

**Executive Summary – Enforcement Matter – Case No. 59727**  
**Hensley Industries, Inc.**  
**RN100689934**  
**Docket No. 2020-1223-AIR-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

AIR

**Small Business:**

Yes

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

Hensley Industries, 2108 Joe Field Road, Dallas, Dallas County

**Type of Operation:**

Steel foundry

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** August 6, 2021

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$24,375

**Amount Deferred for Expedited Settlement:** \$4,875

**Total Paid to General Revenue:** \$19,500

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

Payment Plan: N/A

**Compliance History Classifications:**

Person/CN - High

Site/RN - High

**Major Source:** Yes

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** April 2014

***Investigation Information***

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

**Complaint Information:** N/A

**Date(s) of Investigation:** June 26, 2020 and August 6, 2020

**Date(s) of NOE(s):** August 18, 2020 and August 28, 2020

**Executive Summary – Enforcement Matter – Case No. 59727**  
**Hensley Industries, Inc.**  
**RN100689934**  
**Docket No. 2020-1223-AIR-E**

***Violation Information***

1. Failed to comply with the maximum allowable emissions rate ("MAER"). Specifically, during a stack test conducted on April 4, 2018, the Respondent exceeded the particulate matter ("PM") MAER of 0.35 pound per hour ("lb/hr") by 0.24 lb/hr for the Sand Plant and East and West Shakeout Baghouse Stack, Emissions Point Number ("EPN") ST-B18, resulting in approximately 1,624.32 lbs of unauthorized PM emissions [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), New Source Review ("NSR") Permit No. 2489A, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O1506, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 6, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

2. Failed to comply with the MAER. Specifically, during a stack test conducted on June 28, 2018, the Respondent exceeded the PM MAER of 0.13 lb/hr by 0.59 lb/hr for South Foundry Hot Sand Elevator, South Foundry Muller, Roberts New Sand Tank, System 1, 2, and 3, Core and Mold Making, Chromite Feeder, and Iron Oxide Feeder Baghouse Stack, EPN ST-B21, resulting in approximately 7,249.92 lbs of unauthorized PM emissions [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 2489A, SC No. 1, FOP No. O1506, GTC and STC No. 6, 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 January 11, 2019, obtained an amendment for NSR Permit No. 2489A that increased the PM hourly MAER for the Sand Plant and East and West Shakeout Baghouse Stack, EPN ST-B18; and
- b. By November 22, 2019, conducted a stack test demonstrating compliance with the PM hourly MAER for the South Foundry Hot Sand Elevator, South Foundry Muller, Roberts New Sand Tank, System 1, 2, and 3, Core and Mold Making, Chromite Feeder, and Iron Oxide Feeder Baghouse Stack, EPN ST-B21.

**Technical Requirements:**

N/A

**Executive Summary – Enforcement Matter – Case No. 59727**  
**Hensley Industries, Inc.**  
**RN100689934**  
**Docket No. 2020-1223-AIR-E**

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Margarita Dennis, Enforcement Division,  
Enforcement Team 5, MC R-04, (817) 588-5892; Michael Parrish, Enforcement  
Division, MC 219, (512) 239-2548

**Respondent:** Helmut Henkel, Plant Manager, Hensley Industries, Inc., 2108 Joe Field  
Road, Dallas, Texas 75229

John Fiedler, President, Hensley Industries, Inc., 2108 Joe Field Road, Dallas, Texas  
75229

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



# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

<b>DATES</b>	<b>Assigned</b>	24-Aug-2020	<b>Screening</b>	24-Aug-2020	<b>EPA Due</b>	14-Feb-2021
	<b>PCW</b>	12-Feb-2021				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Hensley Industries, Inc.
<b>Reg. Ent. Ref. No.</b>	RN100689934
<b>Facility/Site Region</b>	4-Dallas/Fort Worth
<b>Major/Minor Source</b>	Major

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	59727	<b>No. of Violations</b>	2
<b>Docket No.</b>	2020-1223-AIR-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Air	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Margarita Dennis
		<b>EC's Team</b>	Enforcement Team 5
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	<b>\$37,500</b>
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	<b>-10.0%</b> Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	<b>-\$3,750</b>
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Notes: Since the enhancement for one NOV with dissimilar violations and the reduction for three notices of intent to conduct an audit and three disclosures of violations is below zero, the Adjustment Percentage (Subtotal 2) defaults to zero. Reduction for High Performer classification.

<b>Culpability</b>	No	<b>0.0%</b> Enhancement	<b>Subtotal 4</b>	<b>\$0</b>
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Notes: The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	<b>-\$9,375</b>
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<b>Economic Benefit</b>	<b>0.0%</b> Enhancement*	<b>Subtotal 6</b>	<b>\$0</b>
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Total EB Amounts: \$596  
 Estimated Cost of Compliance: \$8,900  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$24,375</b>
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	<b>0.0%</b> Adjustment	<b>\$0</b>
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	<b>\$24,375</b>
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$24,375</b>
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<b>DEFERRAL</b>	<b>20.0%</b> Reduction	<b>Adjustment</b>	<b>-\$4,875</b>
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	<b>\$19,500</b>
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**Screening Date** 24-Aug-2020

**Docket No.** 2020-1223-AIR-E

**PCW**

**Respondent** Hensley Industries, Inc.

*Policy Revision 4 (April 2014)*

**Case ID No.** 59727

*PCW Revision March 26, 2014*

**Reg. Ent. Reference No.** RN100689934

**Media** Air

**Enf. Coordinator** Margarita Dennis

### Compliance History Worksheet

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

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	0	0%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgments or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	3	-3%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	3	-6%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

**Adjustment Percentage (Subtotal 2)** 0%

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

No

**Adjustment Percentage (Subtotal 3)** 0%

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

High Performer

**Adjustment Percentage (Subtotal 7)** -10%

**>> Compliance History Summary**

**Compliance History Notes**

Since the enhancement for one NOV with dissimilar violations and the reduction for three notices of intent to conduct an audit and three disclosures of violations is below zero, the Adjustment Percentage (Subtotal 2) defaults to zero. Reduction for High Performer classification.

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

**>> Final Compliance History Adjustment**

**Final Adjustment Percentage \*capped at 100%** -10%

Screening Date 24-Aug-2020

Docket No. 2020-1223-AIR-E

PCW

Respondent Hensley Industries, Inc.

Policy Revision 4 (April 2014)

Case ID No. 59727

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100689934

Media Air

Enf. Coordinator Margarita Dennis

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c) and 122.143(4), New Source Review ("NSR") Permit No. 2489A, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O1506, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 6, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to comply with the maximum allowable emissions rate ("MAER"). Specifically, during a stack test conducted on April 4, 2018, the Respondent exceeded the particulate matter ("PM") MAER of 0.35 pound per hour ("lb/hr") by 0.24 lb/hr for the Sand Plant and East and West Shakeout Baghouse Stack, Emissions Point Number ("EPN") ST-B18, resulting in approximately 1,624.32 lbs of unauthorized PM emissions.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), and Percent (15.0%). Includes 'OR' label.

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, and Percent (0.0%).

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

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 4 Number of violation days 282

Table with columns: Frequency (daily, weekly, monthly, quarterly, semiannual, annual, single event) and a grid for counts.

Violation Base Penalty \$15,000

Four quarterly events are recommended for the period of non-compliance from April 4, 2018 through January 11, 2019.

Good Faith Efforts to Comply

25.0%

Reduction \$3,750

Table with columns: Before NOE/NOV, NOE/NOV to EDPRP/Settlement Offer, and rows: Extraordinary, Ordinary, N/A.

Notes The Respondent achieved compliance on January 11, 2019, prior to the Notice of Enforcement ("NOE") dated August 18, 2020.

Violation Subtotal \$11,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$35

Violation Final Penalty Total \$9,750

This violation Final Assessed Penalty (adjusted for limits) \$9,750

## Economic Benefit Worksheet

**Respondent** Hensley Industries, Inc.  
**Case ID No.** 59727  
**Reg. Ent. Reference No.** RN100689934  
**Media** Air  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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### 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	\$900	4-Apr-2018	11-Jan-2019	0.77	\$35	n/a	\$35
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**

Actual cost to obtain an amendment for NSR Permit No. 2489A that increased the PM hourly MAER for EPN ST-B18. Date Required is the initial date of non-compliance. Final Date is the date of compliance.

### Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				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 \$900

**TOTAL** \$35

**Screening Date** 24-Aug-2020  
**Respondent** Hensley Industries, Inc.  
**Case ID No.** 59727  
**Reg. Ent. Reference No.** RN100689934  
**Media** Air  
**Enf. Coordinator** Margarita Dennis

**Docket No.** 2020-1223-AIR-E

**PCW**

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

**Violation Number**

**Rule Cite(s)** 30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 2489A, SC No. 1, FOP No. 01506, GTC and STC No. 6, and Tex. Health & Safety Code § 382.085(b)

**Violation Description** Failed to comply with the MAER. Specifically, during a stack test conducted on June 28, 2018, the Respondent exceeded the PM MAER of 0.13 lb/hr by 0.59 lb/hr for the South Foundry ("SF") Hot Sand Elevator, SF Muller, Roberts New Sand Tank, System 1, 2, and 3, Core and Mold Making, Chromite Feeder, and Iron Oxide Feeder Baghouse Stack, EPN ST-B21, resulting in approximately 7,249.92 lbs of unauthorized PM emissions.

**Base Penalty**

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

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	x	<input type="text" value="15.0%"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>

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

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	x
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

**Violation Base Penalty**

Six quarterly events are recommended for the period of non-compliance from June 28, 2018 through November 22, 2019.

**Good Faith Efforts to Comply**

Reduction

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

Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	x	<input type="text"/>
N/A	<input type="text"/>	<input type="text"/>

**Notes** The Respondent achieved compliance by November 22, 2019, prior to the NOE dated August 28, 2020.

**Violation Subtotal**

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

**Statutory Limit Test**

**Estimated EB Amount**

**Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**

## Economic Benefit Worksheet

**Respondent** Hensley Industries, Inc.  
**Case ID No.** 59727  
**Reg. Ent. Reference No.** RN100689934  
**Media** Air  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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### 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)	\$8,000	28-Jun-2018	22-Nov-2019	1.40	\$561	n/a	\$561

**Notes for DELAYED costs**

Estimated cost to conduct a stack test demonstrating compliance with the PM hourly MAER for EPN ST-B21.  
 Date Required is the initial date of non-compliance. Final Date is the date of compliance.

### Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				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

\$8,000

**TOTAL**

\$561

The TCEQ is committed to accessibility.

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



# Compliance History Report

Compliance History Report for CN600396493, RN100689934, Rating Year 2020 which includes Compliance History (CH) components from September 1, 2015, through August 31, 2020.

**Customer, Respondent, or Owner/Operator:** CN600396493, Hensley Industries, Inc. **Classification:** HIGH **Rating:** 0.00  
**Regulated Entity:** RN100689934, HENSLEY INDUSTRIES **Classification:** HIGH **Rating:** 0.00  
**Complexity Points:** 15 **Repeat Violator:** NO  
**CH Group:** 14 - Other  
**Location:** 2108 Joe Field Road, Dallas, Dallas County, Texas 75229-3255  
**TCEQ Region:** REGION 04 - DFW METROPLEX

## ID Number(s):

**AIR OPERATING PERMITS** ACCOUNT NUMBER DB0447B **AIR OPERATING PERMITS** PERMIT 1506  
**AIR NEW SOURCE PERMITS** PERMIT 2489A **AIR NEW SOURCE PERMITS** PERMIT 3854  
**AIR NEW SOURCE PERMITS** PERMIT 5108 **AIR NEW SOURCE PERMITS** PERMIT 8490  
**AIR NEW SOURCE PERMITS** REGISTRATION 10104 **AIR NEW SOURCE PERMITS** REGISTRATION 10137  
**AIR NEW SOURCE PERMITS** REGISTRATION 10163 **AIR NEW SOURCE PERMITS** REGISTRATION 10170  
**AIR NEW SOURCE PERMITS** REGISTRATION 10524 **AIR NEW SOURCE PERMITS** AFS NUM 4811300033  
**AIR NEW SOURCE PERMITS** ACCOUNT NUMBER DB0447B **AIR NEW SOURCE PERMITS** REGISTRATION 107737  
**AIR NEW SOURCE PERMITS** REGISTRATION 111208 **AIR NEW SOURCE PERMITS** REGISTRATION 111209  
**AIR NEW SOURCE PERMITS** REGISTRATION 150285 **AIR NEW SOURCE PERMITS** REGISTRATION 143149  
**AIR NEW SOURCE PERMITS** REGISTRATION 151691 **AIR NEW SOURCE PERMITS** REGISTRATION 153604  
**AIR NEW SOURCE PERMITS** REGISTRATION 155585 **AIR NEW SOURCE PERMITS** REGISTRATION 159937  
**AIR NEW SOURCE PERMITS** REGISTRATION 156114 **AIR NEW SOURCE PERMITS** REGISTRATION 159455  
**PETROLEUM STORAGE TANK REGISTRATION** **VOLUNTARY CLEANUP PROGRAM** ID NUMBER 502  
REGISTRATION 1039  
**STORMWATER** PERMIT TXR050699 **AIR EMISSIONS INVENTORY** ACCOUNT NUMBER DB0447B  
**POLLUTION PREVENTION PLANNING** ID NUMBER P00270 **INDUSTRIAL AND HAZARDOUS WASTE** EPA ID TXD139218754  
**INDUSTRIAL AND HAZARDOUS WASTE** SOLID WASTE REGISTRATION # (SWR) 35628 **TAX RELIEF** ID NUMBER 17804  
**TAX RELIEF** ID NUMBER 21227 **TAX RELIEF** ID NUMBER 21228

**Compliance History Period:** September 01, 2015 to August 31, 2020 **Rating Year:** 2020 **Rating Date:** 09/01/2020

**Date Compliance History Report Prepared:** February 12, 2021

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** February 12, 2016 to February 12, 2021

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

**Name:** Margarita Dennis

**Phone:** (817) 588-5892

## 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



30 TAC Chapter 335, SubChapter R 335.511  
30 TAC Chapter 335, SubChapter R 335.513(a)  
30 TAC Chapter 335, SubChapter C 335.62

Description: Failed to make a hazardous waste determinations and properly document hazardous waste determinations for some of the waste streams at the Dallas Plant (eg. Texas Waste Codes 002219H, 0023209H, 0034211H).

Notice of Intent Date: 06/23/2020 (1658107)

Disclosure Date: 12/08/2020

Viol. Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: PERMIT Special Conditions No. 28

Description: Failed to label the Electric Arc Furnace Target (EPN ST-B24) with the EPN Marking. Specifically, the stack was replaced and the EPN has been relabeled as documented during the plant walk-through.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter A 106.8(c)(5)

30 TAC Chapter 106, SubChapter A 106.8(c)(6)

Description: Failed to maintain records of rolling 12-month calculations demonstrating compliance with 30 Tex. Admin. Code § 106.4 limits in the environmental file at the time of the audit.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

30 TAC Chapter 122, SubChapter B 122.144(1)

Rqmt Prov: OP Special Terms and Conditions No. 3

Description: Failed to maintain visible emissions records for the cooling towers, paint booths, paint booth heaters, ST-CWBTH stack, or austenizing and tempering furnaces.

Viol. Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.10(a)

30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: OP Special Terms and Conditions No. 2

Description: Failed to accurately report 2019 Emissions Inventory. Specifically, for Torchcut (EPN ST-B9), the torch cutting actual emissions were overreported due to inaccurate allocation of natural gas in the emissions calculations and Core Mold Wash Application (EPN ST-CWBTH) PM emissions were overreported because 100% of the Prolite TSCR Product was calculated as being used in the Core Mold Wash Booth versus the actual allocation of 30%.

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

N/A

**H. Voluntary on-site compliance assessment dates:**

N/A

**I. Participation in a voluntary pollution reduction program:**

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
HENSLEY INDUSTRIES, INC.  
RN100689934**

**§  
§  
§  
§  
§**

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2020-1223-AIR-E**

### **I. JURISDICTION AND STIPULATIONS**

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Hensley Industries, Inc. (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a steel foundry located at 2108 Joe Field Road in Dallas, Dallas County, Texas (the "Plant"). The Plant consists or consisted of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
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. 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 \$24,375 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$19,500 of the penalty and \$4,875 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order. The deferred amount shall be waived only upon full compliance with all the terms and conditions contained in this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms or requirements contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.
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 January 11, 2019, obtained an amendment for New Source Review ("NSR") Permit No. 2489A that increased the particulate matter ("PM") hourly maximum allowable emissions rate ("MAER") for the Sand Plant and East and West Shakeout Baghouse Stack, Emissions Point Number ("EPN") ST-B18.
  - b. By November 22, 2019, conducted a stack test demonstrating compliance with the PM hourly MAER for the South Foundry ("SF") Hot Sand Elevator, SF Muller, Roberts New Sand Tank, System 1, 2, and 3, Core and Mold Making, Chromite Feeder, and Iron Oxide Feeder Baghouse Stack, EPN ST-B21.

## **II. ALLEGATIONS**

1. During a record review conducted on June 26, 2020, an investigator documented that the Respondent failed to comply with the MAER, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 2489A, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O1506, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 6, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, during a stack test conducted on April 4, 2018, the Respondent exceeded the PM MAER of 0.35 pound per hour ("lb/hr") by 0.24 lb/hr for the Sand Plant and East and West Shakeout Baghouse Stack, EPN ST-B18, resulting in approximately 1,624.32 lbs of unauthorized PM emissions.
2. During a record review conducted on August 6, 2020, an investigator documented that the Respondent failed to comply with the MAER, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 2489A, SC No. 1, FOP No. O1506, GTC and STC No. 6, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, during a stack test conducted on June 28, 2018, the Respondent exceeded the PM MAER of 0.13 lb/hr by 0.59 lb/hr for SF Hot Sand Elevator, SF Muller, Roberts New Sand Tank, System 1, 2, and 3, Core and Mold Making, Chromite Feeder, and Iron Oxide Feeder Baghouse Stack, EPN ST-B21, resulting in approximately 7,249.92 lbs of unauthorized PM emissions.

### 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: Hensley Industries, Inc., Docket No. 2020-1223-AIR-E" to:

Financial Administration Division, Revenue Operations Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. All relief not expressly granted in this Order is denied.
3. 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.
4. 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.
5. 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.
6. 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.

7. 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.

### SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

\_\_\_\_\_  
Date



\_\_\_\_\_  
12/13/2021

\_\_\_\_\_  
For the Executive Director

\_\_\_\_\_  
Date

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

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

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

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

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date



\_\_\_\_\_  
1/2/2021

\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
Hensley Industries, Inc.

\_\_\_\_\_  
Title

John Fiedler

\_\_\_\_\_  
President

*If mailing address has changed, please check this box and provide the new address below:*