Safety Code § 382.085(b); and
- 22) Failed to prevent fugitive emissions from leaving the property from process buildings or fugitive sources resulting in the unauthorized discharge of industrial waste into or adjacent to any water in the state, in violation of 30 Tex. Water. Code § 26.121(a)(1), 30 Tex. Admin. Code §§ 101.20(3) and 116.115(c), NSR Permit Nos. 108113 and PSDTX1344M1, SC No. 7, and Tex. Health & Safety Code § 382.085(b).

The proposed agreed order assesses a penalty in the amount of \$658,926, of which \$131,785 has been deferred in accordance with our expedited order process, voestalpine Texas LLC has paid \$263,571 of the administrative penalty, and \$263,570 of the penalty shall be conditionally offset by voestalpine Texas LLC's timely and satisfactory completion of a Supplemental Environmental Project. Some of the comments received are not limited to the provisions of the proposed order addressing the violations. No changes to the proposed agreed order were made in response to the comments. A summary of the comments and staff response to the comments are provided below:

• Comment – The welfare of the residents located in the Northshore Country Club Estates and Bay Ridge Subdivision are being adversely affected by the operations at voestalpine Texas LLC.

Response - The TCEQ Corpus Christi Regional Office has received, and responded to, numerous complaints alleging nuisance dust. The proposed order addresses nuisance conditions documented during investigations conducted from May 16, 2017 through October 16, 2017 and November 14, 2017 through January 22, 2018. If the residents are impacted by the operations at voestalpine Texas LLC, the residents may file complaints with the TCEQ Corpus Christi Regional Office at any time now and in the future. The TCEQ Corpus Christi Regional Office will continue to investigate all citizen complaints within the TCEQ's jurisdiction. If the TCEQ Corpus Christi Regional Office documents additional violations during later investigations, the alleged violations will be evaluated in accordance with the TCEQ Enforcement Initiation Criteria to determine the appropriate level of enforcement to pursue.

- Comment The safety of the residents located in the Northshore Country Club Estates and Bay Ridge Subdivision are being adversely affected by the operations at voestalpine Texas LLC.
  - Response The TCEQ takes its mission to protect public health and environment very seriously; therefore, the TCEQ will continue to take action under our authority to ensure voestalpine Texas LLC complies with TCEQ rules and regulations.
- Comment The plan for addressing the fugitive emissions from leaving voestalpine Texas LLC's property and causing nuisance conditions is flawed, primarily descriptive in nature, and does not establish legally enforceable obligations; the plan for addressing the fugitive emissions from leaving voestalpine Texas LLC's property and causing nuisance conditions contains various outreach programs for abating nuisance conditions that are unsatisfactory; the proposed agreed order did not incorporate enforceable requirements to arrest the nuisance conditions; the plan for addressing the fugitive emissions from leaving voestalpine Texas LLC's property and causing nuisance conditions is inadequate for minimizing emissions from the stockpiles, conveyors, and building openings and vents; the plan for addressing the fugitive emissions from leaving voestalpine Texas LLC's property and causing nuisance conditions is inadequate for controlling emissions; and the strategies to upgrade control measures at other potential site-wide emission points are possibilities and are without commitment.

Response – The proposed order addresses fugitive emissions leaving the property that were documented during an investigation conducted from November 1, 2017 through June 14, 2018 and nuisance conditions that were documented during investigations conducted from May 16, 2017 through October 16, 2017 and November 14, 2017 through January 22, 2018. The implementation of the approved plan is enforceable. However, if the residents are impacted by the operations at voestalpine Texas LLC, the residents may file complaints with the TCEQ Corpus Christi Regional Office at any time now and in the future. As mentioned above, the TCEQ will continue to investigate all citizen complaints within the TCEQ's jurisdiction. If the TCEQ Corpus Christi Regional Office documents additional violations during later investigations, the alleged violations will be evaluated in accordance with the TCEQ Enforcement Initiation Criteria to determine the appropriate level of enforcement to pursue. Since an agreement was reached between voestalpine Texas LLC and the TCEQ, the TCEQ has scheduled the agreed order for consideration by the TCEQ Commissioners at an upcoming Commissioners' Agenda, in accordance with 30 Tex. ADMIN. CODE § 70.10(c). During the Commissioners' Agenda, the TCEQ Commissioners can propose changes or other recommendations. Upon adoption of the agreed order by the TCEQ Commissioners, the TCEQ will continue to monitor voestalpine Texas LLC's compliance with the TCEQ rules, regulations, and agreed order including the proposed plan and initiate additional enforcement actions as appropriate.

 Comment – The proposed order should be further developed to allow for the development of measurable, quantifiable, and enforceable standards for the control of fugitive dust emissions and prevention of further violations.

Response — The corrective measures that have been implemented by voestalpine Texas LLC and the corrective measures proposed in the plan appear to have addressed the alleged violations. If the residents are being adversely impacted by the operations at voestalpine Texas LLC, the residents may continue to file complaints with the TCEQ Corpus Christi Regional Office. The TCEQ Corpus Christi Regional Office will continue to investigate all citizen complaints within the TCEQ's jurisdiction. If the TCEQ Corpus Christi Regional Office documents additional

Response to Comments Received Page 5 January 10, 2022

violations during later investigations, the alleged violations will be evaluated in accordance with the TCEQ Enforcement Initiation Criteria to determine the appropriate level of enforcement to pursue.

Comment – The residents located in the Northshore Country Club Estates and Bay Ridge Subdivision experienced health impacts, the operation of voestalpine Texas LLC interfered with the living conditions in the Northshore Country Club Estates and Bay Ridge Subdivision, and voestalpine Texas LLC adversely affected the residents' lives and properties as indicated in the fifty letters that were submitted in response to the public notice for the permit amendment application.

Response – The proposed order addresses fugitive emissions leaving the property that were documented during an investigation conducted from November 1, 2017 through June 14, 2018 and nuisance conditions that were documented during investigations conducted from May 16, 2017 through October 16, 2017 and November 14, 2017 through January 22, 2018. The implementation of the approved plan is enforceable. However, if the residents are experiencing health impacts, interference with their living conditions, or adverse effects to their lives and properties by the operations at voestalpine Texas LLC, the residents may to file complaints with the TCEQ Corpus Christi Regional Office now and in the future. As mentioned above, the TCEQ will continue to investigate all citizen complaints within the TCEQ's jurisdiction. If the TCEQ Corpus Christi Regional Office documents additional violations during later investigations, the alleged violations will be evaluated in accordance with the TCEQ Enforcement Initiation Criteria to determine the appropriate level of enforcement to pursue.

Comment – The two separate pre-approved Supplement Environmental Projects do not directly
engage with those adversely affected by restoring conditions in those communities.

Response — voestalpine Texas LLC selected projects that will benefit the community in which the alleged violations occurred, in accordance with Tex. Water Code § 7.067(a), and the TCEQ supports the participation in Supplemental Environmental Projects. As mentioned above, since an agreement was reached between voestalpine Texas LLC and the TCEQ, the TCEQ has scheduled the agreed order for consideration by the TCEQ Commissioners at an upcoming Commissioners' Agenda, in accordance with 30 Tex. Admin. Code § 70.10(c). During the Commissioners' Agenda, the TCEQ Commissioners can propose changes or other recommendations. Upon adoption of the agreed order by the TCEQ Commissioners, the TCEQ will continue to monitor voestalpine Texas LLC's compliance with TCEQ rules, regulations, and the agreed order including the proposed plan and initiate additional enforcement actions as appropriate.

A copy of received comments and TCEQ staff response to the comment are attached for your consideration. In summary, the commenter is concerned that the order does not adequately address the fugitive emissions from leaving the property and causing nuisance conditions. Staff's position, as reflected in the response, is that the plan for addressing fugitive emissions from leaving the property and causing nuisance conditions will allow voestalpine Texas LLC to come back into compliance. Accordingly, the Enforcement Division respectfully recommends adoption of this proposed order.

Response to Comments Received Page 6 January 10, 2022

#### **Attachments**

cc: Kelly Ruble, Air Section Manager, Corpus Christi Regional Office, TCEQ Yuliya Dunaway, Coordinator, Enforcement Division, MC R-13 Central Records, MC 213, Building E, 1st Floor AIR CP\_106597875\_CP\_20210110\_Enforcement Enforcement Division Electronic Reader File



May 4, 2020

Ms. Carol McGrath Enforcement Division Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

Via Facsimile (512-239-2550)
Via E-mail Carol.McGrath@tceq.texas.gov

Re:

Written Comments submitted by the City of Portland, Texas in

Docket No. 2018-1266-MLM-E; Enforcement Case No. 55381 relating to voestalpine Texas LLC ("voestalpine" or the "Company"), RN106597875

Dear Ms. McGrath:

Pursuant to Texas Water Code § 7.075 and public notice published in the Texas Register, 45 Tex. Reg. 2325 (Apr. 3, 2020), the City of Portland, Texas (the "City) hereby submits these written comments on the proposed agreed order in the above-referenced docket, which alleges numerous violations of the Texas Health and Safety Code and the Texas Administrative Code by voestalpine at its iron production plant (the "Plant") located at 2800 Kay Bailey Hutchison Road in San Patricio County, Texas.<sup>1</sup> Specifically, the proposed agreed order contains allegations that voestalpine failed to obtain permit authorization for the construction and operation of certain sources of air contaminants at the Plant; failed to store iron ore pellets in enclosed storage; and failed to prevent nuisance conditions, which the TCEQ investigated and confirmed by extensive sampling of 141 off-site properties during the period May-October, 2017. Although the Plant lies outside the City's jurisdiction, it is adjacent to two residential subdivisions located within the City, Northshore Country Club Estates and Bay Ridge Subdivision. A map showing the proximity of these subdivisions to the Plant is attached to this letter. Less than one mile from the Plant's boundary, these subdivisions have been adversely affected by voestalpine's operations at the Plant. Therefore, pursuant to its authority to protect the safety and welfare of its citizens, the City submits these written comments urging the TCEQ to remand this enforcement case to the Executive Director for a period not to exceed 90 days to allow for the development of measurable, quantifiable, and enforceable standards applicable to the Plant's operation and their incorporation into the proposed agreed order. As currently drafted, the proposed agreed order relies on compliance with voestalpine Texas LLC Submission Plan for TCEQ dated November 11, 2019 (the "Plan"), for abatement of nuisance conditions; however, the Plan is flawed because it lacks legally enforceable or otherwise adequate standards for this purpose, and thus, the proposed agreed

<sup>&</sup>lt;sup>1</sup> Although the proposed agreed order recites in Section I.1. that the Plant is located in the City, this detail refers to its mailing address only. The Plant is not physically located either within the City's corporate limits or its extra-territorial jurisdiction.

order fails to protect nearby residents from nuisance conditions associated with voestalpine's operations.

Since the commencement of full-scale operations in December 2016, the Company has persistently operated the Plant in a manner which has interfered with living conditions in Northshore Country Club Estates and the Bay Ridge Subdivision. The Company concedes in the Plan that, as early as May 2017, it received complaints from nearby residents that air-borne particles from the unauthorized handling of incompletely processed materials were reaching homes in these subdivisions (Plan, p. 3). Although voestalpine asserts in the Plan that it has instituted various outreach programs to abate nuisance conditions from these unauthorized operations at the Plant, such measures have been unsatisfactory. As recently as July, 2019, the TCEQ received over fifty (50) letters from nearby residents in response to the public notice regarding the Company's application to amend its air permit. These letters demonstrate that air emissions from the Plant continue to adversely affect residents' lives and property. Complaints registered in these letters include the increased need for medical care due to respiratory ailments, such as asthma, permanent property damage to houses, cars, and pool equipment, and blighted vegetation. In the words of one resident, "They [voestalpine] have continued to fix nothing at the plant to stop the iron oxide being spread across the city and the piles stored outside keep getting bigger and bigger. My family and I have had health issues due to the poor air quality here in Portland ever since voestalpine has started operating." According to others, current emission levels "have led to a significant deterioration in the quality of life," with houses and cars "covered on a daily basis with their iron oxide emissions." The TCEQ's extensive sampling effort in the area, which identified the presence of contaminants consistent with samples taken from materials stockpiled by voestalpine, confirm the accuracy of these claims.

Due to the severity of nuisance conditions, the proposed agreed order must be revised to incorporate enforceable requirements to arrest these nuisance conditions as a replacement to its current approach of using the Plan authored by voestalpine as the tool by which to ensure compliance. Section IV.3.b. provides that the Company shall "[w]ithin 30 days after the effective date of this Order, implement all provisions of the approved Plan in accordance with the schedule in the approved Plan." While this provision appears reasonable on its face, the Plan is primarily descriptive in nature and, therefore, largely fails to prescribe quantifiable and legally enforceable obligations. By its own terms, the Plan "identifies and describes measures taken to date, and proposed upgrades and changes to equipment and work practices designed to mitigate against the creation of fugitive sources of iron oxide and/or metallic iron dust from potentially creating nuisance conditions" (Plan, p. 3). Thus, with the stated purpose of "identifying and describing" measures rather than imposing them, the Plan proceeds to perform this task with regard to "seven specific categories of operations and equipment" (Plan, p. 4): Stockpiles, Conveyors, Building Openings and Vents, Transfer Points, Loading and Unloading Areas, In-plant Roads and Work Areas, and a catch-all category defined as All Other Authorized Emission Points for Visible Iron Oxide and/or Metallic Iron Fugitive Emissions. Each of the seven sections of the Plan relating to these sources are then organized using the following headings: Description, Implementation, and Timeline/Milestones.

The inadequacies of this approach are visible in the first section of the Plan relating to Stockpiles. With respect to the use of polymers and surfactants to control dust emissions from these sources, the Plan provides: "Any new TCEQ-approved piles will be treated within 5 working days, with the target goal being treatment the day after creation is complete, weather and equipment permitting. If the pile is not treated the day after creation is complete, documentation will be created and filed stating reason" (Plan, p. 8). Notably, this provision only implies action by the Company once the "creation" of the stockpile is "complete," not during its construction, which has equal potential to generate nuisance-causing air emissions if construction takes place over the course of several days or weeks. To blunt this error, as well as to compensate for the overlong schedule of five working-days, voestalpine proposes a "target goal" for treatment within one day after completion. However, a "target goal" is not a legally enforceable standard requiring stockpiles be treated within one day after they are completed. Moreover, if voestalpine fails to meet its "target goal," it can avoid taking timely action simply by filing a record "stating reason," a vague, unenforceable standard lacking in specificity, much like the phrase "weather and equipment permitting," which is also too vague to excuse Company action. Along similar lines, in Section 2 applicable to Conveyors, the Plan provides: "voestalpine conducts periodic observations to detect missing covers (e.g., missing or damaged covers). When covers are observed to be missing, voestalpine will replace these covers within 3 working day [sic], all exceptions will be documented" (Plan, p. 13). As with the treatment of stockpiles for dust suppression, this provision allows the Company to avoid replacing "missing covers" (which is awkwardly defined as including both missing and damaged covers) by simply documenting "all exceptions." In addition, this provision is a mere recitation of the Company's practice to conduct "periodic observations," as opposed to a legally enforceable requirement that obligates the Company to take this action. The Plan's lack of specificity and clarity also characterizes its use of the term "observations," which although apparently intended to be synonymous with the term "inspections," lacks that term's regulatory vigor. Finally, Section 3 of the Plan relating to Building Opening [sic] and Vents also exemplifies the Plan's characteristic vagueness by simply providing that voestalpine will address fugitive emissions from these sources "promptly" and document "[a]II exceptions and corrective actions" (Plan, p. 14). Accordingly, these and similar provisions should be revised to specify measurable, quantifiable and enforceable standards for control of fugitive dust emissions. Otherwise, the conditions described in the comment letters discussed above, will persist, as it is apparent from those letters that the existing measures as described in the Plan are inadequate.

In addition to describing existing measures to control Plant emissions, the Plan proposes certain upgrades to those measures, such as Dry Fog, Wind Fencing, and Third-Party investigation of site-wide emissions points. However, these so-called upgrades involve only preliminary steps that will not necessarily result in the imposition of any these techniques to control fugitive dust emissions. Specifically, the Plan mentions the possibility that wind fences could be used to control fugitive dust emissions from sources, such as Transfer Points and Loading and Unloading Areas. It states that voestalpine has "spoken with" a third-party consultant, Dust Solutions Inc. ("DSI") about its fencing material the Wind Tamer and its potential to lower wind velocities and therefore reduce the volume of fugitive dust emissions (Plan, p. 17). The Plan, however, only provides that

the Company will hire DSI to conduct modeling, leaving the actual installation of wind fencing an open question:

Prior to making a final determination as to whether wind fencing is a cost-effective option, voestalpine will engage DSI to produce a site-wide model to illustrate how the various structures throughout the facility affect wind patterns and wind velocity. The site-wide modeling will ensure that voestalpine is presented with the most efficient and effective wind fence installation locations. The model will include all major structures and conveyors in the plant, giving voestalpine an effective estimate of the effects the wind fence will have on the facility. (Plan, pp. 17-18)

This provision contains no commitment by voestalpine for actual installation of wind fences upon completion of modeling by DSI, only that the "[d]ecision on fence placement will be documented" (Plan, p. 18). In a separate section of the Plan dealing with wind fencing at Loading and Unloading Areas, voestalpine adopts a similar approach, stating that the Company "is investigating the installation of engineered wind fencing in key areas" and that it "has spoken" with DSI about their product the Wind Tamer (Plan, p. 25). Characteristically, the Company stops short of expressing any commitment to install such measures, stating that "[p]rior to making a final determination as to whether wind fencing is a cost-effective option for loading and unloading, voestalpine will engage DSI to produce a site wide model to illustrate how the various structures throughout the facility may affect wind patterns and wind velocity" (Plan, p. 25).

The Company implements a similar wait-and-see strategy for the use of Dry Fog to control fugitive dust emissions, stating that voestalpine has consulted with DSI regarding the use of their Dry Fog product for this purpose. The Company advises that it "intends" to use Dry Fog technology at certain specified locations within the Plant, "assuming they are determined to be technically feasible and cost-effective for Dry Fog use" (Plan, p. 18) (emphasis added). Thus, the Plan does not contain any commitment on the part of voestalpine to implement any upgrade involving the use of Dry Fog to control emissions. In a related section of the Plan involving the use of Dry Fog to control emissions from Transfer Tower 22, the Company states that it "intends" to install a Dry Fog system in the upper and lower transfer points of the tower (Plan, p. 20). This statement is likely unenforceable as a requirement for the installation of a Dry Fog system at this location because the Plan merely indicates voestalpine's subjective intent to install said system rather than explicitly stating that voestalpine will install the system. The same language appears in Sections 4.4.4 and 4.4.5 of the Plan relating to the use of Dry Fog at Transfer Tower 23 and Reclaimer 01, respectively, both of which provide that "voestalpine intends to install a Dry Fog system" for these units (Plan, pp. 20-21). The use of Dry Fog at Loading and Unloading Areas is even more tentative: the Plan identifies Dry Fog as a "potential solution" which "may" be included at loading areas (Plan, p. 26).

The Company's strategy to upgrade control measures at other potential site-wide emission points similarly invokes the use of third-party experts to investigate conditions with no enforceable commitment by voestalpine to implement upgrades at these locations. Specifically, in Section 7 of the Plan, the Company once again expresses its "intention" to retain an expert to investigate these emission points, using theoretical language that merely "envisions" the expert's scope of work

rather than plainly setting it out: "voestalpine envisions that this expert will assess the facility's operations, equipment, and previously implemented dust control measures" (Plan, p. 32). The Company will then "assess and analyze the recommended measures to determine if they are technologically feasible, practical, and cost effective" and implement only those measures "that satisfy the required criteria" (Plan, p. 32). After reviewing all of these sections, it becomes apparent that the "proposed upgrades" touted at the beginning of the Plan involving the use of Dry Fog, Wind Fencing, and Third-Party Investigation lack substance and are merely theoretical. In addition, any implementation of these proposed measures would lie outside the scope of an agreed order, raising doubts as to their ultimate enforceability. That is why the proposed agreed order should be revised in the first instance to specify measurable, quantifiable, and enforceable standards to upgrade existing measures for the control of fugitive dust emissions from the Plant.

The proposed agreed order specifies that the Company will contribute to two separate pre-approved Supplemental Environmental Projects ("SEP") to offset a portion of the assessed penalty of \$658,926, one involving contributions to AutoCheck to be used for vehicle repairs, and the other for the cleanup of unauthorized trash dumpsites in San Patricio County. While the City believes that these SEPs involve worthwhile projects, they are tangential to the violations alleged in the proposed agreed order, which center on the adverse effects of fugitive dust emissions from the Plant on the surrounding community. It is for this reason that the City encouraged voestalpine to consider a custom SEP that would directly engage with those adversely affected by the Plant by restoring conditions in those communities. The Company, however, declined this invitation, thereby missing an opportunity to restore not only damaged cars and homes but also damaged relationships with the residents living in close proximity to the Plant.

This comment letter has endeavored to show that the Plan on which the TCEQ relies to implement measures currently used by voestalpine to control fugitive dust emissions is primarily descriptive in nature, an approach that is inconsistent with the establishment of legally enforceable obligations for which the Company could be held accountable under Section IV.3.b. of the proposed agreed order. The provisions highlighted in this letter are not exhaustive and are presented as examples demonstrating the flaws associated with the Plan's general methodology. In addition, the Plan's proposed upgrades to these existing measures, which involve the use of Dry Fog, Wind Fencing, and Third-Party Investigation, are merely theoretical remedies whose implementation is largely within the Company's discretion and, in addition, would lie outside the terms of the agreed order, as proposed. Therefore, the City urges the TCEQ to remand the proposed agreed order for further consideration. In making this request, the City does not wish to unnecessarily delay the enforcement action against voestalpine. We recognize that compliance and enforcement promote the interests of nearby residents; however, it is equally important for any enforcement action to result in the imposition of enforceable standards that are measurable and quantifiable. To achieve these two objectives, the City proposes that the enforcement case be remanded to the Executive Director for a period not to exceed ninety (90) days to allow for the development of measurable, quantifiable and enforceable standards for the control of fugitive dust emissions from the Plant and the prevention of further violations by voestalpine.

Sincerely,

Cathy Skurow,

Mayor

cc: Susan Clewis (via fax and e-mail) Director, TCEQ Region 14

Michael De La Cruz (via fax and e-mail) Manager, Enforcement Division Jon Niermann, *Chairman*Emily Lindley, *Commissioner*Bobby Janecka, *Commissioner*Toby Baker, *Executive Director* 



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

January 10, 2022

The Honorable Cathy Skurow Mayor of the City of Portland 1900 Billy G. Webb Drive Portland, Texas 78374

Re: Comments Received, Proposed Agreed Enforcement Order

voestalpine Texas LLC; RN106597875

Enforcement Case No. 55381; Docket No. 2018-1266-MLM-E

#### **Dear Mayor Skurow:**

On May 4, 2020, we received your comments concerning the proposed agreed order for voestalpine Texas LLC. We forwarded your comment to our Corpus Christi Regional Office for their information and to our General Counsel's Office so that the Commissioners can consider your comments regarding the proposed order. Please note that this case has been backlogged and cites violations beginning in 2017. Efforts in earnest recently began to proceed with bringing backlogged cases to Commissioners' Agenda in order to make effective orders and contained ordering provisions.

Texas Commission on Environmental Quality (TCEQ) staff and voestalpine Texas LLC agreed to the terms of the proposed order on March 9, 2020. Accordingly, voestalpine Texas LLC was assessed an administrative penalty of \$658,926, of which \$131,785 has been deferred in accordance with our expedited order process, and has paid \$263,571 of the administrative penalty. The amount of \$263,570 shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project.

The technical requirements in the proposed agreed order require voestalpine Texas LLC to respond completely and adequately to all requests for information concerning the permit amendment application and to implement all provisions of the approved plan to address fugitive emissions from leaving the property and causing nuisance conditions. The proposed order addresses the alleged violations that were documented during investigations conducted from May 16, 2017 through October 16, 2017, November 14, 2017 through January 22, 2018, and November 1, 2017 through June 14, 2018 and during a record review conducted from November 24, 2017 through April 17, 2018 and allows voestalpine Texas LLC to come back into compliance.

You had a concern with the welfare of the residents located in the Northshore Country Club Estates and Bay Ridge Subdivision being adversely affected by the operations at voestalpine Texas LLC. The TCEQ appreciates your concern. The TCEQ Corpus Christi Regional Office has received, and responded to, numerous complaints alleging nuisance dust. The proposed order addresses nuisance conditions documented during

investigations conducted from May 16, 2017 through October 16, 2017 and November 14, 2017 through January 22, 2018. If the residents are being adversely impacted by the

operations at voestalpine Texas LLC, the residents may file complaints now and in the future with the TCEQ Corpus Christi Regional Office. The TCEQ Corpus Christi Regional Office will continue to investigate all citizen complaints within the TCEQ's jurisdiction. If the TCEQ Corpus Christi Regional Office documents additional violations during later investigations, the alleged violations will be evaluated in accordance with the TCEQ Enforcement Initiation Criteria to determine the appropriate level of enforcement to pursue.

You had a concern with the safety of the residents located in the Northshore Country Club Estates and Bay Ridge Subdivision being adversely affected by the operations at voestalpine Texas LLC. The TCEQ appreciates your concern and the TCEQ takes its mission to protect public health and environment very seriously; therefore, the TCEQ will continue to take action under our authority to ensure voestalpine Texas LLC complies with the TCEQ rules and regulations.

You had concerns that the plan for addressing the fugitive emissions from leaving voestalpine Texas LLC's property and causing nuisance conditions is flawed, primarily descriptive in nature, and does not establish legally enforceable obligations; the plan for addressing the fugitive emissions from leaving voestalpine Texas LLC's property and causing nuisance conditions contains various outreach programs for abating nuisance conditions that are unsatisfactory; the proposed agreed order did not incorporate enforceable requirements to arrest the nuisance conditions; the plan for addressing the fugitive emissions from leaving voestalpine Texas LLC's property and causing nuisance conditions is inadequate for minimizing emissions from the stockpiles, conveyors, and building openings and vents; the plan for addressing the fugitive emissions from leaving voestalpine Texas LLC's property and causing nuisance conditions is inadequate for controlling emissions; and the strategies to upgrade control measures at other potential site-wide emission points are possibilities and are without commitment. The TCEQ appreciates your concerns. The proposed order addresses fugitive emissions leaving the property that were documented during an investigation conducted from November 1, 2017 through June 14, 2018 and nuisance conditions that were documented during investigations conducted from May 16, 2017 through October 16, 2017 and November 14, 2017 through January 22, 2018. The implementation of the approved plan is enforceable. However, if the residents are being impacted by the operations at voestalpine Texas LLC, the residents may file complaints now and in the future with the TCEQ Corpus Christi Regional Office. As mentioned above, the TCEQ will continue to investigate all citizen complaints within the TCEQ's jurisdiction. If the TCEQ Corpus Christi Regional Office documents additional violations during later investigations, the alleged violations will be evaluated in accordance with the TCEQ Enforcement Initiation Criteria to determine the appropriate level of enforcement to pursue. Since an agreement was reached between voestalpine Texas LLC and the TCEQ, the TCEQ has scheduled the agreed order for consideration by the TCEQ Commissioners at an upcoming Commissioners' Agenda, in accordance with 30 Tex. ADMIN. CODE § 70.10(c). During the Commissioners' Agenda, the TCEQ Commissioners can propose changes or other recommendations. Upon adoption of the agreed order by the TCEQ Commissioners, the TCEQ will continue to monitor voestalpine Texas LLC's compliance with the TCEQ rules, regulations, and agreed order including the proposed plan and initiate additional enforcement actions as appropriate.

You had a concern that the proposed order should be further developed to allow for the development of measurable, quantifiable, and enforceable standards for the control of fugitive dust emissions and prevention of further violations. The TCEQ appreciates your concern; however, the corrective measures that have been implemented by voestalpine Texas LLC and the corrective measures proposed in the plan appear to have addressed the alleged violations. If the residents are being adversely impacted by the operations at voestalpine Texas LLC, the residents may continue to file complaints with the TCEQ Corpus Christi Regional Office. The TCEQ Corpus Christi Regional Office will continue to investigate all citizen complaints within the TCEQ's jurisdiction. If the TCEQ Corpus Christi Regional Office documents additional violations during later investigations, the alleged violations will be evaluated in accordance with the TCEQ Enforcement Initiation Criteria to determine the appropriate level of enforcement to pursue.

You had concerns that the residents located in the Northshore Country Club Estates and Bay Ridge Subdivision experienced health impacts, the operation of voestalpine Texas LLC interfered with the living conditions in the Northshore Country Club Estates and Bay Ridge Subdivision, and voestalpine Texas LLC adversely affected the residents' lives and properties as indicated in the fifty letters that were submitted in response to the public notice for the permit amendment application. The TCEQ appreciates your concerns; however, these fall outside the scope of the enforcement action. If the residents are experiencing health impacts, interference with their living conditions, or adverse effects to their lives and properties by the operations at voestalpine Texas LLC, the residents may file complaints now and in the future with the TCEQ Corpus Christi Regional Office. As mentioned above, the TCEQ will continue to investigate all citizen complaints within the TCEQ's jurisdiction. If the TCEQ Corpus Christi Regional Office documents additional violations during later investigations, the alleged violations will be evaluated in accordance with the TCEQ Enforcement Initiation Criteria to determine the appropriate level of enforcement to pursue.

You had a concern with the two separate pre-approved Supplemental Environmental Projects. The TCEQ appreciates your concern; however, voestalpine Texas LLC selected projects that will benefit the community in which the alleged violations occurred, in accordance with Tex. Water Code § 7.067(a), and the TCEQ supports the participation in Supplemental Environmental Projects. As mentioned above, since an agreement was reached between voestalpine Texas LLC and the TCEQ, the TCEQ has scheduled the agreed order for consideration by the TCEQ Commissioners at an upcoming Commissioners' Agenda, in accordance with 30 Tex. Admin. Code § 70.10(c). During the Commissioners' Agenda, the TCEQ Commissioners can propose changes or other recommendations. Upon adoption of the agreed order by the TCEQ Commissioners, the TCEQ will continue to monitor voestalpine Texas LLC's compliance with TCEQ rules, regulations, and the agreed order including the proposed plan and initiate additional enforcement actions as appropriate.

We appreciate your input into the enforcement action currently pending against voestalpine Texas LLC. The proposed agreed order will be considered at an upcoming Commissioners' Agenda. Ms. Yuliya Dunaway is the Enforcement Coordinator assigned to this case. If you have further concerns or comments related to this order, please do not hesitate to call Ms. Dunaway at (210) 403-4077. For complaints related to the current operating conditions or procedures voestalpine Texas LLC, you should contact our Corpus Christi Regional Office at (361) 881-6900.

Thank you,

Gusan M. Javeonski

Susan M. Jablonski, P.E., Deputy Director for Enforcement Division Office of Compliance and Enforcement Texas Commission on Environmental Quality

# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

**PAYABLE PENALTY** 

PCW Revision March 26, 2014

\$188,436

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Reduces of	or enhances the Final	Subtotal by the indi	cated percentage.		-		 1	
	Notes							
						F: / D		<b>****</b>
						Finai Per	nalty Amount	\$235,545
CTATI	ITODY I IMIT		u <del>T</del>			F'		¢225 545
SIAIL	DIORT LIMIT	T ADJUSTMEN	N I			Finai Asse	ssed Penalty	\$235,545
DEEE	DDAI				20.09/	Doduction	Adicatus	¢47 100
<b>DEFER</b> Reduces t		enalty by the indicate	d percentage		20.0%	Reduction	Adjustment	-\$47,109
ricuuces t	ine i iliai Assesseu Fe	marcy by the malcate	a percentage.					
	Notes		Deferral offere	ed for expedited	settlement			
				, p = 1tot				

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

**Respondent** voestalpine Texas LLC (PCW 1 of 5)

**Case ID No.** 55381

Reg. Ent. Reference No. RN106597875

Media [Statute] Air

Enf. Coordinator Carol McGrath

Compliance History Worksheet >> Compliance History Site Enhancement (Subtotal 2)									
>> Compliance Hist Component	Number of	Number	Adjust.						
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%						
	Other written NOVs	3	6%						
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%						
Orders	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	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%						
and Consent Decrees	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 (number of counts)	0	0%						
Emissions	Chronic excessive emissions events (number of events)	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 (number of audits for which notices were submitted)	0	0%						
Addits	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%						
	Environmental management systems in place for one year or more	No	0%						
Other	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 Per	centage (Sub	total 2)	6%					
>> Repeat Violator	(Subtotal 3)								
No	Adjustment Per	rcentage (Sub	ototal 3)	0%					
>> Compliance Hist	ory Person Classification (Subtotal 7)								
Satisfactory	Performer Adjustment Per	rcentage (Sub	ototal 7)	0%					
>> Compliance Hist	ory Summary								
Compliance History Notes	Enhancement for three NOVs with dissimilar violations.								
	Total Compliance History Adjustment Percentage (	Subtotals 2,	3, & 7)	6%					
>> Final Compliance	History Adjustment Final Adjustment Percent	age *capped	at 100%	6%					

	Ed	conomic	<b>Benefit</b>	Wo	rksheet		
Respondent	voestalpine Te	xas LLC (PCW 1 c	of 5)				
Case ID No.	•	·	,				
Reg. Ent. Reference No.							
Media Violation No.	Air					Percent Interest	Years of Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Vrc	Interest Saved		EB Amount
Itam Decemention	rtem oost	Date Required	i iiiai Bate	113	microsi Savou	Officiality 003t3	LD AIIIOUIT
Item Description							
<b>-</b>							
Delayed Costs		W		1	I		*
Equipment	\$100,000	16-May-2017	1-Dec-2019	2.55	\$848	\$16,968	\$17,816
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	dust from o	reating nuisance documente	conditions. The ed. The Final Da	Date late is the	Required is the firs he estimated date	•	ditions were
Avoided Costs	ANNUAL	IZE [1] avoided	costs before		ng item (except i	for one-time avoid	led 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		\$100,000			TOTAL		\$17,816

		ening Date			Docket No.	2018-1266-MLM-E		PCW
	F	Respondent	voestalpine Texa	as LLC (PCW 1 of 5)			Policy Re	vision 4 (April 2014)
		ase ID No.					PCW Revi	sion March 26, 2014
Reg.	Ent. Ref	erence No.	RN106597875					
		a [Statute]						
		coordinator						
	Viola	ation Number	2					
		Rule Cite(s)	30 Tex. Admin	n. Code §§ 101.20(3) a	and 116.115(c)	, New Source Review	("NSR")	
	Violatio	n Description	Failed to store ir	8113 and PSDTX1344N & Safety ( ron ore pellets in enclo e non-enclosed storage	Code § 382.085 osed storage. S	(b) Specifically, TCEQ staf		
						Bas	e Penalty	\$25,000
>> Env	vironmo	ntal Proper	ty and Hums	an Health Matrix				
// LIN	VII OI II II E	iltai, Fropei	ty and nume	Harm				
		Release	Major	Moderate Minor				
OR		Actual						
		Potential		Х		Percent 15.0%		
>>Pro	gramma	tic Matrix Falsification	Major	Moderate Minor				
		Faisincation	Major	Moderate Million		Percent 0.0%		
						0.078		
	Matrix Notes			ent will or could be ex re protective of humar of the viola	health or envi	ronmental receptors a	as a result	
					Ad	ljustment	\$21,250	
								\$3,750
Violatio	on Even	ts						
			lialation Evanta	2	105	Number of violation	dayıa	
		Number of V	/iolation Events daily weekly monthly	3	185	Number of violation	_	
			quarterly semiannual annual single event	X		Violation Bas	e Penalty	\$11,250
		Three quarter	•	commended for the per n date to the November			16, 2017	
Good F	aith Effo	orts to Com		0.0%			Reduction	\$0
			Bei Extraordinary	efore NOE/NOV NOE/NOV	to EDPRP/Settleme	ent Offer		
			- T					
			Ordinary N/A	Х		4		
			ĺ	The Respondent does	not meet the g this violation.	ood faith criteria for		
						Violation	Subtotal	\$11,250
Econon	nic Bene	efit (EB) for	this violation	n		Statutory Limit	Test	
		Estimate	ed EB Amount	\$10,2	219	Violation Final Pen	alty Total	\$21,540
			_			Penalty (adjusted f		\$21,540
				i i i 3 violation Fi	A335335U	. charry (aujusted i	o	Ψ <b>∠ 1,</b> 340

	E	conomic	Benefit	Wo	rksheet		
Respondent	voestalpine Te	exas LLC (PCW 1 o	of 5)				
Case ID No.	55381						
Reg. Ent. Reference No.	RN106597875						
Media	Air					Percent Interest	Years of
Violation No.	2					reiteilt iilleiest	Depreciation
						5.0	15
	Item Cost	<b>Date Required</b>	Final Date	Yrs	Interest Saved	Onetime Costs	<b>EB Amount</b>
Item Description							
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)	\$100,000	16-May-2017	1-Jun-2019	2.04	\$10,219	n/a	\$10,219
						ng iron ore pellets a	
Notes for DELAYED costs	all iron ore	pellets are stored		0	•	is the investigation	date and the
			Final Date is	ine da	ate of compliance.		
Avoided Costs	ANNUAL	IZE [1] avoided	costs before	enterir	ng item (except	for one-time avoid	led 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		\$100,000			TOTAL		\$10,219

		ening Date		<b>Docket No.</b> 2018-1266-MLM-E	PCW
	R	Respondent	voestalpine Tex	cas LLC (PCW 1 of 5)	Revision 4 (April 2014)
		Case ID No.		PCW F	Revision March 26, 2014
Reg.		erence No.			
		a [Statute]			
			Carol McGrath	1	
	Viola	ation Number			
		Rule Cite(s)	30 Tex. Admir	n. Code §§ 116.110(a) and 116.116(b)(1) and Tex. Health & Safety	
				Code §§ 382.085(b) and 382.0518(a)	
			Failed to obtain	n a permit amendment prior to constructing and operating additional	
			sources of air	contaminants. Specifically, the Respondent did not obtain a permit	
	violatio	n Description		pefore operating additional non-enclosed stockpiles containing fines,	
				clusters, chips, sludge, and remet.	
				Base Penalty	\$25,000
>> En	vironme	ntal, Propei	ty and Hum	an Health Matrix	
		Release	Major	Harm Moderate Minor	
OR		Actual	Major	Model ate Million	
0.0		Potential		Percent 0.0%	
		. otoriiai		0.070	
>>Pro	gramma	tic Matrix			
		Falsification	Major	Moderate Minor	
			Х	Percent 15.0%	
	Matrix				
	Notes		10	00% of the rule requirement was not met.	
				Adjustment \$21,250	
					\$3,750
Violati	on Event	to		·	
violati	on Even	ıs			
		Number of \	/iolation Events	7 Number of violation days	
			daily		
			weekly		
			monthly	X Violeties Bees Besselte	¢2/ 250
			quarterly	Violation Base Penalty	\$26,250
			semiannual annual		
			single event		
			g		
		Cover me	anthly ayanta ar	a recommended from the May 1/ 2017 investigation data to the	
		Seven inc	offility events an	e recommended from the May 16, 2017 investigation date to the November 17, 2017 screening date.	
				3 · · · ·	
Good F	aith Eff	orts to Com	nly	0.0% Reduction	\$0
Coou	aitii Liit			efore NOE/NOV NOE/NOV to EDPRP/Settlement Offer	<b>.</b>
			Extraordinary		
			Ordinary		
			N/A	Х	
				The Respondent does not meet the good faith criteria for	
			Notes	this violation.	
			L		
				Violation Subtotal	\$26,250
Econor	mic Rope	ofit (EB) for	this violation	on Statutory Limit Test	
LCOHO	THE BEITE	(EB) 101	tins violatio	Statutory Limit rest	
		Estimate	ed EB Amount	\$809 Violation Final Penalty Total	\$37,440
				This violation Final Assessed Penalty (adjusted for limits)	\$37,440
				inis violation i mai Assesseu Penaity (aujusteu IOI IIIIIIIS)	\$31,44U

Economic Benefit Worksheet									
Respondent	voestalpine Te	xas LLC (PCW 1 d	of 5)						
Case ID No.	55381								
Reg. Ent. Reference No.	RN106597875								
Media							Years of		
Violation No.						Percent Interest	Depreciation		
						5.0	15		
	Itom Cost	Date Required	Final Date	Vrc	Interest Saved		EB Amount		
Itaaa Daaaaiatiaa	i tem cost	Date Required	Fillal Date	113	TitleTest Saveu	Offetime Costs	EB AIIIOUIII		
Item Description									
Delayed Costs									
Equipment		1		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	8-Mar-2017	1-Jun-2020	3.24	\$809	n/a	\$809		
Other (as needed)				0.00	\$0	n/a	\$0		
Notes for DELAYED costs	incorporation maximum all particulate mequal to or les	on of Permit by Ru lowable emissions natter ("PM") equ s than 2.5 micror	ule Registration s rate ("MAER") al to or less tha ns in diameter ( PN 33. The Dat	No. 14 for Em n 10 m "PM2.5 e Requi	7082; the increase issions Point Numb icrons in diameter ") MAERs for EPN : ired is the first dat	nd PSDTX1344M1 the of the carbon monoer ("EPN") 8; the ir ("PM10"), and part 29; and the amendre of non-compliance	oxide hourly ncrease of the iculate matter nent of the PM,		
		75 543			I date of compliand				
Avoided Costs	ANNUAL	ZE [1] avoided	costs before	_		for one-time avoid			
Disposal Personnel				0.00	\$0 \$0	\$0 \$0	\$0 \$0		
Inspection/Reporting/Sampling				0.00	\$0 \$0	\$0 \$0	\$0		
Supplies/Equipment				0.00	\$0 \$0	\$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		\$809		

# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

**PAYABLE PENALTY** 

PCW Revision March 26, 2014

\$31,800

TCEQ								
DATES	Assigned	26-Feb-2018						
	PCW	11-Jul-2019	Screening 28-Feb	0-2018	EPA Due			
DE000	NEEDIT (EAGULE	T)/ INIEGDIA TI	<b>0.1</b> 1					
RESPO								
Dos			as LLC (PCW 2 of 5)					
			+i		Major /N	linor Source	Major	
Гаспп	ty/ Site Region	14-corpus criris	u		Wajoi 7 N	illioi Source	IVIAJUI	
CASE II	NFORMATION							
	· · · · · · · · · · · · · · · · · · ·	55381			No.	of Violations	1	
			-E					
Med	lia Program(s)	Air			Government	/Non-Profit	No	
					Enf.	Coordinator	Carol McGrath	
	•					EC's Team	Enforcement Team 4	
Adn	nin. Penalty \$ L	imit Minimum.	\$0 Maxim	um	\$25,000			
			Penalty Ca	Iculat	tion Secti	on		
TOTAL	L BASE PENA	LTY (Sum of	violation base	penalt	ies)		Subtotal 1	\$37,500
		·			·			
			g the Total Base Penalty (S		,		tolo 2 2 0 7	¢2.250
	Compliance His	story		6.0%	Adjustment	Subto	lais 2, 3, & 7	\$2,250
	Notes	Enhanc	rement for three NOV	's with d	issimilar violati	ons		
Penalty Calculation Section  TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1 \$37,50  ADJUSTMENTS (+/-) TO SUBTOTAL 1 Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage. Compliance History 6.0% Adjustment Subtotals 2, 3, & 7 \$2,25  Notes Enhancement for three NOVs with dissimilar violations.  Culpability No 0.0% Enhancement Subtotal 4 \$  Notes The Respondent does not meet the culpability criteria.  Good Faith Effort to Comply Total Adjustments Subtotal 5 \$  Economic Benefit 0.0% Enhancement* Subtotal 6 \$  Subtotal 5 \$  Subtotal 6 \$  Subtotal 7 \$  Subtotal 8 Annount \$  Subtotal 8 Annount \$  Subtotal 8 Annount \$  Subtotal 9 \$								
	l .						-	
	Culpability	No		0.0%	Enhancement		Subtotal 4	\$0
	Nata	The De	anandant dasa nat m	+ h	audo abilitu arita	rio		
	Notes	THE RE	espondent does not it	ieet trie	culpability crite	eria.		
	l 						ı	
	Good Faith Effe	ort to Comply T	otal Adjustments				Subtotal 5	\$0
		, , , , , , , , , , , , , , , , , , , ,						•
	Economic Bene						Subtotal 6	\$0
	Estimated			*Capped	at the Total EB\$	Amount		
	Estimateu	cost of compliance	<b>\$</b> U					
SLIM	OF SLIBTOTAL	S 1 <sub>-</sub> 7				E	inal Subtotal	\$39 750
JOIVI C	JI JOBIOTAL					•	mai Subtotai	+07/100
OTHE	R FACTORS A	S JUSTICE N	MAY REQUIRE		0.0%		Adjustment	\$0
					0.070		Aujustinent	
		-	<u>-</u>					
	Notes							
	•					Final Per	nalty Amount	\$39,750
STATU	JTORY LIMIT	ADJUSTME	NT			Final Asse	ssed Penalty	\$39,750
				_				
DEFER					20.0%	Reduction	Adjustment	-\$7,950
Reduces t	he Final Assessed Pe	nalty by the indicate	d percentage.					<u> </u>
	Notes		Deferral offered for e	xpedited	settlement.			

**Respondent** voestalpine Texas LLC (PCW 2 of 5)

**Case ID No.** 55381

Reg. Ent. Reference No. RN106597875

Media [Statute] Air

Enf. Coordinator Carol McGrath

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

		Compliance History Worksheet						
>>	Compliance Hist Component	ory Site Enhancement (Subtotal 2)  Number of	Number	Adjust.				
	NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%				
		Other written NOVs	3	6%				
		Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)						
	Orders	Orders  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						
	Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%				
	and Consent Decrees	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	0	0%					
	Emissions	Chronic excessive emissions events (number of events)	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 (number of audits for which notices were submitted)	0	0%				
	Addits	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%				
		Environmental management systems in place for one year or more	No	0%				
	Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%				
	o tillo.	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%				
>>	Repeat Violator	Adjustment Per (Subtotal 3)	centage (Sub	ototal 2) 6%				
	No		centage (Sub	ototal 3) 0%				
>>	Compliance Hist	ory Person Classification (Subtotal 7)						
	Satisfactory	Performer Adjustment Per	centage (Sub	ototal 7) 0%				
>>	Compliance Hist	ory Summary						
	Compliance History Notes	Enhancement for three NOVs with dissimilar violations.						
		Total Compliance History Adjustment Percentage (S	Subtotals 2,	<b>3, &amp; 7)</b> 6%				
>> F	inal Compliance	History Adjustment						
		Final Adjustment Percenta	age *capped	at 100% 6%				

		ening Date			Docket No	o. 2018-1266-MLM-E	PCW
	R	espondent	voestalpine Texas	LLC (PCW 2 of	5)		Policy Revision 4 (April 2014)
_		ase ID No.					PCW Revision March 26, 2014
Reg		erence No.					
		a [Statute] coordinator					
		ation Number	1				
	VIOIC		'				
		Rule Cite(s)	30 Tex. Admin. Co	ode § 101.4 ar	d Tex. Health & S	Safety Code § 382.085(a) a	ind (b)
Violation Description			dust nuisance co December 1, properties that c 2017, November lift samples that the dust particle	onditions at thr 2017 and obta locumented ac 16, 2017, and were collected s had diameter	ee off-site proper ined citizen-collec ditional dust nuisa December 19, 20 from two of the off and x-ray spect	, TCEQ staff documented in ties on November 15, 2017 ted evidence from one of the ance conditions on Novemb 17. Laboratory analysis of off-site properties indicated ra consistent with the refer ckpiles at the Plant.	7 and he per 9, tape- I that
						Base Pe	enalty \$25,000
>> Fn	vironme	ntal Proper	ty and Humar	Health Ma	itrix		
LII		, i Topei	cy and Human	Harm	I.I.IA		
		Release	Major N	Moderate	Minor		
OR		Actual		Х		Doront 20.00/	
		Potential				Percent 30.0%	
>>Pro	ogramma	tic Matrix					
	<b>J</b>	Falsification	Major N	Moderate	Minor		
						Percent 0.0%	
	Matrix Notes	Human he	ealth or the enviror	ment has bee	n exposed to signi	ificant amounts of pollutant	ts.
						Adjustment \$	17,500
							\$7.500
Violati							\$7,500
Violat	ion Event	is					\$7,500
Violati	ion Event						
Violat	ion Event		/iolation Events	5	5	Number of violation day	
Violat	ion Event			5	5	Number of violation day	
Violat	ion Event		/iolation Events	5	5	Number of violation day	
Violat	ion Event		daily	5	5	Number of violation day	
Violat	ion Event		daily weekly monthly quarterly	5	5	Number of violation day  Violation Base Pe	s
Violat	ion Event		daily weekly monthly quarterly semiannual	5	5		rs
	ion Event		daily weekly monthly quarterly semiannual annual		5		rs
	ion Event		daily weekly monthly quarterly semiannual	5	5		rs
, rout	ion Event	Number of \	daily weekly monthly quarterly semiannual annual single event	X			enalty \$37,500
		Number of N	daily weekly monthly quarterly semiannual annual single event	x ended, one for		Violation Base Po e conditions were documen	enalty \$37,500
		Number of \	daily weekly monthly quarterly semiannual annual single event  vents are recomme	x ended, one for	each day nuisanc	Violation Base Percentification Violation Base Percentification Ba	enalty \$37,500
		Number of N	daily weekly monthly quarterly semiannual annual single event  vents are recomme	x ended, one for		Violation Base Percentification Violation Base Percentification Ba	enalty \$37,500
		Number of N	daily weekly monthly quarterly semiannual annual single event  vents are recomme	x ended, one for	each day nuisanc	Violation Base Percentification Violation Base Percentification Ba	enalty \$37,500
		Number of N	daily weekly monthly quarterly semiannual annual single event  vents are recomme	x ended, one for	each day nuisanc	Violation Base Percentification Violation Base Percentification Ba	enalty \$37,500
		Number of N	daily weekly monthly quarterly semiannual annual single event  vents are recomme	x  ended, one for  0.0% re NOE/NOV NO	each day nuisanc	Violation Base Porter and Porter	enalty \$37,500
		Number of N	daily weekly monthly quarterly semiannual annual single event  vents are recomme	x  ended, one for  0.0% re NOE/NOV NO	each day nuisanc  E/NOV to EDPRP/Settl  does not meet the	Violation Base Porter and Porter	enalty \$37,500
Good I	Faith Effo	Number of Number	daily weekly monthly quarterly semiannual annual single event  vents are recomme  ply  Extraordinary Ordinary N/A Notes  Th	x  ended, one for  0.0% re NOE/NOV NO	each day nuisanc  E/NOV to EDPRP/Settl  does not meet the	Violation Base Personal Person	enalty \$37,500  Inted.  Juction \$0
Good I	Faith Effo	Five single e	daily weekly monthly quarterly semiannual annual single event  vents are recomme  ply  Extraordinary Ordinary N/A Notes  Th	x  ended, one for  0.0% re NOE/NOV NO	each day nuisanc  E/NOV to EDPRP/Settl  does not meet the this violation.	Violation Base Porter document  Redement Offer  Grand good faith criteria for  Violation Su  Statutory Limit Te	enalty \$37,500  Inted.  Iuction \$0
Good I	Faith Effo	Five single e	daily weekly monthly quarterly semiannual annual single event  vents are recomme  ply  Extraordinary Ordinary N/A Notes  Th	x ended, one for  0.0% e NOE/NOV NO  x e Respondent	each day nuisanc  E/NOV to EDPRP/Settl  does not meet the this violation.	Violation Base Personal Person	\$37,500   \$37,

	E	conomic	Benefit	Wo	rksheet		
Respondent	voestalpine Te	xas LLC (PCW 2 o	f 5)				
Case ID No.	·	•	,				
Reg. Ent. Reference No.							
							V
Media						Percent Interest	Years of
Violation No.	1						Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	<b>Interest Saved</b>	Costs Saved	EB Amount
Item Description		•					
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	e Economic Ben	efit in \	/iolation No. 1 for	PCW 1	
Avoided Costs	ANNU	ALIZE avoided co	osts before er	tering	item (except for	one-time avoide	d 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs							
Approx. Cost of Compliance		\$0			TOTAL		\$0

### Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

**PAYABLE PENALTY** 

PCW Revision March 26 2014

\$180,000

	Policy Revision 4 (A)	DH 2014)					PCVV RE	evision warch 26, 2014
TCEQ_								
DATES	Assigned						1	
	PCW	11-Jul-2019	Screening 16-M	lay-2018	EPA Due	5-Nov-2018		
RESPO	NDENT/FACILI	TY INFORMATI	ON					
KESI O			as LLC (PCW 3 of 5)					
Rec	g. Ent. Ref. No.	RN106597875	25 220 (1 0 11 0 01 0)					
		14-Corpus Chris	ti		Major/	Minor Source	Major	
		•						
	NFORMATION							
En	f./Case ID No.				No.	of Violations		
		2018-1266-MLM	-E		_	Order Type		
Med	lia Program(s)					nt/Non-Profit		
	Multi-Media	Water Quality			Enf		Carol McGrath	- a ma - 4
۸dr	nin. Penalty \$ I	imit Minimum	\$0 Maxi	mum	\$25,000	ECS ream	Enforcement Te	eam 4
Aui	illi. Pellaity \$ 1	-IIIII WIIIIIIIIIIIIII	ψΟ IVIAXI	mum	\$25,000			
			Danalti C	ا ما در دا م	1: C1:			
			Penalty C	aicuia	tion Secti	ion		
TOTAL	L BASE PENA	LTY (Sum of	violation base	penalt	ties)		Subtotal 1	\$225,000
				_			<u></u>	
ADJUS	STMENTS (+	/-) TO SUBTO	OTAL 1	(0.11.1.14)				
	Compliance Hi		g the Total Base Penalty	<b>0.0%</b>	Adjustment		tals 2, 3, & 7	\$0
	Compliance in						lais 2, 3, & 7 [	φ0
	Notes		tion for two notices					
	.10100	zero, the A	djustment Percenta	age (Subt	otal 2) defaults	s to zero.		
		. 1					, 	
	Culpability	No		0.0%	Enhancement		Subtotal 4	\$0
	Notes	The Pe	spondent does not	moot the	culpability crit	toria		
	Motes	THE IXE	spondent does not	meet the	cuipability crit	ieria.		
	ļ						ı	
	<b>Good Faith Effe</b>	ort to Comply T	otal Adjustments				Subtotal 5	\$0
		<b></b>						
	Economic Bene	Total EB Amounts	\$0		Enhancement* d at the Total EB \$	Amount	Subtotal 6	\$0
	Estimated	Cost of Compliance	\$0 \$0	Сарре	u at the Total LD ‡	Amount		
		•						
SUM (	OF SUBTOTAL	LS 1-7				F	inal Subtotal	\$225,000
OTHE	R FACTORS A	AS JUSTICE N	MAY REQUIRE		0.0%		Adjustment	\$0
Reduces c	or enhances the Final	Subtotal by the indi	cated percentage.				 1	
	Notes							
						F: / D	<u> </u>	4005 000
						rınaı Per	naity Amount [	\$225,000
CTATI	ITODV I IMIT	ADJUSTMEN	IT			Final Asset	and Demate	\$225,000
SIAIL	JIORT LIMIT	ADJUSTIVIEI	V I			rınaı Asse	ssed Penalty	φ <b>∠∠</b> 3,000
DEFER	DDAI				20.0%	Reduction	Adjustment	-\$45,000
		nalty by the indicate	d percentage		20.0%	Reduction	Aujustment	-\$45,000
		by the maleater	_ personago.				]	
	Notes		Deferral offered for	expedited	d settlement.			

**Respondent** voestalpine Texas LLC (PCW 3 of 5)

Case ID No. 55381

Reg. Ent. Reference No. RN106597875

Media [Statute] Air

>>

Enf. Coordinator Carol McGrath

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

### **Compliance History Worksheet**

component	Number of	Number	Adjust
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	0	0%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
Orders	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	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
and Consent Decrees	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 (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	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 (number of audits for which notices were submitted)	2	-2%
Addits	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
	Environmental management systems in place for one year or more	No	0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
Cirio	Participation in a voluntary pollution reduction program	No	0%

	Environmental management systems in place for one year or more	No No No	0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No 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)

No

Adjustment Percentage (Subtotal 3)

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History **Notes** 

Since the reduction for two notices of intent to conduct an audit is below zero, the Adjustment Percentage (Subtotal 2) defaults to zero.

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

>> Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100%

	Е	conomic	Benefit	Wo	rksheet		
Respondent	voestalpine Te	exas LLC (PCW 3 o	f 5)				
Case ID No.	55381						
Reg. Ent. Reference No.	RN106597875	i					
Media Violation No.	Air					Percent Interest	Years of Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description		•					
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					iolation No. 3 for F		
Avoided Costs	ANNU	ALIZE avoided co	osts before er			one-time avoided	
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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs		1		0.00	\$0 \$0	\$0 \$0	\$0 \$0
Other (as needed)		<u> </u>		0.00	\$0	\$0	\$0
Notes for AVOIDED costs							
Approx. Cost of Compliance		\$0			TOTAL		\$0

			16-May-2018	<b>Docket No.</b> 2018-1266-MLM-E		PCW
		-		xas LLC (PCW 3 of 5)		Revision 4 (April 2014)
Pog		Case ID No. ference No.			PCW Re	evision March 26, 2014
Reg.		a [Statute]				
		coordinator		_		
	Viol	ation Number	2			
		Rule Cite(s)	30 Tex. Admin	. Code §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(-	4), NSR	
				08113 and PSDTX1344M1, GC Nos. 1, 8, and 14 and SC No. 1		
			NO. U39U3,	GTC and STC No. 7, and Tex. Health & Safety Code § 382.08	5(0)	
			Failed to compl	ly with the MAER. Specifically, during a stack test conducted or	n March	
	Violatio	n Description		Respondent exceeded the carbon monoxide ("CO") MAER of 8		
		•	ibs/nr by 1.	7.58 lbs/hr for the Furnace Dedusting Wet Scrubber Stack, EPI resulting in 180,159.8 lbs of unauthorized CO.	N 8,	
				5		
				Base F	Penalty	\$25,000
>> Env	vironme	ntal Pronei	rty and Hum	nan Health Matrix		
// LIIV	ii oi ii ic	-	ty and nam	Harm		
OR		Release Actual	Major	Moderate Minor		
OK		Potential		X Percent 30.0%		
>>Prog	gramma	tic Matrix Falsification	Major	Moderate Minor		
		Taisincation	Iviajoi	Percent 0.0%		
		1				
	Matrix			nment has been exposed to significant amounts of pollutants the		
	Notes	not exceed lev	eis that are pro	stective of human health or environmental receptors as a resul violation.	it of the	
				Adjustment	\$17,500	
						\$7,500
Violatio	n Even	te				
Violatic	JII EVCII					
				15 ADT Number of violation do		
		Number of \	Violation Events	15 Number of violation da	ys	
		Number of \	Violation Events daily	15 A27 Number of violation da	ys	
		Number of \	daily weekly		ys	
		Number of \	daily weekly monthly	x	_	\$112,500
		Number of V	daily weekly		_	\$112,500
		Number of V	daily weekly monthly quarterly semiannual annual	x	_	\$112,500
		Number of \	daily weekly monthly quarterly semiannual	x	_	\$112,500
			daily weekly monthly quarterly semiannual annual single event	X Violation Base F  commended from the March 15, 2017 stack test to the May 10	Penalty	\$112,500
			daily weekly monthly quarterly semiannual annual single event	X Violation Base F	Penalty	\$112,500
Good F	aith Eff	Fifteen month	daily weekly monthly quarterly semiannual annual single event	Violation Base F  Commended from the March 15, 2017 stack test to the May 16 screening date.	Penalty 6, 2018	\$112,500 \$0
Good F	aith Eff		daily weekly monthly quarterly semiannual annual single event	Violation Base F  Commended from the March 15, 2017 stack test to the May 16 screening date.	Penalty	
Good Fa	aith Eff	Fifteen month	daily weekly monthly quarterly semiannual annual single event	Violation Base F  Commended from the March 15, 2017 stack test to the May 16 screening date.  0.0%	Penalty 6, 2018	
Good F	aith Eff	Fifteen month	daily weekly monthly quarterly semiannual annual single event  ally events are re  Extraordinary Ordinary	Violation Base F  commended from the March 15, 2017 stack test to the May 10 screening date.  Reserve NOE/NOV NOE/NOV to EDPRP/Settlement Offer	Penalty 6, 2018	
Good F	aith Eff	Fifteen month	daily weekly monthly quarterly semiannual annual single event	Violation Base F  Commended from the March 15, 2017 stack test to the May 10 screening date.  Reserve NOE/NOV NOE/NOV to EDPRP/Settlement Offer  X	Penalty 6, 2018	
Good F	aith Eff	Fifteen month	daily weekly monthly quarterly semiannual annual single event  ally events are re  Extraordinary Ordinary	Violation Base F  commended from the March 15, 2017 stack test to the May 10 screening date.  Reserve NOE/NOV NOE/NOV to EDPRP/Settlement Offer	Penalty 6, 2018	
Good F	aith Eff	Fifteen month	daily weekly monthly quarterly semiannual annual single event  ly events are re  Extraordinary Ordinary N/A	Violation Base F  Commended from the March 15, 2017 stack test to the May 10 screening date.  Respondent does not meet the good faith criteria for this violation.	enalty  6, 2018  duction	\$0
Good F	aith Eff	Fifteen month	daily weekly monthly quarterly semiannual annual single event  ly events are re  Extraordinary Ordinary N/A	Violation Base F  Commended from the March 15, 2017 stack test to the May 10 screening date.  Reserve NOE/NOV NOE/NOV to EDPRP/Settlement Offer  X  The Respondent does not meet the good faith criteria for	enalty  6, 2018  duction	
		Fifteen month	daily weekly monthly quarterly semiannual annual single event  ly events are re  Extraordinary Ordinary N/A	Violation Base F  Commended from the March 15, 2017 stack test to the May 10 screening date.  Respondent does not meet the good faith criteria for this violation.  Violation Screening Agency State S	Penalty  6, 2018  duction	\$0
		Fifteen month orts to Com	daily weekly monthly quarterly semiannual annual single event  ally events are re  Extraordinary Ordinary N/A Notes	Violation Base F  Commended from the March 15, 2017 stack test to the May 16 screening date.  O.0%  Refere NOE/NOV NOE/NOV to EDPRP/Settlement Offer  X  The Respondent does not meet the good faith criteria for this violation.  Violation Second Statutory Limit T	Penalty  6, 2018  duction  ubtotal	\$0 \$112,500
		Fifteen month orts to Com	daily weekly monthly quarterly semiannual annual single event  ly events are re  Extraordinary Ordinary N/A Notes	Violation Base F  Commended from the March 15, 2017 stack test to the May 16 screening date.  O.0%  Refere NOE/NOV NOE/NOV to EDPRP/Settlement Offer  X  The Respondent does not meet the good faith criteria for this violation.  Violation Second Statutory Limit T	enalty  6, 2018  duction  ubtotal  est  y Total	\$0

	Е	conomic	Benefit	Wo	rksheet		
Respondent	voestalpine Te	exas LLC (PCW 3 o	f 5)				
Case ID No.	55381						
Reg. Ent. Reference No.	RN106597875	i					
Media Violation No.	Air					Percent Interest	Years of Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
rtem Bescription							
Delayed Costs							
Equipment		1		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					iolation No. 3 for F		
Avoided Costs	ANNU	ALIZE avoided c	osts before er			one-time avoided	d 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs							
Approx. Cost of Compliance		\$0			TOTAL		\$0

# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

**PAYABLE PENALTY** 

PCW Revision March 26, 2014

\$3,232

TCEQ								
DATES	Assigned	7-Aug-2018		_				
	PCW	11-Jul-2019	Screening	g 13-Aug-2018	EPA Due			
DECDONDER	IT (E & O.L. I	TV INICODNA A TI	ON					
		TY INFORMATI		4 of E)				
		RN106597875	as LLC (PCW	4 01 5)				
		14-Corpus Chris	ti		Major/I	Minor Source	Minor	
,	<b>-</b>							
CASE INFOR	RMATION							
	se ID No.				No.	of Violations	4	
		2018-1266-MLN	I-E		_	Order Type		
		Water Quality				t/Non-Profit		
IVIL	ulti-Media	AIF			j Ent.		Carol McGrath Enforcement Team	1
Admin F	Penalty \$ I	imit Minimum	\$0	Maximum	\$25,000	LC 3 Tealii	Lillorcement realit	4
710111111111111111111111111111111111111	orianty 4 L		ΨΟ	Maximum	Ψ25,000			
			Dona	Ity Calcula	tion Socti	on		
				•		OH		
TOTAL BA	SE PENA	LTY (Sum of	violation	n base penal	ties)		Subtotal 1	\$3,750
AD IIISTM	FNITS (+	/-) TO SUBT	OTAL 1					
				e Penalty (Subtotal 1	) by the indicated i	percentage.		
	pliance Hi			0.0%	Adjustment		tals 2, 3, & 7	\$0
		Since the reduc	tion for two	notices of intent	to conduct an	audit is below		
	Notes			ercentage (Subt				
			.,		,			
Culp	ability	No		0.0%	Enhancement		Subtotal 4	\$0
	Notes	The Re	espondent de	oes not meet the	culpability crit	eria.		
Good	d Faith Eff	ort to Comply 1	otal Adiust	ments			Subtotal 5	-\$936
0000	a raitii Liit	ort to compry i	otal Aujusi	inchis			Subtotal 5	-ψ730
Econ	nomic Bene				Enhancement*		Subtotal 6	\$0
	Estimated	Total EB Amounts Cost of Compliance	\$1,285 \$4,197	*Cappe	ed at the Total EB \$	Amount		
			Ψ4,177	<b>⊣</b>				
SUM OF S	UBTOTAI	_S 1-7				F	inal Subtotal	\$2,814
OTHER FA	CTORS A	S JUSTICE N	IAY REQU	JI RE	43.6%		Adjustment	\$1,226
Reduces or enha	nces the Final	Subtotal by the indi	cated percentag	ge.			 1	
	Nichol	Recommende	d enhancem	ent to capture th	ne avoided costs	s associated		
	Notes	V	vith complia	nce for Violation	Nos. 1 and 4.			
						Final Po	nalty Amount	\$4,040
						i illai Fei	laity Amount	\$4,040
STATUTO	RYIIMIT	ADJUSTME	VТ			Final Asse	essed Penalty	\$4,040
		7120001111121				Tillal A330	Socu i chany	4 . 7
DEFERRAL	L				20.0%	Reduction	Adjustment	-\$808
		nalty by the indicate	d percentage.				.,	
	Notes		Deferral offe	red for expedite	d settlement.			
							]	

Screening Date 13-Aug-2018

**Docket No.** 2018-1266-MLM-E

**Respondent** voestalpine Texas LLC (PCW 4 of 5)

Case ID No. 55381

Reg. Ent. Reference No. RN106597875 Media [Statute] Water Quality Enf. Coordinator Carol McGrath

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

Component	Number of	Number	Adjust
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	0	0%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
Orders	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	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
and Consent Decrees	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 (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	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 (number of audits for which notices were submitted)	2	-2%
Addits	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
	Environmental management systems in place for one year or more	No	0%
		NO	0 /0
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
Other	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 Perd	centage (Su	btotal 2
oeat Violator	(Subtotal 2)		

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Since the reduction for two notices of intent to conduct an audit is below zero, the Adjustment Percentage (Subtotal 2) defaults to zero.

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

>> Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100%

		ening Date		<b>Docket No.</b> 2018-1266-MLM-E	PCW
		•	voestalpine Texas LLC (PCW	/ 4 of 5)	Policy Revision 4 (April 2014)
_		Case ID No.			PCW Revision March 26, 2014
Reg.			RN106597875		
		a [Statute]			
		ation Number	Carol McGrath		
	VIOI		20 Tau Admin Cada St	§ 281.25(a)(4) and 305.125(1), 40 Code of Fede	eral
		Rule Cite(s)		26(c), and Texas Pollutant Discharge Elimination	
			("TPDES") Multi-Sector Ger	neral Permit ("MSGP") No. TXR05CR67, Part III, S	Section Section
				A.4(f)(1)	
			Failed to conduct employee	training at least once per year. Specifically, ope	rations
	Violatio	n Description		ember of 2016 but employees had not received to	
			on the s	tormwater pollution prevention plan.	
				Base F	Penalty \$25,000
>> En	vironme	ntal. Propei	rty and Human Health	n Matrix	
		<u>-</u>	Harm		
00		Release		Minor	
OR		Actual Potential		x Percent 3.0%	
		rotentiai		X Percent 3.0%	
>>Pro	gramma	tic Matrix			
		Falsification	Major Moderate	Minor	
				Percent 0.0%	
		Human health	or the environment will or c	ould be exposed to an insignificant amount of po	llutants
	Matrix			ective of human health or environmental receptor	
	Notes		resu	It of the violation.	
				Adjustment \$	\$24,250
					\$750
\/:ala#:	F	•-			
violati	on Even	ıs			
		Number of \	Violation Events 1	48 Number of violation day	ys
			daily weekly		
			monthly	-	
			quarterly	Violation Base F	Penalty \$750
			semiannual		
			annual		
			single event x		
			One single	event is recommended.	
Good F	aith Effo	orts to Com	ply 25.0%		duction \$187
			Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	
			Extraordinary		
			Ordinary x N/A		
				ndent achieved compliance on November 17,	
				to the July 30, 2018 Notice of Enforcement	
				("NOE").	
				Violation S	ubtotal \$563
_		C1 (E5) C			
Econor	mic Bene		this violation	Statutory Limit T	
		Estimat	ed EB Amount	\$197 Violation Final Penalt	y Total \$808
			This vio	lation Final Assessed Penalty (adjusted for	limits) \$808

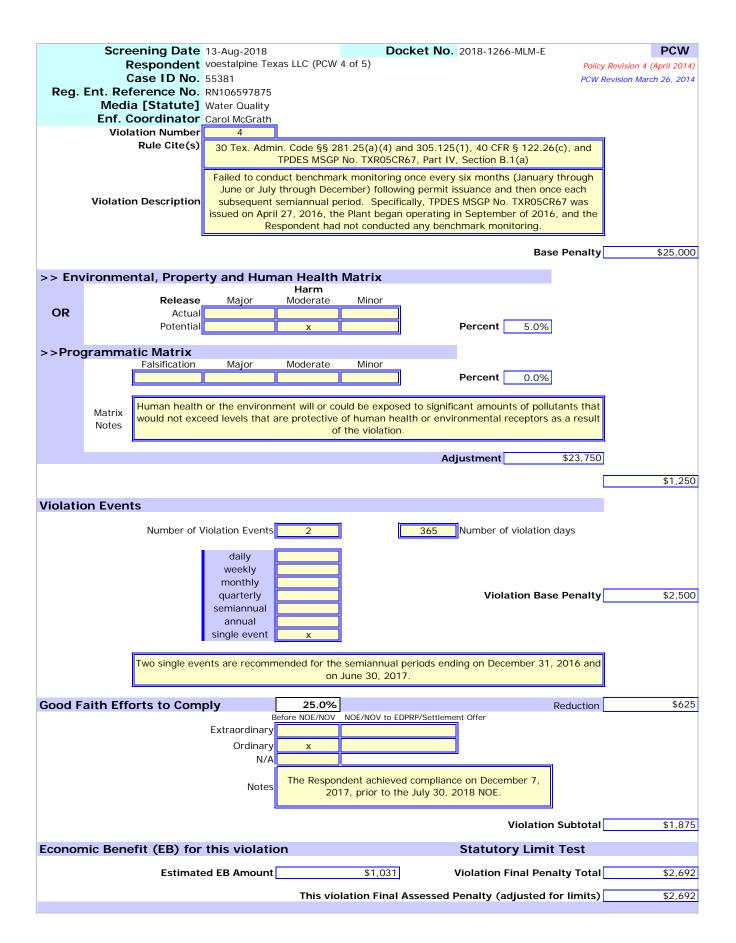
	E	conomic	Benefit	Wo	rksheet		
Respondent	voestalpine Te	xas LLC (PCW 4 o	of 5)				
Case ID No.	55381						
Reg. Ent. Reference No.	RN106597875						
	Water Quality					Percent Interest	Years of
Violation No.	1						Depreciation
						5.0	15
	I tem Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
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 Other (as needed)				0.00	\$0 \$0	n/a n/a	\$0 \$0
Cine. (as needed)		<u> </u>		0.00	Ι ΨΟ	117 4	<u> </u>
Notes for DELAYED costs							
Avoided Costs	ANNU	ALIZE avoided c	osts before er	terina	item (except for	one-time avoided	d costs)
Disposal				0.00	\$0	\$0	\$0
Personnel	\$1,500	30-Sep-2017	17-Nov-2017	0.13	\$0	\$197	\$197
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs						prevention training Final Date is the co	
Approx. Cost of Compliance		\$197			TOTAL		\$197

			13-Aug-2018	<b>Docket No.</b> 2018-1266-MLM-E	PCW
				SLLC (PCW 4 of 5)	Policy Revision 4 (April 2014)
		ase ID No.			PCW Revision March 26, 2014
Reg.		erence No.			
		a [Statute]	-		
			Carol McGrath		
	Viola	tion Number	2		
		Rule Cite(s)	30 Tex. Admin.	Code §§ 281.25(a)(4) and 305.125(1), 40 CFR § 122.26(c),	and and
			TF	PDES MSGP No. TXR05CR67, Part III, Section B.1(c)	
				that the Plant's stormwater system has been evaluated and t	
	Violatio	n Description		n-stormwater and non-permitted flows do not occur. Specific pollution prevention plan certification was not available for revenue.	
			the stormwater	upon request.	VICW
				Base Pe	enalty \$25,000
					,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
>> En	vironme	ntal, Proper	ty and Huma	n Health Matrix	
		Release	Major	Harm Moderate Minor	
OR		Actual		William Indiana Indian	
		Potential		Percent 0.0%	
>>Pro	gramma	tic Matrix			
		Falsification	Major	Moderate Minor	
				x Percent 1.0%	
	Matrix		41	200/ - 6 th	
	Notes		Less than	n 30% of the rule requirement was not met.	
				Adjustment \$2	4,750
					\$250
Violati	on Event	s			
		. —			
		Number of \	/iolation Events	1 263 Number of violation days	3
		Number of \		1 263 Number of violation days	3
		Number of \	daily	1 263 Number of violation days	;
		Number of \	daily weekly	1 263 Number of violation days	;
		Number of \	daily weekly monthly		
		Number of \	daily weekly monthly quarterly	1 263 Number of violation days  Violation Base Pe	
		Number of \	daily weekly monthly quarterly semiannual		
		Number of \	daily weekly monthly quarterly semiannual annual	Violation Base Pe	
		Number of \	daily weekly monthly quarterly semiannual		
		Number of \	daily weekly monthly quarterly semiannual annual single event	Violation Base Pe	
		Number of \	daily weekly monthly quarterly semiannual annual single event	Violation Base Pe	
			daily weekly monthly quarterly semiannual annual single event	Violation Base Pe	
Good F	Faith Effo	Number of Number	daily weekly monthly quarterly semiannual annual single event	Violation Base Pe  x  One single event is recommended.  25.0%	
Good F	Faith Effo		daily weekly monthly quarterly semiannual annual single event	Violation Base Pe  x  One single event is recommended.	enalty \$250
Good F	Faith Effo		daily weekly monthly quarterly semiannual annual single event	Violation Base Pe  X  One single event is recommended.  25.0%  Reduce NOE/NOV NOE/NOV to EDPRP/Settlement Offer	enalty \$250
Good F	Faith Effo		daily weekly monthly quarterly semiannual annual single event	Violation Base Pe  x  One single event is recommended.  25.0%	enalty \$250
Good F	Faith Effo		daily weekly monthly quarterly semiannual annual single event	Violation Base Pe  x  One single event is recommended.  25.0%  ore NOE/NOV NOE/NOV to EDPRP/Settlement Offer  x	enalty \$250
Good F	Faith Effo		daily weekly monthly quarterly semiannual annual single event	Violation Base Pe  X  One single event is recommended.  25.0%  ONE NOE/NOV NOE/NOV to EDPRP/Settlement Offer  X  The Respondent achieved compliance on November 11,	enalty \$250
Good F	-aith Effo		daily weekly monthly quarterly semiannual annual single event	Violation Base Pe  x  One single event is recommended.  25.0%  ore NOE/NOV NOE/NOV to EDPRP/Settlement Offer  x	enalty \$250
Good F	Faith Effo		daily weekly monthly quarterly semiannual annual single event	Violation Base Pe  X  One single event is recommended.  25.0%  Pre NOE/NOV NOE/NOV to EDPRP/Settlement Offer  X  The Respondent achieved compliance on November 11, 2017, prior to the July 30, 2018 NOE.	senalty \$250
		orts to Com	daily weekly monthly quarterly semiannual annual single event	Violation Base Pe  X  One single event is recommended.  25.0%  Reduce NOE/NOV NOE/NOV to EDPRP/Settlement Offer  X  The Respondent achieved compliance on November 11, 2017, prior to the July 30, 2018 NOE.  Violation Substitution Substitution (Violation Substitution (Vio	snalty \$250  Luction \$62
		orts to Com	daily weekly monthly quarterly semiannual annual single event	Violation Base Pe  X  One single event is recommended.  25.0%  Reduce NOE/NOV NOE/NOV to EDPRP/Settlement Offer  X  The Respondent achieved compliance on November 11, 2017, prior to the July 30, 2018 NOE.  Violation Substitution Substitution (Violation Substitution (Vio	snalty \$250  Luction \$62
		orts to Com	daily weekly monthly quarterly semiannual annual single event	Violation Base Pe  X  One single event is recommended.  25.0% Pre NOE/NOV NOE/NOV to EDPRP/Settlement Offer  X  The Respondent achieved compliance on November 11, 2017, prior to the July 30, 2018 NOE.  Violation Substitutory Limit Test	snalty \$250  Luction \$62  Lototal \$188  St
		orts to Com	daily weekly monthly quarterly semiannual annual single event	Violation Base Pe  X  One single event is recommended.  25.0%  Reduce NOE/NOV NOE/NOV to EDPRP/Settlement Offer  X  The Respondent achieved compliance on November 11, 2017, prior to the July 30, 2018 NOE.  Violation Substitution Substitution (Violation Substitution (Vio	snalty \$250  Luction \$62  Lototal \$188  St
		orts to Com	daily weekly monthly quarterly semiannual annual single event	Violation Base Pe  X  One single event is recommended.  25.0% Pre NOE/NOV NOE/NOV to EDPRP/Settlement Offer  X  The Respondent achieved compliance on November 11, 2017, prior to the July 30, 2018 NOE.  Violation Substitutory Limit Test	\$250   \$250

	E	conomic	Benefit	Wo	rksheet		
Respondent	voestalpine Te	exas LLC (PCW 4 c	of 5)				
Case ID No.	55381						
Reg. Ent. Reference No.							
	Water Quality						Years of
Violation No.	-					Percent Interest	Depreciation
2.0.2						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description		2410 11044	2410			00010 00100	
i tem bescription							
Dolayed Costs							
Delayed Costs Equipment		1 1		0.00	\$0	\$0	\$0
Buildings				0.00	\$0 \$0	\$0 \$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0 \$0	\$0
Land				0.00	\$0	n/a	\$0 \$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,500	21-Feb-2017	11-Nov-2017	0.72	\$54	n/a	\$54
Notes for DELAYED costs	permitted flo	ws do not occur.	The Date Require	ed is 18 ate of c	80 days after the footnotes.	arges of non-storm Notice of Intent. The	e Final Date is
Avoided Costs	ANNU	ALIZE avoided c	osts before er	tering	item (except for	one-time avoided	d 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs							
Approx. Cost of Compliance		\$1,500			TOTAL		\$54

	Screening Da			. 2018-1266-MLM-E	PCW
		nt voestalpine Texas LLC (PC)	V 4 of 5)		Policy Revision 4 (April 2014)
	Case ID N			· · · · · · · · · · · · · · · · · · ·	PCW Revision March 26, 2014
Reg.	Ent. Reference N				
	Media [Statut				
	Enf. Coordinat Violation Number				
	Rule Cite		201 25(-)(4)	-(1) 40 CFD C 122 2(/-)	
	naic one	JO TEX. Admin. Code 33	No. TXR05CR67, Part III,	5(1), 40 CFR § 122.26(c), ar Section A 3(d)(1)	na l
	Violation Descripti	_		<ol> <li>Specifically, the Responde Area Site Map, but additiona</li> </ol>	
		outfalls were identified a	round the dock area and	on the north side of the Plan	t.
				Base Pena	alty \$25,000
>> Env	vironmental. Pro	erty and Human Healt	h Matrix		
	, , , , , , , , , , , , , , , , , , , ,	Harm			
00	Relea		Minor		
OR	Act Poten			Percent 0.0%	
	Poten			Percent 0.0%	
>>Prog	grammatic Matri	(			
	Falsification		Minor		
			X	Percent 1.0%	
	Matrix	Loss than 20% of	the rule requirement was	not mot	
	Notes	Less than 30% of	the rule requirement was	not met.	
			Ad	djustment \$24,	750
					\$250
					\$250
Violatio	on Events				
	Number	of Violation Events	205	Number of violeties days	
	Number	of Violation Events 1		Number of violation days	
		daily			
		weekly			
		monthly			
		quarterly		Violation Base Pena	\$250 \$250
		semiannual annual			
		single event x			
		One singi	e event is recommended.		
					0.00
Good F	aith Efforts to Co	mply 25.09  Before NOE/NO		Reduc	tion \$62
		Extraordinary	NOE/NOV to EBI KI / Settlem		
		Ordinary x		1	
		N/A		<u>-</u>	
		The Despe	andant achieved compliant	se en Nevember 20	
		Notes	ondent achieved compliand 017, prior to the July 30,		
			, p		
				Violation Subto	otal \$188
Fconon	nic Benefit (EB) 1	or this violation		Statutory Limit Test	
LCOHOH	ino Deficite (EB)	or and violation		Statutory Emilit 163	
	Estin	ated EB Amount	\$3	Violation Final Penalty To	otal \$270
		This v	iolation Final Accessed	Penalty (adjusted for lim	its) \$270
		illis v		. S. arry (adjusted for fill)	,, \\ \\ \\ \\ \\ \\ \\ \\ \\ \\ \\ \\ \\

	E	conomic	Benefit	Wo	rksheet		
Respondent	voestalpine Te	exas LLC (PCW 4 o	of 5)				
Case ID No.	55381						
Reg. Ent. Reference No.							
	Water Quality						Years of
	-					Percent Interest	Depreciation
Violation No.	3						
						5.0	15
	Item Cost	<b>Date Required</b>	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
Delayed Costs							
Equipment		1		0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0 \$0	\$0 \$0
Other (as needed)				0.00	\$0	\$0 \$0	\$0 \$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,000	1-Nov-2017	20-Nov-2017	0.05	\$3	n/a	\$3
Notes for DELAYED costs		the date of th	ne investigation.	The F	inal Date is the da	·	·
Avoided Costs	ANNU	ALIZE avoided c	osts before er	tering		one-time avoided	d 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs							
Approx. Cost of Compliance		\$1,000			TOTAL		\$3



### **Economic Benefit Worksheet** Respondent voestalpine Texas LLC (PCW 4 of 5) Case ID No. 55381 Reg. Ent. Reference No. RN106597875 Media Water Quality Years of Percent Interest Depreciation Violation No. 4 5.0 15 Item Cost Date Required Final Date **Interest Saved Costs Saved EB Amount Item Description 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 0.00 Land \$0 n/a \$0 **Record Keeping System** 0.00 \$0 n/a \$0 \$500 1-Nov-2017 7-Dec-2017 Training/Sampling 0.10 n/a Remediation/Disposal 0.00 \$0 n/a \$0 **Permit Costs** 0.00 \$0 n/a \$0 Other (as needed) 0.00 n/a Estimated cost to begin conducting semiannual benchmark monitoring as required by TPDES MSGP No. Notes for DELAYED costs TXR05CR67, Part IV, Section B.1(a). The Date Required is the investigation date and the Final Date is the date of compliance. ANNUALIZE avoided costs before entering item (except for one-time avoided costs) **Avoided Costs** Disposal 0.00 Personnel 0.00 \$0 \$0 \$0 Inspection/Reporting/Sampling 0.00 \$0 \$0 \$0 Supplies/Equipment 0.00 \$0 \$0 \$0 Financial Assurance 0.00 \$0 \$0 \$521 \$0 **ONE-TIME** avoided costs \$500 31-Dec-2016 1-Nov-2017 0.84 \$21 Other (as needed) 30-Jun-2017 1-Nov-2017 0.34 \$500 \$508 The avoided cost includes the estimated amounts to collect and analyze stormwater samples for aluminum, copper, iron, total suspended solids, and zinc and record the results for benchmark monitoring (\$25 per parameter x five parameters x four outfalls). The Dates Required are the last day samples could have been Notes for AVOIDED costs collected for the two semiannual periods when sampling was not conducted and the Final Dates are the investigation date. TOTAL \$1,500 \$1,031 Approx. Cost of Compliance

# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

**PAYABLE PENALTY** 

PCW Revision March 26, 2014

\$123,673

TCEQ								
DATES	Assigned	7-Aug-2018			_			
	PCW	11-Jul-2019	Screening	13-Aug-2018	EPA Due			
RESPO	NDENT/FACILI			>				
Dos		voestalpine Texa	is LLC (PCW 5	of 5)				
	g. Ent. Ref. No. ty/Site Region		+i		Major /N	Minor Source	Major	
i aciiii	ly/ Site Region	14-corpus criris	LI .		Wajoi 7 N	viiiloi 30uice	Major	
CASE I	NFORMATION							
En	f./Case ID No.	55381			No.	of Violations	12	
	Docket No.	2018-1266-MLM	-E			Order Type	1660	
Med	lia Program(s)				Governmen	t/Non-Profit	No	
	Multi-Media	Water Quality			Enf.		Carol McGrath	
	.t. Bli. A.	·	Φ0		<b>*05.000</b>	EC's Team	Enforcement Team 4	
Adn	nin. Penalty \$ L	imit iviinimum	\$0	Maximum	\$25,000			
				0 1 1	0			
			Penalt	iy Calcula	tion Secti	on		
TOTAL	BASE PENA	LTY (Sum of	violation	base penalt	ties)		Subtotal 1	\$172,000
		·		•	·			
<b>ADJUS</b>	STMENTS (+)	/-) TO SUBTO	DTAL 1					
	Subtotals 2-7 are ob		the Total Base F	-	-		tale 2 2 9 7	\$0
	Compliance His			0.0%	Adjustment		tals 2, 3, & 7	\$0
	Notes	Since the reduc						
	Notes	zero, the A	djustment Pei	rcentage (Subt	otal 2) defaults	to zero.		
	L						-	
	Culpability	No		0.0%	Enhancement		Subtotal 4	\$0
	Notes	The De	spandant daa	s not most the	oulpobility crit	orio		
	Notes	THE RE	spondent doe	s not meet the	culpability crite	eria.		
	L						l	
	Good Faith Effo	ort to Comply T	otal Adjustm	nents			Subtotal 5	-\$22,373
		61.					0.1.1.1	
	Economic Bene	Total EB Amounts	\$7,189		Enhancement* d at the Total EB \$	Amount	Subtotal 6	\$0
	Estimated	Cost of Compliance	\$41,166	Сарре	u at the Total LD \$	Amount		
		•						
SUM C	OF SUBTOTAL	_S 1-7				F	inal Subtotal	\$149,627
	R FACTORS A				3.3%		Adjustment	\$4,964
Reduces c	r enhances the Final	Subtotal by the indi	ated percentage.				1	
		Recommended	l enhancemer	nt to capture th	e avoided costs	s associated		
	Notes	with c	ompliance for	Violation Nos.	5, 6, 8, 9, and	10.		
	L					Final Por	alty Amount	\$154,591
						Filiai Pei	iaity Amount	\$154,591
CTATI	JTORY LIMIT	. VD II ISTMEN	IT.			Final Acco	ssed Penalty	\$154,591
JIAIC	JIOKI LIMIT	ADJUSTIVILI	4 1			FIIIAI ASSE	sseu Penany	ψ13 <del>4</del> ,371
DEFER	ΡΔΙ				20.0%	Reduction	Adjustment	-\$30,918
	he Final Assessed Pe	nalty by the indicate	d percentage.		20.078	Reduction	Aujustinent	-ψ30,710
		, , ,	,				]	
	Notes		Deferral offere	ed for expedited	d settlement.			
				·				
	ļ.						•	

**Respondent** voestalpine Texas LLC (PCW 5 of 5)

Case ID No. 55381

Reg. Ent. Reference No. RN106597875

**Media** Air

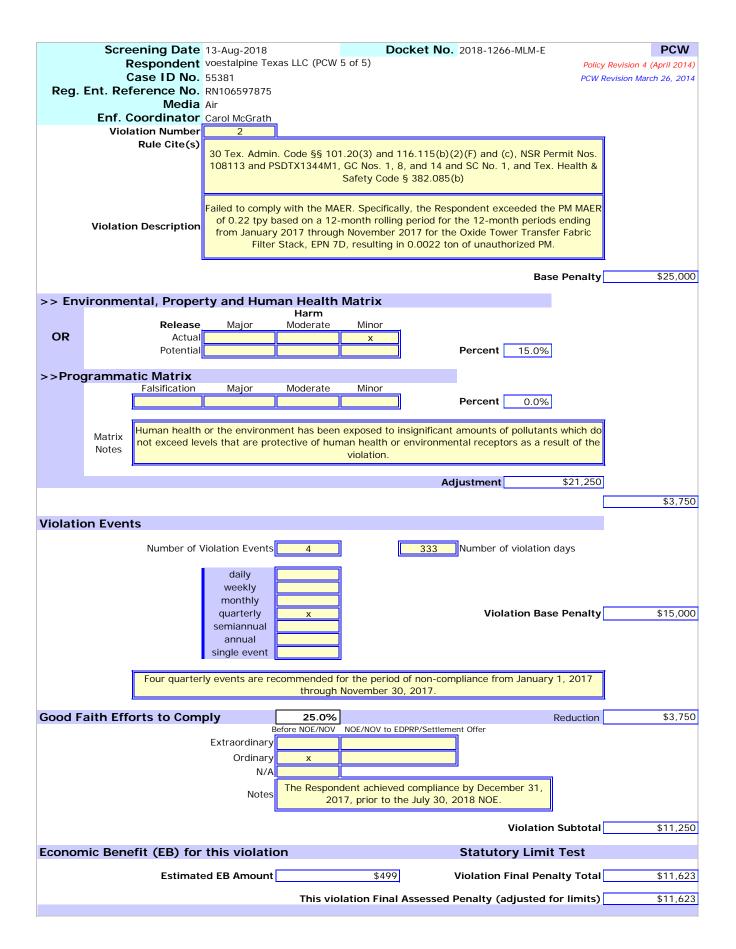
Enf. Coordinator Carol McGrath

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

		Compliance History Worksheet		
>> Co	mpliance Hist Component	ory Site Enhancement (Subtotal 2)  Number of	Number	Adjust.
	NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
		Other written NOVs	0	0%
		Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Orders	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	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	and Consent Decrees	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 (number of counts)	0	0%
	Emissions	Chronic excessive emissions events (number of events)	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 (number of audits for which notices were submitted)	2	-2%
	Adults	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
		Environmental management systems in place for one year or more	No	0%
	Other	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 Per	centage (Sub	ototal 2) 0%
>> <b>R</b> e	peat Violator	(Subtotal 3)		
	No	Adjustment Per	centage (Sub	ototal 3) 0%
>> Co	mpliance Hist	ory Person Classification (Subtotal 7)		
	Satisfactory I	Performer Adjustment Per	centage (Sub	ototal 7) 0%
>> Co	mpliance Hist	ory Summary		
	Compliance History Notes	Since the reduction for two notices of intent to conduct an audit is below zero, the Percentage (Subtotal 2) defaults to zero.	e Adjustment	
F:	al Campallana	Total Compliance History Adjustment Percentage (S	Subtotals 2,	<b>3, &amp; 7)</b> 0%
>> FIN	ai compliance	History Adjustment Final Adjustment Percenta	AGE *canned	at 100% 0%
		i iliai Aujustilietit Fercenta	age capped	070

	<b>Screening Date</b>	13-Aug-2018			<b>cet No.</b> 2018-1266-MLM-E		PCW
	•	voestalpine Texas L	LC (PCW 5	5 of 5)			Revision 4 (April 2014)
Pog Ent	Case ID No. t. Reference No.					PCW Re	evision March 26, 2014
Reg. Liii	Kererence No. Media						
E	nf. Coordinator	Carol McGrath					
	Violation Number	1					
	Rule Cite(s)	30 Tex. Admin. 0	Code §§ 10	01.20(3) and 1	16.115(b)(2)(F) and (c), Nev	v Source	
		, ,			SDTX1344M1, General Conditi	, ,	
		NOS. 1, 8, and 14	and Speci	Code § 382	("SC") No. 1, and Tex. Health	& Sarety	
		E 11			* *	) (C) II	
					ole emissions rate ("MAER"). S matter ("PM") MAER of 0.22 to		
Vi	olation Description	("tpy") based on a	a 12-month	n rolling period	I for the 12-month periods en	ding from	
	olution Besonption	January 2017 thro	•		ne Oxide Pellet Transfer (Post	<b>O</b> ,	
		rabilic riitei St	ack, Elliss	unauthoriz	("EPN") 6, resulting in 0.241 red PM.	tori or	
					Bas	e Penalty	\$25,000
>> Enviro	nmental, Proper	rty and Human	Health I	Matrix			
	Release		Harm odoroto	Minor			
OR	Actual		oderate	Minor x			
	Potential			X	Percent 15.0%		
>> Progra	mmatic Matrix					•	
>>Flogra	Falsification	Major M	oderate	Minor			
					Percent 0.0%		
	Human healt	h or the environmen	t has been	exposed to in	nsignificant amounts of polluta	ants which	
	do not exceed				or environmental receptors as		
IN	lotes		th	ne violation.			
					Adjustment	\$21.250	
					Adjustment	\$21,250	¢2.7E0
					Adjustment	\$21,250	\$3,750
Violation I	Events				Adjustment	\$21,250	\$3,750
Violation I		Violation Events	4		Adjustment  303 Number of violation		\$3,750
Violation I			4				\$3,750
Violation I		Violation Events daily weekly	4				\$3,750
Violation I		daily weekly monthly			303 Number of violation	days	
Violation I		daily weekly monthly quarterly	4 X			days	\$3,750 \$15,000
Violation I		daily weekly monthly			303 Number of violation	days	
Violation I		daily weekly monthly quarterly semiannual			303 Number of violation	days	
Violation I	Number of \	daily weekly monthly quarterly semiannual annual single event	X		Number of violation  Violation Bas	days se Penalty	
Violation I	Number of \	daily weekly monthly quarterly semiannual annual single event	x mended for	r the period of October 31, 2	Number of violation  Violation Base  non-compliance from Januar	days se Penalty	
Violation I	Number of \	daily weekly monthly quarterly semiannual annual single event	x mended for		Number of violation  Violation Base  non-compliance from Januar	days se Penalty	
	Number of \	daily weekly monthly quarterly semiannual annual single event	x mended for through	October 31, 2	Number of violation  Violation Base  non-compliance from Januar  017.	days se Penalty	
	Number of \ Four quarter	daily weekly monthly quarterly semiannual annual single event  y events are recomments  ply	x mended for through	October 31, 2	Number of violation  Violation Base  non-compliance from Januar	days se Penalty	\$15,000
	Number of \ Four quarter	daily weekly monthly quarterly semiannual annual single event  y events are recomment  ply  Extraordinary	x mended for through	October 31, 2	Number of violation  Violation Base  non-compliance from Januar  017.	days se Penalty	\$15,000
	Number of \ Four quarter	daily weekly monthly quarterly semiannual annual single event  y events are recomments  ply	x mended for through	October 31, 2	Number of violation  Violation Base  non-compliance from Januar  017.	days se Penalty	\$15,000
	Number of \ Four quarter	daily weekly monthly quarterly semiannual annual single event  y events are recomment  Extraordinary Ordinary N/A	x mended for through	October 31, 2	Number of violation  Violation Base  non-compliance from Januar  017.	days se Penalty	\$15,000
	Number of \ Four quarter	daily weekly monthly quarterly semiannual annual single event  y events are recomment  Extraordinary Ordinary N/A The	x mended for through 25.0%  NOE/NOV  X e Responde	October 31, 2  NOE/NOV to EDF  ent achieved co the July 30,	Number of violation  Violation Base Finon-compliance from Januar 017.  RP/Settlement Offer  compliance by November 30, 2018 Notice of Enforcement	days se Penalty	\$15,000
	Number of \ Four quarter	daily weekly monthly quarterly semiannual annual single event  y events are recomment  Extraordinary Ordinary N/A The	x mended for through 25.0%  NOE/NOV  X e Responde	October 31, 2  NOE/NOV to EDF  ent achieved co the July 30,	Number of violation  Violation Base Finon-compliance from Januar 017.  RP/Settlement Offer  compliance by November 30,	days se Penalty	\$15,000
	Number of \ Four quarter	daily weekly monthly quarterly semiannual annual single event  y events are recomment  Extraordinary Ordinary N/A The	x mended for through 25.0%  NOE/NOV  X e Responde	October 31, 2  NOE/NOV to EDF  ent achieved co the July 30,	Violation Base Number of violation Violation Base Number of violation Base Number of violation Base Number of Part Number of Violation Base Number of Part N	days se Penalty	\$15,000
Good Faitl	Four quarter	daily weekly monthly quarterly semiannual annual single event  y events are recomment  Extraordinary Ordinary N/A Notes  The	x mended for through 25.0%  NOE/NOV  X e Responde	October 31, 2  NOE/NOV to EDF  ent achieved co the July 30,	Violation Base Finon-compliance from Januar 2017.  RP/Settlement Offer Sompliance by November 30, 2018 Notice of Enforcement DE").  Violation	days se Penalty y 1, 2017 Reduction	\$15,000 \$3,750
Good Faitl	Four quarter h Efforts to Com	daily weekly monthly quarterly semiannual annual single event  y events are recomment  Extraordinary Ordinary N/A Notes  The this violation	x mended for through 25.0%  NOE/NOV  X e Responde	NOE/NOV to EDF  ent achieved co the July 30,  ("No	Violation Base Tonon-compliance from Januar 2017.  RP/Settlement Offer Tompliance by November 30, 2018 Notice of Enforcement DE").  Violation Statutory Limit	days  se Penalty  y 1, 2017  Reduction  n Subtotal  t Test	\$15,000 \$3,750 \$11,250
Good Faitl	Four quarter h Efforts to Com	daily weekly monthly quarterly semiannual annual single event  y events are recomment  Extraordinary Ordinary N/A Notes  this violation ed EB Amount	x x mended for through  25.0%  NOE/NOV  X  Re Responde  17, prior to	October 31, 2  NOE/NOV to EDF  ent achieved co the July 30,  ("No	Violation Base Finon-compliance from Januar 2017.  RP/Settlement Offer Sompliance by November 30, 2018 Notice of Enforcement DE").  Violation	days  se Penalty  y 1, 2017  Reduction  n Subtotal  t Test  salty Total	\$15,000 \$3,750

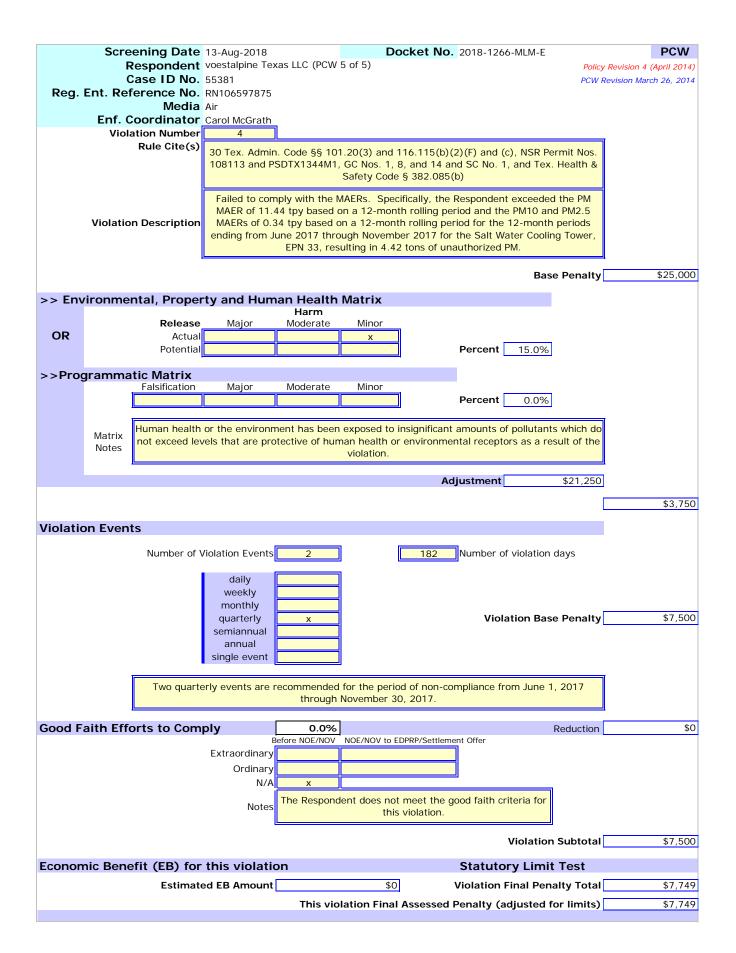
	E	conomic	Benefit	Woı	rksheet		
Respondent	voestalpine Te	xas LLC (PCW 5 c	of 5)				
Case ID No.		•	,				
Reg. Ent. Reference No.							
							Years of
Media						Percent Interest	
Violation No.	1					ı	Depreciation
						5.0	15
	Item Cost	<b>Date Required</b>	Final Date	Yrs	<b>Interest Saved</b>	Costs Saved	<b>EB Amount</b>
Item Description		·					
rtem Bescription							
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$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	1-Jan-2017	30-Jun-2017	0.49	\$37	n/a	\$37
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	1-Jan-2017	30-Nov-2017	0.91	\$456	n/a	\$456
Notes for DELAYED costs	and 7D were	e operating proper	rly during norma (\$10,000). The	ıl opera Date F	tions (\$1,500) and	re that the baghous to demonstrate co- ial date of non-comp	mpliance with
Avoided Costs	ANNU	ALIZE avoided c				one-time avoided	d 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs							
Approx. Cost of Compliance		\$11,500			TOTAL		\$493



	E	conomic	Benefit	Wo	rksheet		
Respondent	voestalpine Te	exas LLC (PCW 5 o	of 5)				
Case ID No.	55381						
Reg. Ent. Reference No.							
Media							Years of
						Percent Interest	Depreciation
Violation No.	2						Depreciation
						5.0	15
	Item Cost	<b>Date Required</b>	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
Delayed Costs							
Equipment		1 1		0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0 \$0	\$0 \$0
Other (as needed)				0.00	\$0	\$0 \$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)	\$10,000	1-Jan-2017	31-Dec-2017	1.00	\$499	n/a	\$499
Notes for DELAYED costs		initial date of n	on-compliance a	and the	Final Date is the o	EPN 7D. The Date date of compliance.	
Avoided Costs	ANNU	ALIZE avoided c	osts before er	tering	item (except for	one-time avoided	d 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs							
Approx. Cost of Compliance		\$10,000			TOTAL		\$499

Sci	reening Date			<b>No.</b> 2018-1266-MLM-E	PCW
	-	voestalpine Texas LLC (PC	CW 5 of 5)	Poli	cy Revision 4 (April 2014)
D Ft D	Case ID No.			PCW	Revision March 26, 2014
Reg. Ent. R	eference No. Media				
Enf.	Coordinator				
Vic	olation Number	3			
	Rule Cite(s)			(b)(2)(F) and (c), NSR Permit Nos.	
		108113 and PSDTX1344		4 and SC No. 1, and Tex. Health &	
			Safety Code § 382.0		
		' -	•	Respondent exceeded the PM, the ("PM10"), and the PM equal to or	
Violat	ion Docarintian	less than 2.5 microns in		AERs of 18.39 tpy based on a 12-	
Violat	ion Description	month rolling period to		ending from March 2017 through	
		November 2017 for th	e Reformer Main Flue Ej 55.68 tons of unauthoi	ector Stack, EPN 29, resulting in rized PM	
			ooroo tono or anaatno		-
				Base Penalty	\$25,000
>> Environm	ental, Prope	rty and Human Heal	th Matrix		
	-	Harm			
OR	Release Actual	Major Moderat	e Minor		
	Potential			Percent 30.0%	
_					
>>Programm	Falsification	Major Moderat	e Minor		
	Taisincation	Major Moderat	C WILLION	Percent 0.0%	
					<u> </u>
Matrix				ant amounts of pollutants which do	
Notes	not exceed lev	veis that are protective of	numan nealth or enviror violation.	nmental receptors as a result of the	
			violationi		4
				Adjustment \$17,500	0
					\$7,500
Winter For					
Violation Eve	nts				
	Number of \	/iolation Events 9	274	Number of violation days	
		daily			
		weekly			
		monthly x			
		quarterly		Violation Base Penalty	<b>y</b> \$67,500
		semiannual annual			
		single event			
					<b>,</b>
	Nine montl	•	ed for the period of non- gh November 30, 2017.	-compliance from March 1, 2017	
Good Faith Ef	forts to Com	ply 0.0	%	Reduction	\$0
		Before NOE/N	OV NOE/NOV to EDPRP/Set	tlement Offer	
		Extraordinary			
		Ordinary N/A x			
			ondent does not meet th	he good faith criteria for	
		Notes	this violatio	_	
				Violation Subtota	<b>I</b> \$67,500
Francomic Bor	nefit (FR) for	this violation		Statutory Limit Test	
Economic Ber					
	Estimat	ed EB Amount	\$0	Violation Final Penalty Tota	\$69,739
		This	violation Final Assess	ed Penalty (adjusted for limits)	\$69,739

	E	conomic	Benefit	Woı	rksheet		
Respondent	voestalpine Te	exas LLC (PCW 5 o	f 5)				
Case ID No.	55381						
Reg. Ent. Reference No.	RN106597875	)					
Media Violation No.	Air					Percent Interest	Years of Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
Trom 2 coon prion							
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					iolation No. 3 for F		
Avoided Costs	ANNU	ALIZE avoided co	osts before er			one-time avoided	d 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs							
Approx. Cost of Compliance		\$0			TOTAL		\$0



	E	conomic	Benefit	Wo	rksheet		
Respondent	voestalpine Te	exas LLC (PCW 5 c	of 5)				
Case ID No.							
Reg. Ent. Reference No.							
Media		,					Years of
Violation No.						Percent Interest	Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
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					iolation No. 3 for F		
Avoided Costs	ANNU	ALIZE avoided c	osts before er			one-time avoided	•
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
nspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs							
Approx. Cost of Compliance		\$0			TOTAL		\$0

	Scre	ening Date	13-Aug-2018		ket No. 2018-1266-MLM-E		PCW
			voestalpine Texas LLC	(PCW 5 of 5)		Policy Rev	vision 4 (April 2014)
Daw		ase ID No.				PCW Revis	ion March 26, 2014
Reg.	Ent. Rei	Media	RN106597875				
	Enf. C		Carol McGrath				
		ation Number					
		Rule Cite(s)	30 Tex. Admin. Code	e §§ 101.20(3) and 11	6.115(c), NSR Permit Nos. 10811	13 and	
					lealth & Safety Code § 382.085(b		
	Violatio	n Description	Respondent did not	conduct quarterly visil	ssions observations. Specifically, t ble emissions observations for 13 rough the third quarter of 2017.	EPNs	
					Base F	Penalty	\$25,000
>> Env	vironme	ntal, Propei	rty and Human H	ealth Matrix			
			Ha	rm			
OR		Release Actual		erate Minor			
OK		Potential		×	Percent 15.0%		
		rotential			13.070		
>>Pro	gramma	tic Matrix					
		Falsification	Major Mode	erate Minor	-		
					Percent 0.0%		
		Llumaan haalth	or the environment w	ill ar aguld ba aynagad	to significant amounts of polluta	nto that	
	Matrix				I to significant amounts of pollutar th or environmental receptors as		
	Notes		, , , , , , , , , , , , , , , , , , ,	of the violation.			
					Adjustment	\$21,250	
							\$3,750
							\$57.55
Violatio	on Event	ts					
		Number of \	Violation Events	5	548 Number of violation da	VS	
			Tiolation Events		o to include a	, ,	
			daily weekly monthly quarterly semiannual annual single event	×	Violation Base F	Penalty	\$22,500
		C:					
		Six quarterly	events are recommend	lea for the six missea (	quarterly visible emissions observ	rations.	
Good F	aith Effo	orts to Com		5.0%		duction	\$5,625
			Before NC Extraordinary	DE/NOV NOE/NOV to EDPI	RP/Settlement Offer		
			N/A	X			
				aspandant askisyad sa	ampliance by March 21, 2010		
			Notes The Re		ompliance by March 31, 2018, y 30, 2018 NOE.		
					Violation S	ubtotal	\$16,875
_		CI (ED)					\$10,070
Econor	nic Bene	ent (EB) for	this violation		Statutory Limit T	est	
		Estimate	ed EB Amount	\$1,559	Violation Final Penalt	y Total	\$17,435
			T!	his violation Final As	ssessed Penalty (adjusted for	limits)	\$17,435
							,

	E/	conomic	Benefit	Wo	rksheet		
Respondent		exas LLC (PCW 5 c					
Case ID No.	55381						
Reg. Ent. Reference No.		•					
Media	Air					Percent Interest	Years of
Violation No.	5						Depreciation
						5.0	15
	Item Cost	<b>Date Required</b>	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
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
				0.00	\$0	n/a	\$0
Remediation/Disposal						,	4.0
		5	5 1	0.00 0.41	\$0 \$5 missions observation	n/a n/a ons of EPNs 4A, 4B, late and the Final D	
Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs	Estimated cos 7B, 7C, 7D, 8	st to begin conduc 8, 16, 17, and 29.	cting quarterly v The Date Requ	0.00 0.41 risible equired is of comp	\$0 \$5 missions observation of the investigation of liance.	n/a ons of EPNs 4A, 4B, late and the Final D	\$5 5A, 5B, 6, 7A, ate is the date
Remediation/Disposal Permit Costs Other (as needed)	Estimated cos 7B, 7C, 7D, 8	st to begin conduc 8, 16, 17, and 29.	cting quarterly v The Date Requ	0.00 0.41 risible equired is of comp	\$0 \$5 missions observation of the investigation of liance.	n/a ons of EPNs 4A, 4B,	\$5 5A, 5B, 6, 7A, ate is the date
Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal	Estimated cos 7B, 7C, 7D, 8	st to begin conduc 8, 16, 17, and 29.	cting quarterly v The Date Requ	0.00 0.41 sisible equired is of compositering 0.00	\$0 \$5 missions observation the investigation of liance. item (except for \$0	n/a  pns of EPNs 4A, 4B, late and the Final D  one-time avoide  \$0	\$5 5A, 5B, 6, 7A, ate is the date d costs)
Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel	Estimated cos 7B, 7C, 7D, 8	st to begin conduc 8, 16, 17, and 29.	cting quarterly v The Date Requ	0.00 0.41 sible equired is of compositering 0.00 0.00	\$0 \$5 missions observation of the investigation of liance. item (except for \$0 \$0	n/a  ons of EPNs 4A, 4B, late and the Final D  one-time avoide  \$0 \$0	\$5 5A, 5B, 6, 7A, ate is the date d costs) \$0 \$0
Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel Inspection/Reporting/Sampling	Estimated cos 7B, 7C, 7D, 8	st to begin conduc 8, 16, 17, and 29.	cting quarterly v The Date Requ	0.00 0.41 sible equired is of compositering 0.00 0.00 0.00	\$0 \$5 missions observation the investigation of liance. item (except for \$0 \$0 \$0	n/a  pns of EPNs 4A, 4B, late and the Final D  r one-time avoider \$0 \$0 \$0	\$5 5A, 5B, 6, 7A, ate is the date d costs) \$0 \$0
Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment	Estimated cos 7B, 7C, 7D, 8	st to begin conduc 8, 16, 17, and 29.	cting quarterly v The Date Requ	0.00 0.41 virigible el of comp of comp 0.00 0.00 0.00 0.00	\$0 \$5 missions observation to the investigation of liance. item (except for \$0 \$0 \$0 \$0	n/a  pns of EPNs 4A, 4B, late and the Final D  one-time avoide  \$0  \$0  \$0  \$0	\$5 5A, 5B, 6, 7A, ate is the date d costs) \$0 \$0 \$0
Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance	Estimated cos 7B, 7C, 7D, 8	st to begin conduc 8, 16, 17, and 29.	cting quarterly v The Date Requ	0.00 0.41 isible endired is of compositering 0.00 0.00 0.00 0.00 0.00	\$0 \$5 missions observation of the investigation of llance. item (except for \$0 \$0 \$0 \$0 \$0	n/a  pns of EPNs 4A, 4B, late and the Final D  cone-time avoider  \$0  \$0  \$0  \$0  \$0  \$0	\$5 5A, 5B, 6, 7A, ate is the date d costs) \$0 \$0 \$0 \$0 \$0
Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs	Estimated cos 7B, 7C, 7D, 8	at to begin conductions, 16, 17, and 29.	cting quarterly v The Date Requ costs before en	0.00 0.41 isible equired is of comp tering 0.00 0.00 0.00 0.00 0.00 0.00	\$0 \$5 missions observation deliance.  item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a  ons of EPNs 4A, 4B, late and the Final D  one-time avoider  \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$5 5A, 5B, 6, 7A, ate is the date  d costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0
Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance	Estimated cos 7B, 7C, 7D, 8 ANNU/	ALIZE avoided c	ting quarterly value Date Requirements before en	0.00 0.41 isible equired is of comp tering 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00	\$0 \$5 missions observation deliance.  item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$7	n/a  pns of EPNs 4A, 4B, late and the Final D  cone-time avoider  \$0  \$0  \$0  \$0  \$0  \$0	\$5 5A, 5B, 6, 7A, ate is the date  d costs)  \$0 \$0 \$0 \$0 \$0 \$0 \$1,554
Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs	Estimated cos 7B, 7C, 7D, 8 ANNU/ \$1,547 Estimated avo	ALIZE avoided c	ting quarterly value Date Requirements before en	0.00 0.41 isible endired is of compositering 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00	\$0 \$5 missions observation deliance.  item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$	n/a  ons of EPNs 4A, 4B, late and the Final D  one-time avoider  \$0 \$0 \$0 \$0 \$0 \$0 \$1 \$0 \$1 \$1 \$1 \$1 \$1 \$1 \$1 \$1 \$1 \$1 \$1 \$1 \$1	\$5 5A, 5B, 6, 7A, ate is the date  d costs)  \$0 \$0 \$0 \$0 \$0 \$0 \$1.554  PNS 4A, 4B, 5A,
Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs	Estimated cos 7B, 7C, 7D, 8 ANNU/ \$1,547 Estimated avo 5B, 6, 7A, 7E	ALIZE avoided c  30-Sep-2017  ided costs plus ac  3, 7C, 7D, 8, 16, 7	ting quarterly value Date Requirements before en 1-Nov-2017 corued interest tar, and 29 at least	0.00 0.41 isible endired is of compositering 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00	\$0 \$5 missions observation deliance.  item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$	n/a  ons of EPNs 4A, 4B, late and the Final D  one-time avoider  \$0 \$0 \$0 \$0 \$0 \$1,547  s observations of E	\$5 5A, 5B, 6, 7A, ate is the date  d costs) \$0 \$0 \$0 \$0 \$0 \$1.554  PNS 4A, 4B, 5A, swith at least
Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs	Stimated cos 7B, 7C, 7D, 8 ANNU/ \$1,547 Estimated avo 5B, 6, 7A, 7E one miss	ALIZE avoided columns and according to the begin conduction.  ALIZE avoided columns and according to the begin conduction.  30-Sep-2017 aided costs plus according according to the begin conduction.	ting quarterly value Date Requirements before en 1-Nov-2017 crued interest to 17, and 29 at lease \$250/quarter p	0.00 0.41 isible eluired is of comp tering 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.	\$0 \$5 missions observation the investigation of diance.  item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$in each calendar interest that begat	n/a  ons of EPNs 4A, 4B, late and the Final D  one-time avoider  \$0 \$0 \$0 \$0 \$0 \$0 \$1,547  Is observations of Equarter (six quarter)	\$5  5A, 5B, 6, 7A, ate is the date  d costs)  \$0  \$0  \$0  \$0  \$0  \$1,554  PNS 4A, 4B, 5A, s with at least 30, 2016,
Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs Other (as needed)	Stimated cos 7B, 7C, 7D, 8 ANNU/ \$1,547 Estimated avo 5B, 6, 7A, 7E one miss September 30	ALIZE avoided c  ALIZE avoided c  30-Sep-2017  ided costs plus ac 3, 7C, 7D, 8, 16, 6 ed observation @ 0, 2016, Decembe	ting quarterly value Date Requirements of the Date Requirements of the Date Requirements of the Date Requirements of the Date Republic Processing Control of the Date Requirements of the Date Republic Processing Control of the Date Requirements of the Date Republic Processing Control of the Date	0.00 0.41 isible eluired is of comp tering 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.09 o condust oncolus \$47 rch 31,	\$0 \$5 missions observation the investigation of diance.  item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$1 \$0 \$1 \$1 \$1 \$1 \$1 \$1 \$1 \$1 \$1 \$1 \$1 \$1 \$1	n/a  ons of EPNs 4A, 4B, late and the Final D  fone-time avoide \$0 \$0 \$0 \$0 \$0 \$0 \$1,547  s observations of Equarter (six quarter accruing on June	\$5  5A, 5B, 6, 7A, ate is the date  d costs)  \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$1,554  PNs 4A, 4B, 5A, s with at least 30, 2016, ates of the first
Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs Other (as needed)	Stimated cos 7B, 7C, 7D, 8 ANNU/ \$1.547 Estimated avo 5B, 6, 7A, 7E one miss September 30 five calendar	ALIZE avoided c  ALIZE avoided c  30-Sep-2017  ided costs plus ac  3, 7C, 7D, 8, 16, 6  ed observation @  0, 2016, December quarters when v	ting quarterly value Date Requirements of the Date Requirements of the Date Requirements of the Date Republic Properties of the Date Requirements of the Date Republic Properties of the Date Republic P	0.00 0.41 isible eluired is of comp tering 0.00 0.00 0.00 0.00 0.00 0.00 0.09 o condust oncolus \$47 rch 31, ons wer	\$0 \$5 missions observation the investigation of diance.  item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$1  act visible emission of interest that bega 2017, and June 30 e missed). The Da	n/a  pns of EPNs 4A, 4B, late and the Final D  cone-time avoide  \$0 \$0 \$0 \$0 \$1,547  Is observations of El quarter (six quarter accruing on June 2), 2017 - the end date Required is the I	\$5  5A, 5B, 6, 7A, ate is the date  d costs)  \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$1,554  PNs 4A, 4B, 5A, s with at least 30, 2016, ates of the first ast day of the
Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs Other (as needed)	Stimated cos 7B, 7C, 7D, 8 ANNU/ \$1.547 Estimated avo 5B, 6, 7A, 7E one miss September 30 five calendar	ALIZE avoided c  ALIZE avoided c  30-Sep-2017  ided costs plus ac  3, 7C, 7D, 8, 16, 6  ed observation @  0, 2016, December quarters when v	ting quarterly varieting quarterly varieting quarterly varieting quarterly varieting quarterly and 29 at less \$250, quarterly	0.00 0.41 isible eluired is of comp tering 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.	\$0 \$5 missions observation the investigation of diance.  item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$1  act visible emission of interest that bega 2017, and June 30 e missed). The Da	n/a  pns of EPNs 4A, 4B, late and the Final D  rone-time avoider \$0 \$0 \$0 \$0 \$0 \$1,547  Is observations of Equarter (six quarter accruing on June 2), 2017 - the end date	\$5  5A, 5B, 6, 7A, ate is the date  d costs)  \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$1,554  PNs 4A, 4B, 5A, s with at least 30, 2016, ates of the first ast day of the
Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs Other (as needed)	Stimated cos 7B, 7C, 7D, 8 ANNU/ \$1.547 Estimated avo 5B, 6, 7A, 7E one miss September 30 five calendar	ALIZE avoided c  ALIZE avoided c  30-Sep-2017  ided costs plus ac  3, 7C, 7D, 8, 16, 6  ed observation @  0, 2016, December quarters when v	ting quarterly varieting quarterly varieting quarterly varieting quarterly varieting quarterly and 29 at less \$250, quarterly	0.00 0.41 isible eluired is of comp tering 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.	\$0 \$5 missions observation the investigation of diance.  item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$1 act visible emission of the emission o	n/a  pns of EPNs 4A, 4B, late and the Final D  cone-time avoide  \$0 \$0 \$0 \$0 \$1,547  Is observations of El quarter (six quarter accruing on June 2), 2017 - the end date Required is the I	\$5  5A, 5B, 6, 7A, ate is the date  d costs)  \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$1,554  PNs 4A, 4B, 5A, s with at least 30, 2016, ates of the first ast day of the

		ening Date		<b>Docket No.</b> 2018-1266-MLM-E	PCW
		-		(as LLC (PCW 5 of 5)	Revision 4 (April 2014)
_		ase ID No.		PCW F	Revision March 26, 2014
Reg.	Ent. Ref		RN106597875		
	Enf C	Media	Carol McGrath		
		tion Number			
	•1010	Rule Cite(s)		0   00   10   10   10   10   10   10	
				n. Code §§ 101.20(3) and 116.115(c), NSR Permit Nos. 108113 and 344M1, SC No. 7, and Tex. Health & Safety Code § 382.085(b)	
	Violatio	n Description	Respondent di	conduct quarterly visible emissions observations. Specifically, the d not conduct quarterly fugitive visible emissions observations of the ngs and/or fugitive sources for the second, third, and fourth quarters of 2016 and the first quarter of 2017.	
				Base Penalty	\$25,000
>> Env	vironmer	ntal, Proper	ty and Hum	an Health Matrix	
		Release	Moior	Harm Mederate Miner	
OR		Actual	Major	Moderate Minor	
Oit		Potential		x Percent 7.0%	
>>Prog	gramma <sup>.</sup>	tic Matrix			
	1	Falsification	Major	Moderate Minor	
	l l			Percent 0.0%	
	I	Lluman haalt	h or the environ	amont will are sould be exposed to incignificant amounts of pollutants	
	Matrix			nment will or could be exposed to insignificant amounts of pollutants that are protective of human health or environmental receptors as a	
	Notes	triat would ric	n exceed levels	result of the violation.	
	l l				
				Adjustment \$23,250	
					¢1 7EO
				· ·	\$1,750
Violatio	on Event	s			
		Number of \	/iolation Events	4 365 Number of violation days	
			daily		
			weekly		
			monthly		
			quarterly	Violation Base Penalty	\$7,000
			semiannual		
			annual		
			single event	X	
		Four single ev	vents are recom	mended for the four missed quarterly visible emissions observations.	
Good F	aith Effo	rts to Com	ply	25.0% Reduction	\$1,750
- J J J J J			E	defore NOE/NOV NOE/NOV to EDPRP/Settlement Offer	Ţ.,.30
			Extraordinary		
			Ordinary	x	
			N/A		
			Notes	The Respondent achieved compliance on May 25, 2017, prior to the July 30, 2018 NOE.	
				Violation Subtotal	\$5,250
Econon	nic Bene	fit (EB) for	this violation	on Statutory Limit Test	
		Fetimate	ed EB Amount	\$1,027 Violation Final Penalty Total	\$5,424
		Latinati	CG ED AIIIOGIII		
				This violation Final Assessed Penalty (adjusted for limits)	\$5,424

Economic Benefit Worksheet									
Respondent	Respondent voestalpine Texas LLC (PCW 5 of 5)								
Case ID No.	Case ID No. 55381								
Reg. Ent. Reference No.									
Media							Years of		
Violation No.						Percent Interest	Depreciation		
Violation No.	O					= 0			
						5.0			
	I tem Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount		
Item Description									
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									
Avoided Costs	ANNUA	ALIZE avoided c	osts before en		_ ` '	one-time avoide			
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				0.00	\$0	\$0	\$0		
ONE-TIME avoided costs	<b>#4.040</b>	04.14 0047	05.14 0047	0.00	\$0	\$0	\$0		
Other (as needed)	\$1,019	31-Mar-2017	25-May-2017	0.15	\$8	\$1,019	\$1,027		
Notes for AVOIDED costs  Estimated avoided costs plus accrued interest to conduct fugitive visible emissions observations of the process buildings and/or fugitive sources at least once in each calendar quarter (four quarters of missed observations @ \$250/quarter plus \$19 interest that began accruing on June 30, 2016, September 30, 2016, and December 31, 2016 - the end dates of the first three calendar quarters when visible observations were missed). The Date Required is the last day of the last calendar quarter when the visible emissions observation could have been conducted and the Final Date is the date of compliance.									
Approx. Cost of Compliance		\$1,019			TOTAL		\$1,027		

		ening Date			Docket No.	2018-1266-MLM-E		PCW
				as LLC (PCW 5 of 5)			Policy	Revision 4 (April 2014)
_		Case ID No.					PCW R	evision March 26, 2014
Reg.	Ent. Ref	ference No.						
		Media						
		coordinator						
	Viol	ation Number	7					
		Rule Cite(s)				NSR Permit Nos. 108 Safety Code § 382.08		
	Violatio	n Description	Respondent did	not maintain records the emission capture	for the quarter	pections. Specifically, ly inspections of the hatterns in the third and	oods and	
						Base	e Penalty	\$25,000
>> En	vironme	ntal, Proper	ty and Huma	an Health Matrix	<b>C</b>			
		-	-	Harm				
OB		Release	Major	Moderate Mino	r			
OR		Actual				Doroomt 0.000		
		Potential				Percent 0.0%		
>>Pro	gramma	tic Matrix						
////	gramma	Falsification	Major	Moderate Mino	r			
			Х			Percent 15.0%		
	Matrix Notes		100	0% of the rule require	ement was not n	net.		
	Notes							
					۸ ما	i otus a ut	\$21,250	
					Au	justment	\$21,230	
								\$3,750
	_	_						
Violati	on Even	ts						
		Number of \	iolation Events	1	273	Number of violation	days	
			daily weekly monthly quarterly semiannual annual single event	X		Violation Base	e Penalty[	\$3,750
				One single events is	recommended.			
Good F	aith Eff	orts to Com		25.0%			Reduction	\$937
				fore NOE/NOV NOE/NOV	to EDPRP/Settleme	ent Offer 1		
			Extraordinary			1		
			Ordinary N/A	X				
			IN/A	The Decrease to the	iound same!!	o by May 21, 2017		
			Notes	The Respondent ach prior to	the July 30, 201	3 3 1		
						Violation	Subtotal	\$2,813
Econor	mic Bene	efit (EB) for	this violatio	n		Statutory Limit	Test	
		Estimate	ed EB Amount		\$69	Violation Final Pena	alty Total	\$2,906
					<del></del>	Penalty (adjusted fo	_	\$2,906
				iiiis violatioli F	ハンンしつンじは 1	. Chairy (aujusted ii	v	JZ.700

	E(	conomic	Benefit	VVO	rksneet		
Respondent	voestalpine Te	xas LLC (PCW 5 c	of 5)				
Case ID No.	55381						
Reg. Ent. Reference No.							
Media							Years of
Violation No.						Percent Interest	Depreciation
violation No.	1						
						5.0	15
	Item Cost	<b>Date Required</b>	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
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	\$1,500	1-Jul-2016	31-May-2017	0.92	\$69	n/a	\$69
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
	Estimated cos	t to begin maintai	ning records for	the au	arterly inspections	of the hoods and d	luctwork for the
Notes for DELAYED costs						noncompliance and	
110100 101 2221122 00010	omioonom oupt	aro ana cominoroj					the Final Date II
			10 1110	date of	compliance	noncompliance and	the Final Date
					compliance.		
Avoided Costs	ANNUA	ALIZE avoided c	osts before en		•	one-time avoide	
Avoided Costs Disposal	ANNUA	ALIZE avoided c	osts before en	tering 0.00	item (except for	one-time avoide	d costs)
	ANNUA	ALIZE avoided c	osts before en	<b>tering</b> 0.00 0.00	item (except for \$0 \$0	one-time avoide	d costs) \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling	ANNUA	ALIZE avoided c	osts before en	0.00 0.00 0.00	item (except for \$0 \$0 \$0	one-time avoider	\$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment	ANNUA	ALIZE avoided c	osts before en	0.00 0.00 0.00 0.00	s0   \$0   \$0   \$0   \$0   \$0   \$0   \$0	so \$0 \$0 \$0 \$0 \$0	d costs)  \$0  \$0  \$0  \$0  \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance	ANNUA	ALIZE avoided c	osts before en	0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0 \$0	**One-time avoide**	\$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs	ANNU	ALIZE avoided c	osts before en	tering 0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance	ANNU	ALIZE avoided c	osts before en	0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0 \$0	**One-time avoide**	\$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs	ANNUA	ALIZE avoided c	osts before en	tering 0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs	ANNUA	ALIZE avoided c	osts before en	tering 0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs Other (as needed)	ANNU	ALIZE avoided c	osts before en	tering 0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs	ANNU	ALIZE avoided c	osts before en	tering 0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs Other (as needed)	ANNU	ALIZE avoided c	osts before en	tering 0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs Other (as needed)	ANNU	ALIZE avoided c	osts before en	tering 0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs Other (as needed)	ANNU	ALIZE avoided c	osts before en	tering 0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs Other (as needed)  Notes for AVOIDED costs	ANNUA		osts before en	tering 0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs Other (as needed)	ANNU	\$1,500	osts before en	tering 0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0

	Scre	ening Date	13-Aug-2018	<b>Docket No.</b> 2018-1266-MLM-E	PCW
		-		s LLC (PCW 5 of 5)	licy Revision 4 (April 2014)
D		Case ID No.		PCI	W Revision March 26, 2014
Reg.	Ent. Rei	ference No. Media			
	Fnf (	coordinator			
		ation Number			
		Rule Cite(s)	00 T A L :	0   00 404 00(0)   1447 4457 ) NOD D   11 N   400440	
				Code §§ 101.20(3) and 116.115(c), NSR Permit Nos. 108113 and M1, SC No. 25A, and Tex. Health & Safety Code § 382.085(b)	
				•	
				le the cooling water for the concentration of total dissolved solids	
	Violatio	n Description		veek. Specifically the Respondent did not sample the cooling wate tions for the Salt Water Cooling Tower, EPN 33, for 11 weeks from	
				September 26, 2016 through December 11, 2016.	
					_
				Base Penalt	\$25,000
>> Env	vironme	ntal. Proper	tv and Huma	n Health Matrix	
		_	-	Harm	
OD		Release		Moderate Minor	
OR		Actual Potential		x Percent 15.0%	
		rotential		X Fercent 15.076	
>>Prog	gramma	tic Matrix			
		Falsification	Major	Moderate Minor	
				Percent 0.0%	
					<del>.</del>
	Matrix			ent will or could be exposed to significant amounts of pollutants that e protective of human health or environmental receptors as a resu	
	Notes	would not exc	eed levels that are	of the violation.	
				Adjustment \$21,25	50
					\$3,750
					\$3,730
Violatio	on Even	ts			
		November 25	/:- -+:	A Niverban of violation days	
		Number of V	/iolation Events	1 Number of violation days	
			daily		
			weekly		
			monthly		
			quarterly	X Violation Base Penalt	<b>y</b> \$3,750
			semiannual annual		
			single event		
			onigio ovoni		
		One quarterly	event is recomm	ended for the period of non-compliance from September 26, 2016	
		one quarterly	event is recommi	through December 11, 2016.	<u></u>
					_
Good F	aith Effo	orts to Com		25.0% Reductio	n \$937
				ore NOE/NOV NOE/NOV to EDPRP/Settlement Offer	
			Extraordinary Ordinary	v	
			N/A	X	
			i <del>i -</del>	The Respondent achieved compliance on December 18,	
			Notes	2016, prior to the July 30, 2018 NOE.	
			<u>                                     </u>	<b>3</b>	
				Violation Subtot	\$2,813
Econon	nic Bene	efit (EB) for	this violation	Statutory Limit Test	
		Estimate	ed EB Amount	\$276 Violation Final Penalty Total	\$2,906
1					

	E	conomic	Benefit	Wo	rksheet		
Respondent	voestalpine Te	xas LLC (PCW 5 c	of 5)				
Case ID No.	·	·	·				
Reg. Ent. Reference No.							
Media Violation No.	Air					Percent Interest	Years of Depreciation
Violation No.	O					г о	
	Item Cost	Date Required	Final Date	Vrc	Interest Saved	Costs Saved	15 EB Amount
Item Description	rtem cost	Date Required	i iilai bate	113	interest Saveu	costs Saveu	LB Alliount
rtem Bescription							
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  Avoided Costs	ANNUL	N. LZE avoided c	asts hafara an	toring	itom (ovcont for	one-time avoide	d costs)
	ANNO	ALIZE avoided C	osts before en				
Disposal				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Personnel				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Inspection/Reporting/Sampling Supplies/Equipment				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0 \$0
Other (as needed)	\$276	11-Dec-2016	18-Dec-2016	0.02	\$0	\$276	\$276
Other (as needed)						ooling water for TDS	
						g on October 2, 201	
	*	•			•	per 6, 2016, Novem	
Notes for AVOIDED costs						e end dates of the fi	
Notes for AVOIDED costs							
						he Date Required is	
	the last week	when the sampli	0	_	•	ave been conducted	and the Final
			Date is	the con	npliance date.		
Approx. Cost of Compliance		\$276			TOTAL		\$276

Economic Benefit Worksheet								
Respondent	Ident voestalpine Texas LLC (PCW 5 of 5)							
Case ID No.								
Reg. Ent. Reference No.								
Media							Years of	
Violation No.						Percent Interest	Depreciation	
Violation No.	7					F 0		
						5.0	15	
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount	
Item Description								
Delayed Costs				1				
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								
Avoided Costs	ANNU	ALIZE avoided c	osts before er	tering	item (except for	one-time avoided	d 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				0.00	\$0	\$0	\$0	
ONE-TIME avoided costs				0.00	\$0	\$0	\$0	
Other (as needed)	\$882	25-Dec-2016	26-Dec-2016	0.00	\$0	\$882	\$882	
Notes for AVOIDED costs	Estimated avoided costs plus accrued interest to conduct sampling of the cooling water for conductivity once a day (34 missed samples @ \$25/sample plus \$32 interest that began accruing on October 1, 2016 and the other 32 days preceding the last documented day when sampling and analyzing of cooling water for conductivity were missed). The Date Required is the last day when the sampling and analyzing of cooling water was not conducted and the Final Date is the compliance date.							
Approx. Cost of Compliance		\$882			TOTAL		\$882	

	Screening Date		<b>Docket No.</b> 2018-1266-MLM-E	PCW
			as LLC (PCW 5 of 5)	olicy Revision 4 (April 2014)
_	Case ID No		PC	CW Revision March 26, 2014
Reg.	Ent. Reference No Media			
	Enf. Coordinato			
	Violation Numbe			
	Rule Cite(s			
	•	30 Tex. Admir	n. Code §§ 101.20(3) and 116.115(c), NSR Permit Nos. 108113 an 44M1, SC No. 30, and Tex. Health & Safety Code § 382.085(b)	d
	Violation Description	Specifically, the the Furnace D Hot Pressure F visible emission and the Hot Br	enduct daily visible emissions observations for the wet scrubbers. Re Respondent did not conduct daily visible emissions observations for edusting (BSG Dust Collection) Wet Scrubber Stack, EPN 8, and the Relief Vent (Flare), EPN 38, on 284 days and did not to conduct dains observations for the Briquetter Dedusting Scrubber Stack, EPN iquette Iron Cooling Conveyer Scrubber Stack, EPN 11, on 286 days et time period from September 28, 2016 to December 6, 2017.	<mark>e</mark> ly <del>9,</del>
			Base Pena	lty \$25,000
>> Env	vironmental, Prope	erty and Hum	an Health Matrix	
// LIIV	inominental, i rope	arty and main	Harm	
00	Release		Moderate Minor	
OR	Actua		Doroont 15 00/	
	Potentia	11	x Percent 15.0%	
>>Proc	grammatic Matrix			
	Falsification	Major	Moderate Minor	
			Percent 0.0%	
	Matrix		nent will or could be exposed to significant amounts of pollutants the re protective of human health or environmental receptors as a res of the violation.	
			Adjustment \$21,2	50
			Adjustment \$21,2	
			Adjustment \$21,2	\$3,750
Violatio	on Events		Adjustment \$21,2	
Violatio		Violation Events		
Violatio		Violation Events	Adjustment \$21,2  5 286 Number of violation days	
Violatio		Violation Events		
Violatio		daily weekly		
Violatio		daily weekly monthly	5 286 Number of violation days	\$3,750
Violatio		daily weekly monthly quarterly		\$3,750
Violatio		daily weekly monthly	5 286 Number of violation days	\$3,750
Violatio		daily weekly monthly quarterly semiannual	5 286 Number of violation days	\$3,750
Violatio		daily weekly monthly quarterly semiannual annual	5 286 Number of violation days	\$3,750
Violatio	Number of	daily weekly monthly quarterly semiannual annual single event	5 286 Number of violation days	\$3,750
	Number of	daily weekly monthly quarterly semiannual annual single event	286 Number of violation days  Violation Base Pena  where the instances of non-compliance that occurred from the ptember 28, 2016 to December 6, 2017.	\$3,750
	Number of	daily weekly monthly quarterly semiannual annual single event  rly events are rec	5 286 Number of violation days  X Violation Base Pena  commended for the instances of non-compliance that occurred from	\$3,750
	Number of	daily weekly monthly quarterly semiannual annual single event  rly events are rec	Number of violation days  Violation Base Pena  where the instances of non-compliance that occurred from ptember 28, 2016 to December 6, 2017.  Reduction Base Pena	\$3,750
	Number of	daily weekly monthly quarterly semiannual annual single event  rly events are rec Se  nply  Extraordinary Ordinary	Number of violation days  Violation Base Pena  where the instances of non-compliance that occurred from ptember 28, 2016 to December 6, 2017.  Reduction Base Pena	\$3,750
	Number of	daily weekly monthly quarterly semiannual annual single event  rly events are recovered  ply  Extraordinary	Violation Base Pena  Wiolation Base Pena  Tommended for the instances of non-compliance that occurred from ptember 28, 2016 to December 6, 2017.  25.0%  Reduction Base Pena  Reduction Base Pena  Reduction Base Pena  Reduction Base Pena	\$3,750
	Number of	daily weekly monthly quarterly semiannual annual single event  rly events are rec Se  nply  Extraordinary Ordinary	Violation Base Pena  Wiolation Base Pena  Tommended for the instances of non-compliance that occurred from ptember 28, 2016 to December 6, 2017.  25.0%  Reduction Base Pena  Reduction Base Pena  Reduction Base Pena  Reduction Base Pena	\$3,750
	Number of	daily weekly monthly quarterly semiannual annual single event  rly events are rec Se  nply  Extraordinary Ordinary N/A	Violation Base Pena  Violation Base Pena  Ommended for the instances of non-compliance that occurred from ptember 28, 2016 to December 6, 2017.  25.0% Reduction Base Pena  The Respondent achieved compliance on December 7,	\$3,750   \$18,750   on \$4,687
Good Fa	Number of	daily weekly monthly quarterly semiannual annual single event  rly events are rec Se  nply  Extraordinary Ordinary N/A Notes	Violation Base Pena  Violation Base Pena  Ommended for the instances of non-compliance that occurred from ptember 28, 2016 to December 6, 2017.  25.0%  Reduction Base Pena  The Respondent achieved compliance on December 7, 2017, prior to the July 30, 2018 NOE.  Violation Subto	\$3,750   \$18,750   on \$4,687
Good Fa	Five quarte aith Efforts to Con	daily weekly monthly quarterly semiannual annual single event  rly events are rec Se  nply  Extraordinary Ordinary N/A Notes	Violation Base Pena  Violation Base Pena  Ommended for the instances of non-compliance that occurred from ptember 28, 2016 to December 6, 2017.  25.0%  Reduction Base Pena  The Respondent achieved compliance on December 7, 2017, prior to the July 30, 2018 NOE.  Violation Subto	\$3,750    \$18,750    \$18,750    \$4,687    \$14,063
Good Fa	Five quarte aith Efforts to Con	daily weekly monthly quarterly semiannual annual single event  rly events are rec Se  pply  Extraordinary Ordinary N/A Notes  r this violatio	Violation Base Pena  Violation Base Pena  Violation Base Pena  Ommended for the instances of non-compliance that occurred from ptember 28, 2016 to December 6, 2017.  Reduction Series NOE/NOV NOE/NOV to EDPRP/Settlement Offer  X  The Respondent achieved compliance on December 7, 2017, prior to the July 30, 2018 NOE.  Violation Subtouting Statutory Limit Test	\$3,750    \$18,750     \$18,750     \$14,687     \$14,063     \$14,530

	E	conomic	Benefit	Wo	rksheet		
Respondent	voestalpine Te	xas LLC (PCW 5 c	of 5)				
Case ID No.							
Reg. Ent. Reference No.							
_							Years of
Media						<b>Percent Interest</b>	
Violation No.	10						Depreciation
						5.0	15
	Item Cost	<b>Date Required</b>	Final Date	Yrs	Interest Saved	Costs Saved	<b>EB Amount</b>
Item Description		·					
rtem bescription							
D. I I O I.							
Delayed Costs	Tr .	11					**
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							
Avoided Costs	ANNU	ALIZE avoided c	osts before er	tering	item (except for	one-time avoide	d costs)
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling	\$1,000	28-Sep-2016	7-Dec-2017	1.19	\$33	\$1,192	\$1,225
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs		ed). The Date Red	quired is the firs	st day w		ns (based on \$250   nissions observation ce date.	
Approx. Cost of Compliance		\$1,192			TOTAL		\$1,225

	Scre	ening Date	13-Aug-2018			2018-1266-MLM-E		PCW
		-	voestalpine Tex	as LLC (PCW 5	of 5)			sion 4 (April 2014)
Dog		Case ID No.					PCW Revisi	on March 26, 2014
Reg.	Ent. Rei	erence No. Media						
	Enf. C	coordinator						
		ation Number						
		Rule Cite(s)	30 Tex. Adm	in. Code §§ 106	5.6(c) and 106.261. Pe	rmit By Rule Registration N	No.	
					ex. Health & Safety Co			
			Failed to cor	mply with the ce	ertified emissions rate	Specifically the Responde	nt	
						tpy based on any consecu		
	Violatio	n Description	12-month pe	eriod for the 12	-month periods ending	from October 2017 through	gh	
			November 20		000 metric tons Grade ( n 0.01 ton of unauthor	C Hot Briquette Iron, EPN 4	44,	
				resulting ii	TO.OT toll of unautifor	ized FWZ.5.		
						Base Per	nalty	\$25,000
								, , , , , ,
>> En	vironme	ntal, Proper	ty and Hum	an Health M Harm	latrix			
		Release	Major	Moderate	Minor			
OR		Actual			Х			
		Potential				Percent 15.0%		
>> Dro	aramma	tic Matrix						
>>P10	gi amma	Falsification	Major	Moderate	Minor			
						Percent 0.0%		
	Matrix					t amounts of pollutants that		
	Notes	not exceed lev	els that are prot		n health or environme violation.	ntal receptors as a result o	of the	
				`	violation.			
					Ad	ljustment \$21	1,250	
								40.750
								\$3,750
Violati	on Event	ts						
		N 1 6)	,,,, e , lī			<b>1</b>		
		Number of \	/iolation Events	1	61	Number of violation days		
			daily					
			weekly					
			monthly					
			quarterly	X		Violation Base Per	nalty	\$3,750
			semiannual annual					
			single event					
		One quarte	rly event is reco		·	liance from October 1, 201	7	
				through No	ovember 30, 2017.			
Good F	aith Effo	orts to Com	ply	0.0%		Redu	ction	\$0
					IOE/NOV to EDPRP/Settleme			
			Extraordinary					
			Ordinary					
			N/A	Х				
			Notes	The Responder	nt does not meet the g	ood faith criteria for		
			Notes		this violation.			
			Ц					
						Violation Sub	total	\$3,750
Econor	nic Bene	efit (EB) for	this violation	on		Statutory Limit Tes	st	
			_		¢110			¢2.074
		Estimate	ed EB Amount		\$118	Violation Final Penalty	iotal	\$3,874
				This viola	tion Final Assessed	Penalty (adjusted for lin	nits)	\$3,874

	E	conomic	Benefit	Woı	rksheet		
Respondent	voestalpine Te	exas LLC (PCW 5 c	of 5)				
Case ID No.							
Reg. Ent. Reference No.		)					
Media Violation No.	Air					Percent Interest	Years of Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description		•					
rtem Bescription							
Delayed Costs							
Equipment		1		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	1-Oct-2017	28-Feb-2018	0.41	\$31	n/a	\$31
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,500	1-Oct-2017	30-Nov-2018	1.16	\$87	n/a	\$87
Notes for DELAYED costs	and to dem Require	onstrate complianed is the initial dat	ce with the cert e of non-compli	ified PM ance ar	12.5 emissions rate nd the Final Dates	of throughput at EPI e for EPN 44 (\$1,500 are the dates of con	D). The Date npliance.
Avoided Costs	ANNU	ALIZE avoided c	osts before en			one-time avoided	
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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)  Notes for AVOIDED costs		<u>JI J</u>		0.00	\$0	\$0	\$0
Approx. Cost of Compliance		\$3,000			TOTAL		\$118

		ening Date			Docket No.	2018-1266-MLM-E		PCW
		•		s LLC (PCW 5 of 5)			Policy	Revision 4 (April 2014)
D		Case ID No.					PCW R	evision March 26, 2014
кед.	Ent. Rei	ference No.						
	Fnf (	Media Coordinator	Carol McGrath					
	LIII.	V12						
		Rule Cite(s)	Tex. Water	Code § 26.121(a)(1	), 30 Tex. Admin	. Code §§ 101.20(3)	and	
						M1, SC No. 7, and To		
				& Safety	Code § 382.085(	b)		
			Failed to prevent	fugitive emissions f	rom leaving the p	roperty from process	s buildings	
						arge of industrial was		
	Violatio	n Description				ovember 1, 2017, in Idjacent marsh area		
						of the Plant's loading	9	
				'	3. 3			
						Base	e Penalty	\$25,000
=		atal Dasas	-t		_			
>> Env	ironme	ntai, Proper	rty and Huma	n Health Matrix Harm	K			
		Release	Major	Moderate Mino	or			
OR		Actual		Х		_		
		Potential				Percent 15.0%		
>>Proc	aramma	tic Matrix						
		Falsification	Major	Moderate Mino	or			
						Percent 0.0%		
		Lluman booth	or the environme	nt has been synass	d to incignificant o	manusta of pollutopt	مام طمنطييي	
	Matrix			•	-	amounts of pollutants tal receptors as a res		
	Notes		olo tilat al o pi oto	violatio		tar rooop toro as a ro	ount on this	
							¢21 250	
					Adj	ustment	\$21,250	
					Adj	ustment	\$21,250	\$3,750
Violatio	on Even	ts			Adj	ustment	\$21,250	\$3,750
Violatio	on Even		Violation Events	1				\$3,750
Violatio	on Even		/iolation Events	1		ustment  Number of violation		\$3,750
Violatio	on Even		/iolation Events	1				\$3,750
Violatio	on Even		daily weekly	1				\$3,750
Violatio	on Even		daily weekly monthly	1		Number of violation	days	
Violatio	on Even		daily weekly monthly quarterly	1			days	\$3,750 \$3,750
Violatio	on Even		daily weekly monthly	1		Number of violation	days	
Violatio	on Even		daily weekly monthly quarterly semiannual	1		Number of violation	days	
Violatio	on Even		daily weekly monthly quarterly semiannual annual	1		Number of violation	days	
Violatio	on Even		daily weekly monthly quarterly semiannual annual	1 x One single event is	1	Number of violation	days	
		Number of \	daily weekly monthly quarterly semiannual annual single event	1 X One single event is	1	Number of violation  Violation Base	days e Penalty	
			daily weekly monthly quarterly semiannual annual single event	0.0%	1	Number of violation  Violation Base	days	\$3,750
		Number of \	daily weekly monthly quarterly semiannual annual single event	0.0%	recommended.	Number of violation  Violation Base	days e Penalty	\$3,750
		Number of \	daily weekly monthly quarterly semiannual annual single event	0.0% ore NOE/NOV NOE/NOV	recommended.	Number of violation  Violation Base	days e Penalty	\$3,750
		Number of \	daily weekly monthly quarterly semiannual annual single event	O.0%   Ore NOE/NOV   NOE/N	recommended.	Number of violation  Violation Base  at Offer	days e Penalty	\$3,750
		Number of \	daily weekly monthly quarterly semiannual annual single event	0.0% ore NOE/NOV NOE/NOV	recommended.  / to EDPRP/Settlemen	Number of violation  Violation Base  at Offer	days e Penalty	\$3,750
		Number of \	daily weekly monthly quarterly semiannual annual single event	O.0%   Ore NOE/NOV   NOE/N	recommended.	Number of violation  Violation Base  at Offer	days e Penalty	\$3,750
		Number of \	daily weekly monthly quarterly semiannual annual single event	O.0%   Ore NOE/NOV   NOE/N	recommended.  / to EDPRP/Settlemen	Number of violation  Violation Base  at Offer  od faith criteria for	days e Penalty	\$3,750
Good F	aith Effe	Number of \	daily weekly monthly quarterly semiannual annual single event	0.0% NOE/NO' NOE/NO' X The Respondent doe	recommended.  / to EDPRP/Settlemer s not meet the go this violation.	Number of violation  Violation Base  at Offer  od faith criteria for	days e Penalty Reduction	\$3,750 \$0
Good F	aith Effe	Number of \ Orts to Com	daily weekly monthly quarterly semiannual annual single event	0.0%   NOE/NO! NOE/NO!   N	recommended.  / to EDPRP/Settlemen s not meet the go this violation.	Number of violation  Violation Base  It Offer  od faith criteria for  Violation	days e Penalty  Reduction  Subtotal	\$3,750 \$0
Good F	aith Effe	Number of \ Orts to Com	daily weekly monthly quarterly semiannual annual single event	0.0% NOE/NO'  The Respondent doe  \$1	recommended.  / to EDPRP/Settlements not meet the good this violation.	Number of violation  Violation Base  Int Offer  Od faith criteria for  Violation  Statutory Limit	days e Penalty  Reduction  Subtotal Test alty Total	\$3,750 \$0 \$3,750

Economic Benefit Worksheet							
Respondent	voestalpine Te	xas LLC (PCW 5 c	of 5)				
Case ID No.	·	•	,				
Reg. Ent. Reference No.							
Media							Years of
						Percent Interest	
Violation No.	12					ı	Depreciation
						5.0	15
	Item Cost	<b>Date Required</b>	Final Date	Yrs	<b>Interest Saved</b>	Costs Saved	<b>EB Amount</b>
Item Description		•					
rtem bescription							
Deleved Costs							
Delayed Costs Equipment		1		0.00	\$0	\$0	¢0
Equipment Buildings				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Other (as needed)				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Engineering/Construction				0.00	\$0	\$0 \$0	\$0 \$0
Land				0.00	\$0	n/a	\$0 \$0
Record Keeping System				0.00	\$0	n/a	\$0 \$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)	\$10,000	1-Nov-2017	1-Dec-2019	2.08	\$1,041	n/a	\$1,041
	+					prevent visible iron	
						s from leaving the p	
Notes for DELAYED costs		•	•	_	•	Date is the estimat	
	Date Req	uli eu is the obser	veu date of flor			Date is the estimat	ed date of
				compli		<del></del>	
Avoided Costs	ANNU	ALIZE avoided c	osts before er			one-time avoided	·
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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs							
<u>'</u>							
Approx. Cost of Compliance		\$10,000			TOTAL		\$1,041
.,	1	<b>4.5,000</b>					ψ.,σ.1

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# Compliance History Report

Compliance History Report for CN604261545, RN106597875, Rating Year 2017 which includes Compliance History (CH)

**CEQ** components from September 1, 2012, through August 31, 2017.

Customer, Respondent, CN604261545, voestalpine Texas LLC **Classification:** SATISFACTORY **Rating:** 0.63

or Owner/Operator:

**Classification: SATISFACTORY** Rating: 0.63 Regulated Entity: RN106597875, LA QUINTA PLANT

**Complexity Points:** Repeat Violator: NO 17

CH Group: 14 - Other

Location: 2800 KAY BAILEY HUTCHISON RD, SAN PATRICIO COUNTY, PORTLAND, TX 78374-7400

**TCEO** Region: **REGION 14 - CORPUS CHRISTI** 

ID Number(s):

**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX1344 **AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX1344M1

**AIR NEW SOURCE PERMITS PERMIT 108113 AIR NEW SOURCE PERMITS REGISTRATION 134619 AIR NEW SOURCE PERMITS EPA PERMIT GHGPSDTX43 AIR NEW SOURCE PERMITS REGISTRATION 150444** 

**AIR NEW SOURCE PERMITS REGISTRATION 147082** AIR NEW SOURCE PERMITS AFS NUM 4840900240

**WASTEWATER EPA ID TX0134911** WASTEWATER PERMIT WQ0005097000 **AIR OPERATING PERMITS PERMIT 3903 STORMWATER PERMIT TXR05CR67** TAX RELIEF ID NUMBER 20334 TAX RELIEF ID NUMBER 20387

TAX RELIEF ID NUMBER 20390 **INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE** 

REGISTRATION # (SWR) 97213

INDUSTRIAL AND HAZARDOUS WASTE EPA ID INDUSTRIAL AND HAZARDOUS WASTE EPA ID

TXR000084679 TXP490353846 AIR EMISSIONS INVENTORY ACCOUNT NUMBER SDA012L

**INDUSTRIAL AND HAZARDOUS WASTE OTS REQUEST** 

40074

**POLLUTION PREVENTION PLANNING ID NUMBER P09963** 

Compliance History Period: September 01, 2012 to August 31, 2017 Rating Year: 2017 **Rating Date:** 09/01/2017

Date Compliance History Report Prepared: August 13, 2018 Agency Decision Requiring Compliance History: Enforcement Component Period Selected: August 13, 2013 to August 13, 2018

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

Name: Carol McGrath Phone: (210) 403-4063

### 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

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

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

**B.** Criminal convictions:

N/A

C. Chronic excessive emissions events:

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

Item 1 December 18, 2013 (1134111)September 13, 2016 Item 2 (1374639)Item 3 October 03, 2016 (1380794)

Item 4	October 27, 2016	(1374633)
Item 5	November 01, 2016	(1386751)
Item 6	December 01, 2016	(1392873)
Item 7	December 15, 2016	(1399476)
Item 8	February 01, 2017	(1406392)
Item 9	April 03, 2017	(1419958)
Item 10	May 01, 2017	(1427598)
Item 11	May 15, 2017	(1407219)
Item 12	June 01, 2017	(1433613)
Item 13	September 01, 2017	(1452439)
Item 14	October 06, 2017	(1458302)
Item 15	November 13, 2017	(1463747)
Item 16	December 11, 2017	(1470192)
Item 17	January 19, 2018	(1476900)
Item 18	February 19, 2018	(1489032)
Item 19	March 19, 2018	(1492683)
Item 20	April 16, 2018	(1495996)
Item 21	May 03, 2018	(1502972)

## 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: 05/25/2018 (1498261)

No DOV Associated

Notice of Intent Date: 05/29/2018 (1498257)

No DOV Associated

## 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

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



# Compliance History Report

Compliance History Report for CN604261545, RN106597875, Rating Year 2017 which includes Compliance History (CH) components from September 1, 2012, through August 31, 2017.

Customer, Respondent, CN604261545, voestalpine Texas LLC Classification: SATISFACTORY Rating: 0.24

or Owner/Operator:

Regulated Entity: RN106597875, LA QUINTA PLANT Classification: SATISFACTORY Rating: 0.24

Complexity Points: 15 Repeat Violator: NO

CH Group: 14 - Other

**Location:** 2800 KAY BAILEY HUTCHISON ROAD, PORTLAND, SAN PATRICIO COUNTY, TEXAS 78374

TCEQ Region: REGION 14 - CORPUS CHRISTI

ID Number(s):

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1344
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1344M1
AIR NEW SOURCE PERMITS PERMIT 108113
AIR NEW SOURCE PERMITS REGISTRATION 134619

AIR NEW SOURCE PERMITS EPA PERMIT GHGPSDTX43

AIR NEW SOURCE PERMITS REGISTRATION 147082

AIR NEW SOURCE PERMITS AFS NUM 4840900240 WASTEWATER EPA ID TX0134911

WASTEWATER PERMIT WQ0005097000 AIR OPERATING PERMIT 3903

TAX RELIEF ID NUMBER 20334 TAX RELIEF ID NUMBER 20387

TAX RELIEF ID NUMBER 20390 AIR EMISSIONS INVENTORY ACCOUNT NUMBER SDA012L

TIER II ID NUMBER 74659

Compliance History Period: September 01, 2012 to August 31, 2017 Rating Year: 2017 Rating Date: 09/01/2017

**Date Compliance History Report Prepared:** November 07, 2017 **Agency Decision Requiring Compliance History:** Enforcement

Component Period Selected: November 07, 2012 to November 07, 2017

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

Name: Carol McGrath Phone: (210) 403-4063

#### 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

#### 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
 December 18, 2013
 (1134111)

 Item 2
 September 13, 2016
 (1374639)

 Item 3
 October 03, 2016
 (1380794)

 Item 4
 October 27, 2016
 (1374633)

 Item 5
 November 01, 2016
 (1386751)

Item 6	December 01, 2016	(1392873)
Item 7	December 15, 2016	(1399476)
Item 8	February 01, 2017	(1406392)
Item 9	April 03, 2017	(1419958)
Item 10	May 01, 2017	(1427598)
Item 11	May 15, 2017	(1407219)
Item 12	June 01, 2017	(1433613)

#### 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: 02/28/2017 (1413507)

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

2 Date: 06/30/2017 (1442170)

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

3 Date: 07/31/2017 (1445833)

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

#### 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

#### K. Sites Outside of Texas:

N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	<b>§</b>	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
VOESTALPINE TEXAS LLC	§	
RN106597875	§	ENVIRONMENTAL QUALITY

#### AGREED ORDER DOCKET NO. 2018-1266-MLM-E

#### I. JURISDICTION AND STIPULATIONS

On,	the Texas Commission on Environmental Quality ("the
Commission" or "TCEQ") consid	ered this agreement of the parties, resolving an enforcement
action regarding voestalpine Tex	as LLC (the "Respondent") under the authority of TEX. HEALTH
& SAFETY CODE ch. 382 and TEX.	WATER CODE chs. 7 and 26. The Executive Director of the
TCEQ, through the Enforcement	Division, and the Respondent, represented by Marshall Coover
of the law firm of Texas Star Allia	ance, together stipulate that:

- 1. The Respondent owns and operates a direct reduced iron/hot briquetting iron production plant located at 2800 Kay Bailey Hutchison Road in Portland, San Patricio County, Texas (the "Plant"). The Plant consists or consisted of one or more sources as defined in Tex. Health & Safety Code § 382.003(12) and is near or adjacent to water in the state as defined in Tex. Water Code § 26.001(5).
- 2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to Tex. Water Code §§ 7.002, 7.051, and 7.073 and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to Tex. Water Code § 5.013 because it alleges violations of Tex. Water Code ch. 26, Tex. Health & Safety Code ch. 382, and the rules of the TCEQ.
- 3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
- 4. An administrative penalty in the amount of \$658,926 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$263,571 of the penalty and \$131,785 of the penalty is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order and shall be waived only upon full compliance with all the terms and conditions of this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms and conditions contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.

Pursuant to Tex. Water Code § 7.067, \$263,570 of the penalty shall be conditionally offset by the Respondent's timely and satisfactory completion of two Supplemental Environmental Projects ("SEPs") as defined in the attached SEP Agreements ("Attachment A" and "Attachment B", incorporated herein by reference). The Respondent's obligation to pay the conditionally offset portion of the penalty shall be discharged upon full compliance with all the terms and conditions of this Order, which includes the timely and satisfactory completion of all provisions of the SEP Agreements, as determined by the Executive Director.

- 5. 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). 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.
- 6. 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 Order.
- 7. This Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
- 8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
- 9. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Plant:
  - a. On December 18, 2016, began sampling the cooling water for the concentration of total dissolved solids ("TDS") once a week;
  - b. On December 26, 2016, began sampling the cooling water for the conductivity once a day;
  - c. On May 25, 2017, began conducting quarterly fugitive visible emissions observations of the process buildings and/or fugitive sources;
  - d. By May 31, 2017, began maintaining records for the quarterly inspections of the hoods and ductwork for the emission capture and control systems;
  - e. By June 30, 2017, implemented measures and procedures in order to ensure that the baghouses for Emissions Point Numbers ("EPNs") 6 and 7D were operating properly during normal operations;
  - f. On July 6, 2017, obtained Permit by Rule ("PBR") Registration No. 147082 to authorize storage piles at the Plant;

- g. By November 11, 2017, evaluated the stormwater system and certified that discharges of non-stormwater and non-permitted flows do not occur;
- h. By November 17, 2017, provided employees with stormwater pollution prevention training;
- i. On November 20, 2017, depicted the location of each outfall on the Drainage Area Site Map;
- j. By November 30, 2017, demonstrated compliance with the particulate matter ("PM") annual maximum allowable emissions rate ("MAER") for EPN 6;
- k. On December 7, 2017, began conducting daily visible emissions observations of EPNs 8, 9, 11, and 38;
- l. On December 7, 2017, began conducting semiannual benchmark monitoring as required by Texas Pollutant Discharge Elimination System ("TPDES") Multi-Sector General Permit ("MSGP") No. TXR05CR67, Part IV, Section B.1(a);
- m. By December 31, 2017, demonstrated compliance with the PM annual MAER for EPN 7D;
- n. By February 28, 2018, implemented measures in order to decrease the level of throughput at EPN 44;
- o. By March 31, 2018, began conducting quarterly visible emissions observations of EPNs 4A, 4B, 5A, 5B, 6, 7A, 7B, 7C, 7D, 8, 16, 17, and 29;
- p. By November 30, 2018, demonstrated compliance with the certified particulate matter equal to or less than 2.5 microns in diameter ("PM2.5") emissions rate for EPN 44;
- q. On January 22, 2019, obtained a revision for PBR Registration No. 147082 to certify the revised emissions and to represent that the fugitive dust emissions from the storage piles are controlled by a water spray and/or dust suppressant spray;
- r. On May 30, 2019, submitted an amendment application for New Source Review ("NSR") Permit Nos. 108113 and PSDTX1344M that includes the incorporation of PBR No. 147082; the increase of the carbon monoxide ("CO") hourly MAER for EPN 8; the increase of the PM, particulate matter equal to or less than 10 microns in diameter ("PM10"), and PM2.5 MAERs for EPN 29; and the amendment of the PM. PM10. and PM2.5 MAERs for EPN 33:
- s. By June 1, 2019, removed the five non-enclosed storage piles containing iron ore pellets and has ensured that all iron ore pellets are stored in enclosed storage in order to comply with NSR Permit Nos 108113 and PSDTX1344M1; and
- t. On January 21, 2020, obtained approval for the plan (the "Plan") dated November 11, 2019 that identified measures taken to date, proposed upgrades

and changes to equipment and work practices, incorporated best management practices, and provided schedules and plans for implementation in order to address visible iron oxide and/or metallic iron fugitive emissions from process buildings or fugitive sources from leaving the property and to address iron oxide and/or metallic iron dust from creating nuisance conditions.

#### II. ALLEGATIONS

- 1. During an investigation conducted on from May 16, 2017 through October 16, 2017, an investigator documented that the Respondent:
  - a. Failed to prevent nuisance conditions, in violation of 30 Tex. Admin. Code § 101.4 and Tex. Health & Safety Code § 382.085(a) and (b). Specifically, on May 16, 2017, May 17, 2017, May 18, 2017, May 19, 2017, May 20, 2017, May 23, 2017, May 24, 2017, May 25, 2017, May 26, 2017, May 30, 2017, June 2, 2017, June 5, 2017, June 8, 2017, June 13, 2017, June 15, 2017, June 23, 2017, June 30, 2017, July 13, 2017, July 19, 2017, September 8, 2017, and October 16, 2017, TCEQ staff documented iron ore dust at 141 off-site properties. Laboratory analysis of tape-lift samples that were collected from 20 of the off-site properties indicated that the dust particles had diameters and x-ray spectra consistent with the reference samples taken from the outdoor stockpiles at the Plant.
  - b. Failed to store iron ore pellets in enclosed storage, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(c), NSR Permit Nos. 108113 and PSDTX1344M1, Special Conditions ("SC") No. 17, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, TCEQ staff observed five non-enclosed storage piles containing iron ore pellets.
  - c. Failed to obtain a permit amendment prior to constructing and operating additional sources of air contaminants, in violation of 30 Tex. ADMIN. CODE §§ 116.110(a) and 116.116(b)(1) and Tex. Health & Safety Code §§ 382.085(b) and 382.0518(a). Specifically, the Respondent did not obtain a permit amendment before operating additional non-enclosed stockpiles containing fines, clusters, chips, sludge, and remet.
- 2. During an investigation conducted from November 14, 2017 through January 22, 2018, an investigator documented that the Respondent failed to prevent nuisance conditions, in violation of 30 Tex. Admin. Code § 101.4 and Tex. Health & Safety Code § 382.085(a) and (b). Specifically, TCEQ staff documented iron ore dust nuisance conditions at three off-site properties on November 15, 2017 and December 1, 2017 and obtained citizen-collected evidence from one of the properties that documented additional dust nuisance conditions on November 9, 2017, November 16, 2017, and December 19, 2017. Laboratory analysis of tape-lift samples that were collected from two of the off-site properties indicated that the dust particles had diameters and x-ray spectra consistent with the reference samples taken from the outdoor stockpiles at the Plant.
- 3. During a record review conducted from November 24, 2017 through April 17, 2018, an investigator documented that the Respondent:

- a. Failed to comply with the MAER, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), NSR Permit Nos. 108113 and PSDTX1344M1, General Conditions ("GC") Nos. 1, 8, and 14 and SC No. 1, Federal Operating Permit ("FOP") No. O3903, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 7, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, during stack testing conducted on March 8 and 9, 2017, the Respondent exceeded the PM MAER of 4.20 pounds per hour ("lbs/hr") by 13.42 lbs/hr for the Reformer Main Flue Ejector Stack, EPN 29, resulting in 139,782.72 lbs of unauthorized PM.
- b. Failed to comply with the MAER, in violation of 30 TEX. ADMIN. CODE \$\\$ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), NSR Permit Nos. 108113 and PSDTX1344M1, GC Nos. 1, 8, and 14 and SC No. 1, FOP No. O3903, GTC and STC No. 7, and TEX. HEALTH & SAFETY CODE \\$ 382.085(b). Specifically, during a stack test conducted on March 15, 2017, the Respondent exceeded the CO MAER of 873.00 lbs/hr by 17.58 lbs/hr for the Furnace Dedusting Wet Scrubber Stack, EPN 8, resulting in 180,159.8 lbs of unauthorized CO.
- 4. During an investigation conducted from November 1, 2017 through June 14, 2018, an investigator documented that the Respondent:
  - a. Failed to conduct employee training at least once per year, in violation of 30 TEX. ADMIN. CODE §§ 281.25(a) (4) and 305.125(1), 40 CODE OF FEDERAL REGULATIONS ("CFR") § 122.26(c), and TPDES MSGP No. TXR05CR67, Part III, Section A.4(f)(1). Specifically, operations at the Plant began in September of 2016 but employees had not received training on the stormwater pollution prevention plan.
  - b. Failed to certify that the Plant's stormwater system has been evaluated and that discharges of non-stormwater and non-permitted flows do not occur, in violation of 30 Tex. Admin. Code §§ 281.25(a)(4) and 305.125(1), 40 CFR § 122.26(c), and TPDES MSGP No. TXR05CR67, Part III, Section B.1(c). Specifically, the stormwater pollution prevention plan certification was not available for review upon request.
  - c. Failed to identify all stormwater outfalls at the Plant, in violation of 30 TEX. ADMIN. CODE §§ 281.25(a) (4) and 305.125(1), 40 CFR § 122.26(c), and TPDES MSGP No. TXR05CR67, Part III, Section A.3(d) (1). Specifically, the Respondent depicted one stormwater outfall on the Drainage Area Site Map, but additional outfalls were identified around the dock area and on the north side of the Plant.
  - d. Failed to conduct benchmark monitoring once every six months (January through June or July through December) following permit issuance and then once each subsequent semiannual period, in violation of 30 Tex. Admin. Code §§ 281.25(a)(4) and 305.125(1), 40 CFR § 122.26(c), and TPDES MSGP No. TXR05CR67, Part IV, Section B.1(a). Specifically, TPDES MSGP No. TXR05CR67 was issued on April 27, 2016, the Plant began operating in September 2016, and the Respondent had not conducted any benchmark monitoring.

- e. Failed to comply with the MAER, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(b)(2)(F) and (c), NSR Permit Nos. 108113 and PSDTX1344M1, GC Nos. 1, 8, and 14 and SC No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent exceeded the PM MAER of 0.22 ton per year ("tpy") based on a 12-month rolling period for the 12-month periods ending from January 2017 through October 2017 for the Oxide Pellet Transfer (Post Storage) Fabric Filter Stack, EPN 6, resulting in 0.241 ton of unauthorized PM.
- f. Failed to comply with the MAER, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(b)(2)(F) and (c), NSR Permit Nos. 108113 and PSDTX1344M1, GC Nos. 1, 8, and 14 and SC No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent exceeded the PM MAER of 0.22 tpy based on a 12-month rolling period for the 12-month periods ending from January 2017 through November 2017 for the Oxide Tower Transfer Fabric Filter Stack, EPN 7D, resulting in 0.0022 ton of unauthorized PM.
- g. Failed to comply with the MAERs, in violation of 30 Tex. Admin. Code §§ 101.20(3) and 116.115(b)(2)(F) and (c), NSR Permit Nos. 108113 and PSDTX1344M1, GC Nos. 1, 8, and 14 and SC No. 1, and Tex. Health & Safety Code § 382.085(b). Specially, the Respondent exceeded the PM, PM10, and the PM2.5 MAERs of 18.39 tpy based on a 12-month rolling period for the 12-month periods ending from March 2017 through November 2017 for the Reformer Main Flue Ejector Stack, EPN 29, resulting in 55.68 tons of unauthorized PM.
- h. Failed to comply with the MAERs, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(b)(2)(F) and (c), NSR Permit Nos. 108113 and PSDTX1344M1, GC Nos. 1, 8, and 14 and SC No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent exceeded the PM MAER of 11.44 tpy based on a 12-month rolling period and the PM10 and PM2.5 MAERs of 0.34 tpy based on a 12-month rolling period for the 12-month periods ending from June 2017 through November 2017 for the Salt Water Cooling Tower, EPN 33, resulting in 4.42 tons of unauthorized PM.
- i. Failed to conduct quarterly visible emissions observations, in violation of 30 Tex. ADMIN. CODE §§ 101.20(3) and 116.115(c), NSR Permit Nos. 108113 and PSDTX1344M1, SC No. 6, and Tex. Health & Safety Code § 382.085(b). Specifically, the Respondent did not conduct quarterly visible emissions observations for 13 EPNs from the second quarter of 2016 through the third quarter of 2017.
- j. Failed to conduct quarterly visible emissions observations, in violation of 30 Tex. ADMIN. CODE §§ 101.20(3) and 116.115(c), NSR Permit Nos. 108113 and PSDTX1344M1, SC No. 7, and Tex. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent did not conduct quarterly fugitive visible emissions observations of the process buildings and/or fugitive sources for the second, third, and fourth quarters of 2016 and the first quarter of 2017.

- k. Failed to maintain records for the quarterly inspections, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(c), NSR Permit Nos. 108113 and PSDTX1344M1, SC No. 42D, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent did not maintain records for the quarterly inspections of the hoods and ductwork for the emission capture and control systems in the third and fourth quarters of 2016.
- l. Failed to sample the cooling water for the concentration of TDS once a week, in violation of 30 Tex. Admin. Code §§ 101.20(3) and 116.115(c), NSR Permit Nos. 108113 and PSDTX1344M1, SC No. 25A, and Tex. Health & Safety Code § 382.085(b). Specifically, the Respondent did not sample the cooling water TDS concentrations for the Salt Water Cooling Tower, EPN 33, for 11 weeks from September 26, 2016 through December 11, 2016.
- m. Failed to sample the cooling water once a day for conductivity or monitor the cooling water continuously for conductivity, in violation of 30 Tex. Admin. Code §§ 101.20(3) and 116.115(c), NSR Permit Nos. 108113 and PSDTX1344M1, SC No. 25A, and Tex. Health & Safety Code § 382.085(b). Specifically, the Respondent did not sample and analyze the cooling water conductivity for the Salt Water Cooling Tower, EPN 33, on 34 days: October 1, 2016, October 5 through 10, 2016, October 12 through 24, 2016, October 26 through 31, 2016, November 6, 2016, November 13, 2016, November 20, 2016, November 27, 2016, December 4, 2016, December 11, 2016, December 18, 2016, and December 25, 2016.
- n. Failed to conduct daily visible emissions observations for the wet scrubbers, in violation of 30 Tex. Admin. Code §§ 101.20(3) and 116.115(c), NSR Permit Nos. 108113 and PSDTX1344M1, SC No. 30, and Tex. Health & Safety Code § 382.085(b). Specifically, the Respondent did not conduct daily visible emissions observations for the Furnace Dedusting (BSG Dust Collection) Wet Scrubber Stack, EPN 8, and the Hot Pressure Relief Vent (Flare), EPN 38, on 284 days and did not to conduct daily visible emissions observations for the Briquetter Dedusting Scrubber Stack, EPN 9, and the Hot Iron Briquette Cooling Conveyer Scrubber Stack, EPN 11, on 286 days during the time period from September 28, 2016 to December 6, 2017.
- o. Failed to comply with the certified emissions rate, in violation of 30 TEX. ADMIN. CODE §§ 106.6(c) and 106.261, PBR Registration No. 147082, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent exceeded the certified PM2.5 emissions rate of 0.01 tpy based on any consecutive 12-month period for the 12-month periods ending from October 2017 through November 2017 for the 75,000 metric tons Grade C Hot Briquette Iron, EPN 44, resulting in 0.01 ton of unauthorized PM2.5.
- p. Failed to prevent fugitive emissions from leaving the property from process buildings or fugitive sources resulting in the unauthorized discharge of industrial waste into or adjacent to any water in the state, in violation of Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code §§ 101.20(3) and 116.115(c), NSR Permit Nos. 108113 and PSDTX1344M1, SC No. 7, and Tex. Health & Safety Code § 382.085(b). Specifically, on November 1, 2017, iron oxide dust was observed on

the Plant's grounds and in the adjacent marsh area owned by the Port of Corpus Christi Authority, directly north of the Plant's loading dock.

#### III. DENIALS

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

#### IV. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this 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. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: voestalpine Texas LLC, Docket No. 2018-1266-MLM-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 two SEPs as set forth in Section I, Paragraph No. 4. The amount of \$263,570 of the assessed penalty is conditionally offset based on the Respondent's implementation and completion of the SEPs pursuant to the terms of the SEP Agreements, as defined in Attachment A and Attachment B. Penalty payments for any portion of the SEPs deemed by the Executive Director as not complete shall be paid within 30 days after the date the Executive Director demands payment.
- 3. The Respondent shall undertake the following technical requirements:
  - a. 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;
  - b. Within 30 days after the effective date of this Order, implement all provisions of the approved Plan in accordance with the schedule in the approved Plan;
  - c. Within 15 days after completion of the approved Plan implementation, submit written certification to demonstrate compliance with Ordering Provision No. 3.b, as described in Ordering Provision No. 3.d; and
  - d. Within 360 days after the effective date of this Order, submit written certification that either the amendment for NSR Permit Nos. 108113 and PSDTX1344M1 has been obtained or that the operation has ceased until such time that appropriate authorization is obtained, and include detailed supporting documentation

including photographs, receipts, and/or other records to demonstrate compliance. The certification shall be signed by the Respondent and shall 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 Corpus Christi Regional Office Texas Commission on Environmental Quality 6300 Ocean Drive, Suite 1200 Corpus Christi, Texas 78412-5839

- 4. All relief not expressly granted in this Order is denied.
- 5. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Plant operations referenced in this Order.
- 6. If the Respondent fails to comply with any of the Ordering Provisions in this 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 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.
- 7. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this 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. Extension requests shall be sent to the Order Compliance Team at the address listed above.

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- 8. This 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 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.
- 9. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this 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 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.
- 10. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

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# **SIGNATURE PAGE**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission	Date	
Curt	12/30/2021	
For the Executive Director	Date	
I, the undersigned, have read and understand the attached Order, and I do agree to the terms and acknowledge that the TCEQ, in accepting payment on such representation.	d conditions specified the	rein. I further
I also understand that failure to comply with the Oand/or failure to timely pay the penalty amount, m		, in this Order
<ul> <li>A negative impact on compliance history;</li> <li>Greater scrutiny of any permit applications so</li> <li>Referral of this case to the Attorney General's additional penalties, and/or attorney fees, or</li> <li>Increased penalties in any future enforcement</li> <li>Automatic referral to the Attorney General's C</li> <li>TCEQ seeking other relief as authorized by later</li> </ul>	Office for contempt, injuto a collection agency; tactions; Office of any future enforce	
In addition, any falsification of any compliance doc	cuments may result in crir	ninal prosecution.
Signature	Date	
Name (Printed or typed) Authorized Representative of voestalpine Texas LLC	Title	CTO
$\Box$ If mailing address has changed, please check the	his box and provide the n	ew address below:

#### **Attachment A**

# Docket Number: 2018-1266-MLM-E SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	voestalpine Texas LLC
Payable Penalty Amount:	\$527,141
SEP Offset Amount:	\$131,785
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Texas Congress of Parents and Teachers dba Texas PTA
Project Name:	Texas PTA Clean School Bus Replacement Program
Location of SEP:	Texas Air Quality Control Region 214: Corpus Christi-Victoria - Preference for San Patricio County

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 SEP Offset Amount is set forth above and such offset 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 Congress of Parents and Teachers dba Texas PTA** for the *Texas PTA Clean School Bus Replacement Program*. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the "Project"). Specifically, the contribution will be used to reduce nitrogen oxides, volatile organic compounds, carbon monoxide, and particulate matter emissions by replacing older diesel buses with newer buses that meet more stringent emission standards. The Third-Party Administrator shall use the SEP Offset Amount for up to 100% of the purchase price of a model year 2010 or newer bus to replace a diesel school bus that is model year 2002 or older. The SEP will be done 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 spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

voestalpine Texas 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 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 which contribute to the formation of ozone and may cause or exacerbate many respiratory diseases, including asthma. In addition, by encouraging less school bus idling, this SEP contributes to public awareness of environmental matters.

## 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 Congress of Parents and Teachers SEP** and shall mail the contribution with a copy of the Agreed Order to:

Texas PTA 408 West 11th Street Austin. Texas 78701

# 3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement Division SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount due 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 and submittal of the required reporting 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 SEP, 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 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. Recognition

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 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.

#### **Attachment B**

# Docket Number: 2018-1266-MLM-E SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	voestalpine Texas LLC
Payable Penalty Amount:	\$527,141
SEP Offset Amount:	\$131,785
Type of SEP:	Contribution to a Third-Party Administrator SEP
Third-Party Administrator:	Texas Natural Gas Foundation
Project Name:	High Emission Vehicle Replacement Project
Location of SEP:	Texas Air Quality Control Region 214: Corpus Christi-Victoria - Preference for San Patricio County

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 B.

# 1. Project Description

# a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above, **Texas Natural Gas Foundation**, for the *High Emission Vehicle Replacement Project* (the "Project"). The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ, which details the terms and conditions of the Project.

Specifically, the SEP Offset Amount will be used to reimburse an eligible public entity for the total purchase price or five-year lease price of a standard base model alternative-fueled vehicle that will replace an eligible older, diesel-fueled vehicle that the public entity has decommissioned and removed from its fleet. Public entities eligible to receive assistance include state agencies, counties, municipalities, school districts, or other political subdivisions created under the constitution or any statute of this state.

Old, diesel-fueled vehicles emit large amounts of nitrogen oxides ("NOx") and particulate matter ("PM"), as well as other harmful pollutants such as volatile organic compounds ("VOCs") and carbon monoxide ("CO"). These pollutants contribute to serious public health problems. This Project shall reduce NOx, PM, VOCs, and CO emissions by replacing high-emission, diesel-fueled vehicles with low-emission, alternative-fueled

voestalpine Texas LLC Agreed Order - Attachment B

vehicles. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

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

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

#### b. Environmental Benefit

This Project will directly benefit air quality by reducing harmful exhaust emissions that contribute to the formation of ozone and may cause or exacerbate several respiratory diseases, including asthma. For example, replacing a model year 2002 heavy-duty diesel dump truck with a model year 2010 or newer dump truck powered by natural gas or propane may reduce passengers' exposure to NOx by 95% and PM by 99.9%. Moreover, replacing a model year 1989 diesel school bus with a model year 2010 or newer school bus powered by natural gas or propane may reduce passengers' exposure to NOx by 98%, VOCs by 83%; and PM by 99%.

#### 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 Natural Gas Foundation SEP** and shall mail the contribution with a copy of the Agreed Order to:

Texas Natural Gas Foundation Attention: Heather Ball, Executive Director 2315 Newfield Lane Austin, Texas 78703

# 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 B, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the Executive Director may require immediate payment of all or part of the SEP Offset Amount.

In the event the Executive Director 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 Executive Director, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, 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.

voestalpine Texas LLC Agreed Order - Attachment B

# 6. Recognition

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 B 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.