

Executive Summary – Enforcement Matter – Case No. 60573

Mauser USA, LLC

RN100211002

Docket No. 2021-0426-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Mauser, 4004 Homestead Road, Houston, Harris County

Type of Operation:

Steel and plastic drum manufacturing plant

Other Significant Matters:

Additional Pending Enforcement Actions: Yes, Docket No. 2023-0301-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: July 28, 2023

Comments Received: No

Penalty Information

Total Penalty Assessed: \$66,503

Amount Deferred for Expedited Settlement: \$13,300

Total Paid to General Revenue: \$53,203

Total Due to General Revenue: \$0

Payment Plan: N/A

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): N/A

Complaint Information: N/A

Date(s) of Investigation: September 2, 2020 through February 3, 2021

Date(s) of NOE(s): March 19, 2021

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Violation Information

1. Failed to comply with the representations with regard to construction plans and operation procedures in a permit application. Specifically, the Respondent did not represent the exempt solvent overspray emissions from PROLINE2 Shell Lining Booth 1, Emissions Point Number ("EPN") EP-1, and PROLINE2 Shell Lining Booth 2, EPN EP-2, in the amendment application for New Source Review ("NSR") Permit No. 128890 [30 TEX. ADMIN. CODE §§ 116.116(a)(1) and 122.143(4), Federal Operating Permit ("FOP") No. O3319, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 6, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
2. Failed to maintain records containing the information and data sufficient to demonstrate compliance with the permit. Specifically, the Respondent did not maintain the records demonstrating that each thermal oxidizer is inspected and a log is kept that notes the date of each inspection, the name of the inspector, and any repairs and/or maintenance work performed on each thermal oxidizer and the capture systems [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(E)(i) and (c) and 122.143(4), NSR Permit No. 128890, Special Conditions ("SC") Nos. 12.H and 22.Q, FOP No. O3319, GTC and STC No. 6, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
3. Failed to conduct one-time testing and sampling of the thermal oxidizers no later than 90 days after the test plan has been approved. Specifically, the one-time test and sampling for the Thermal Oxidizer, EPN EP-7, was not conducted [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 128890, SC Nos. 18 and 19.C, FOP No. O3319, GTC and STC No. 6, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
4. Failed to report all instances of deviations. Specifically, the deviation report for the March 23, 2019 through September 22, 2019 reporting period did not include the deviations for failing to conduct the quarterly accuracy audits for the Thermal Oxidizer temperature sensors, failing to maintain records of the quarterly visible emissions observations conducted during the first and second quarters of 2019, failing to maintain the control efficiency documentation of each ventilation system's filtration system, failing to conduct the annual calibrations of the differential pressure gauge, failing to maintain the pressure drop readings, failing to maintain the inspection logs and records of the audio, visual, and olfactory ("AVO") inspections conducted on the capture systems of the thermal oxidizers, failing to conduct a one-time test and sampling for the thermal oxidizer, and failing to comply with the representations for the exempt solvent overspray emissions from the PROLINE2 Shell Lining Booths [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), FOP No. O3319, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
5. Failed to report all instances of deviations. Specifically, the deviation report for the September 23, 2019 through March 22, 2020 reporting period did not include the deviations for failing to maintain records of the quarterly visible emissions observations conducted during the third quarter of 2019, failing to maintain the control efficiency documentation of each ventilation system's filtration system, failing

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to conduct the annual calibrations of the differential pressure gauge, failing to maintain the pressure drop readings, failing to maintain the inspection logs and records of the AVO inspections conducted on the capture systems of the thermal oxidizers, failing to conduct a one-time test and sampling for the thermal oxidizer, and failing to comply with the representations for the exempt solvent overspray emissions from the PROLINE2 Shell Lining Booths [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), FOP No. O3319, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

6. Failed to perform an accuracy audit of the thermal oxidizer temperature sensor once every quarter. Specifically, the Respondent did not conduct the accuracy audit of the temperature sensor for the Thermal Oxidizer, EPN EP-7, during the first quarter of 2020 [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 128890, SC No. 12.C, FOP No. O3319, GTC and STC No. 6, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

7. Failed to perform an accuracy audit of the thermal oxidizer temperature sensor once every quarter. Specifically, the Respondent did not conduct the accuracy audit of the temperature sensor for the Thermal Oxidizer, EPN EP-8, during the first quarter of 2020 [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 128890, SC No. 12.C, FOP No. O3319, GTC and STC No. 6, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

8. Failed to maintain records containing the information and data sufficient to demonstrate compliance with the permit. Specifically, the Respondent did not maintain the manufacturer's documentation of the particulate matter ("PM") control efficiency for the filters used in the surface coating/lining booths [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(E)(i) and (c) and 122.143(4), NSR Permit No. 128890, SC No. 11.C and 22.H, FOP No. O3319, GTC and STC No. 6, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

9. Failed to conduct annual calibrations of the differential pressure gauge of each ventilation system. Specifically, the Respondent did not conduct annual calibrations of the differential pressure gauge for the Double Main Oven, PROLINE2 Flash-Off Oven, Shell Oven, Lid Lining Booth 2, Wicket Oven, PROLINE1 Surface Coating Booth, and PROLINE2 Surface Coating Booth during calendar years 2017, 2018, 2019, and 2020 [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 128890, SC No. 11.E, FOP No. O3319, GTC and STC No. 6, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

10. Failed to maintain records containing the information and data sufficient to demonstrate compliance with the permit. Specifically, the Respondent did not maintain the records demonstrating that the pressure drop readings are recorded once per week for each ventilation system [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 128890, SC Nos. 11.G and 22.K, FOP No. O3319, GTC and STC No. 6, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

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11. Failed to maintain records containing the information and data sufficient to demonstrate compliance with the permit. Specifically, the Respondent did not maintain the records demonstrating that the AVO inspections are conducted monthly for the capture systems for each thermal oxidizer [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 128890, SC Nos. 12.G and 22.P, FOP No. O3319, GTC and STC No. 6, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

12. Failed to report the start of construction no later than 15 working days after occurrence of the event. Specifically, the Respondent did not report the start of construction for the replacement thermal oxidizer for Thermal Oxidizer, EPN EP-7, to the TCEQ Houston Regional Office by May 8, 2020 [30 TEX. ADMIN. CODE §§ 116.615(4) and 122.143(4), Standard Permit Registration No. 157110, Air Quality Standard Permit for Pollution Control Projects, General Requirements No. (2)(A), FOP No. O3319, 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 May 15, 2020, began conducting an accuracy audit of the temperature sensor once every quarter for the Thermal Oxidizer, EPN EP-7, and Thermal Oxidizer, EPN EP-8;
- b. On October 9, 2020, reported the start of construction for the replacement thermal oxidizer for Thermal Oxidizer, EPN EP-7, to the TCEQ Houston Regional Office;
- c. On October 19, 2020, began maintaining the records demonstrating that the AVO inspections are conducted monthly for the capture systems for each thermal oxidizer;
- d. On December 14, 2020, began maintaining the manufacturer's documentation of the PM control efficiency for the filters used in the surface coating/lining booths;
- e. By December 31, 2020, began maintaining records demonstrating that each thermal oxidizer is inspected and a log is kept that notes the date of each inspection, the name of the inspector, and any repairs and/or maintenance work performed on each thermal oxidizer and the capture systems and conducted training in order to ensure that the records for the thermal oxidizer inspections are maintained;
- f. By December 31, 2020, conducted training in order to ensure that all instances of deviations are reported in a timely manner;
- g. On January 7, 2021, began maintaining the records demonstrating that the pressure drop readings are recorded once per week for each ventilation system;

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h. On March 6, 2021, conducted the annual calibrations of the differential pressure gauge for the Double Main Oven, PROLINE2 Flash-Off Oven, Shell Oven, Lid Lining Booth 2, Wicket Oven, PROLINE1 Surface Coating Booth, and PROLINE2 Surface Coating Booth;

i. On May 26, 2021, submitted a revised deviation report for the March 23, 2019 through September 22, 2019 reporting period to report the deviations for failing to conduct the quarterly accuracy audits for the Thermal Oxidizer temperature sensors, failing to maintain records of the quarterly visible emissions observations conducted during the first and second quarters of 2019, failing to maintain the control efficiency documentation of each ventilation system's filtration system, failing to conduct the annual calibrations of the differential pressure gauge, failing to maintain the pressure drop readings, failing to maintain the inspection logs and records of the AVO inspections conducted on the capture systems of the thermal oxidizers, failing to conduct a one-time test and sampling for the thermal oxidizer, and failing to comply with the representations for the exempt solvent overspray emissions from the PROLINE2 Shell Lining Booths;

j. On May 26, 2021, submitted a revised deviation report for the September 23, 2019 through March 22, 2020 reporting period to include the deviations for failing to maintain records of the quarterly visible emissions observations conducted during the third quarter of 2019, failing to maintain the control efficiency documentation of each ventilation system's filtration system, failing to conduct the annual calibrations of the differential pressure gauge, failing to maintain the pressure drop readings, failing to maintain the inspection logs and records of the AVO inspections conducted on the capture systems of the thermal oxidizers, failing to conduct a one-time test and sampling for the thermal oxidizer, and failing to comply with the representations for the exempt solvent overspray emissions from the PROLINE2 Shell Lining Booths; and

k. By August 25, 2021, replaced the thermal oxidizer and conducted the one-time testing and sampling for the Thermal Oxidizer, EPN EP-7.

Technical Requirements:

The Order will require the Respondent to:

a. Within 30 days, submit an administratively complete amendment application for NSR Permit No. 128890 to represent exempt solvent overspray emissions to be emitted from PROLINE2 Shell Lining Booth 1, EPN EP-1, and PROLINE2 Shell Lining Booth 2, EPN EP-2

b. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit amendment application by any deadline specified in writing.

c. Within 45 days, submit written certification to demonstrate compliance with a.

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d. Within 180 days, submit written certification that either the amendment for NSR Permit No. 128890 has been obtained or that operations have ceased until such time that the appropriate authorization is obtained, and include detailed supporting documentation to demonstrate compliance.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Danielle Porras, Enforcement Division, Enforcement Team 2, MC R-12, (713) 767-3682; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Mark Allen, Plant Manager, Mauser USA, LLC, 4004 Homestead Road, Houston, Texas 77028

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

DATES	Assigned	23-Mar-2021	Screening	30-Mar-2021	EPA Due	
	PCW	30-May-2023				

RESPONDENT/FACILITY INFORMATION	
Respondent	Mauser USA, LLC
Reg. Ent. Ref. No.	RN100211002
Facility/Site Region	12-Houston
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	60573	No. of Violations	12
Docket No.	2021-0426-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Danielle Porras
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$38,250
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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.

Compliance History	65.0%	Adjustment	Subtotals 2, 3, & 7	\$24,862
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Notes: Enhancement for one NOV with same/similar violations and three orders containing a denial of liability.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$4,722
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$11,308
Estimated Cost of Compliance	\$29,543

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$58,390
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OTHER FACTORS AS JUSTICE MAY REQUIRE	13.9%	Adjustment	\$8,113
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Enhancement to capture the avoided costs of compliance associated with Violation Nos. 6, 7, and 9.

Final Penalty Amount	\$66,503
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$66,503
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DEFERRAL	20.0%	Reduction	Adjustment	-\$13,300
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY	\$53,203
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Screening Date 30-Mar-2021

Docket No. 2021-0426-AIR-E

PCW

Respondent Mauser USA, LLC

Policy Revision 4 (April 2014)

Case ID No. 60573

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100211002

Media Air

Enf. Coordinator Danielle Porras

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>)	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	3	60%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
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) 65%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for one NOV with same/similar violations and three orders containing a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 65%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 65%

Screening Date 30-Mar-2021 **Docket No.** 2021-0426-AIR-E **PCW**
Respondent Mauser USA, LLC *Policy Revision 4 (April 2014)*
Case ID No. 60573 *PCW Revision March 26, 2014*
Reg. Ent. Reference No. RN100211002
Media Air
Enf. Coordinator Danielle Porras

Violation Number 1
Rule Cite(s) 30 Tex. Admin. Code §§ 116.116(a)(1) and 122.143(4), Federal Operating Permit ("FOP") No. O3319, 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 representations with regard to construction plans and operation procedures in a permit application. Specifically, the Respondent did not represent the exempt solvent overspray emissions from PROLINE2 Shell Lining Booth 1, Emissions Point Number ("EPN") EP-1, and PROLINE2 Shell Lining Booth 2, EPN EP-2, in the amendment application for New Source Review ("NSR") Permit No. 128890.
Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual			x	Percent 15.0%
Potential					

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

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

Adjustment \$21,250
 \$3,750

Violation Events

Number of Violation Events 4 316 Number of violation days

daily		Violation Base Penalty \$15,000
weekly		
monthly		
quarterly	x	
semiannual		
annual		
single event		

Four quarterly events are recommended from the May 18, 2020 NSR Permit No. 128890 amendment issuance date to the March 30, 2021 screening date.

Good Faith Efforts to Comply 0.0% Reduction \$0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	
Extraordinary			Notes The Respondent does not meet the good faith criteria for this violation.
Ordinary			
N/A	x		

Violation Subtotal \$15,000

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount \$1,031 **Violation Final Penalty Total** \$28,189
This violation Final Assessed Penalty (adjusted for limits) \$28,189

Economic Benefit Worksheet

Respondent Mauser USA, LLC
Case ID No. 60573
Reg. Ent. Reference No. RN100211002
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	\$5,000	18-May-2020	1-Jul-2024	4.12	\$1,031	n/a	\$1,031
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to obtain an amendment for NSR Permit No. 128890 to represent the exempt solvent overspray emissions from PROLINE2 Shell Lining Booth 1, EPN EP-1, and PROLINE2 Shell Lining Booth 2, EPN EP-2. The Date Required is the NSR Permit No. 128890 amendment issuance date and the Final Date is the estimated 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 \$5,000

TOTAL \$1,031

Screening Date 30-Mar-2021
Respondent Mauser USA, LLC
Case ID No. 60573
Reg. Ent. Reference No. RN100211002
Media Air
Enf. Coordinator Danielle Porras

Docket No. 2021-0426-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)(E)(i) and (c) and 122.143(4), NSR Permit No. 128890, Special Conditions ("SC") Nos. 12.H and 22.Q, FOP No. O3319, GTC and STC No. 6, and Tex. Health & Safety Code § 382.085(b)

Violation Description
 Failed to maintain records containing the information and data sufficient to demonstrate compliance with the permit. Specifically, the Respondent did not maintain the records demonstrating that each thermal oxidizer is inspected and a log is kept that notes the date of each inspection, the name of the inspector, and any repairs and/or maintenance work performed on each thermal oxidizer and the capture systems.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="x"/>	<input type="text" value="1.0%"/>

Less than 30% of the rule requirements were not met.

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

One single event is recommended.

Good Faith Efforts to Comply

Reduction

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text" value="x"/>	<input type="text"/>
N/A	<input type="text"/>	<input type="text"/>

Notes
 The Respondent completed the corrective measures by December 31, 2020, prior to the Notice of Enforcement ("NOE") dated March 19, 2021.

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 Mauser USA, LLC
Case ID No. 60573
Reg. Ent. Reference No. RN100211002
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	\$1,500	2-Sep-2020	31-Dec-2020	0.33	\$25	n/a	\$25
Training/Sampling	\$1,500	2-Sep-2020	31-Dec-2020	0.33	\$25	n/a	\$25
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated costs to begin maintaining records demonstrating that each thermal oxidizer is inspected and a log is kept that notes the date of each inspection, the name of the inspector, and any repairs and/or maintenance work performed on each thermal oxidizer and the capture systems (\$1,500) and to conduct training in order to ensure that the records for the thermal oxidizer inspections are maintained (\$1,500). The Dates Required are the investigation date and the Final Dates are the dates 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 \$3,000

TOTAL \$50

Screening Date 30-Mar-2021
Respondent Mauser USA, LLC
Case ID No. 60573
Reg. Ent. Reference No. RN100211002
Media Air
Enf. Coordinator Danielle Porras

Docket No. 2021-0426-AIR-E

PCW

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

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), NSR Permit No. 128890, SC Nos. 18 and 19.C, FOP No. O3319, GTC and STC No. 6, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to conduct one-time testing and sampling of the thermal oxidizers no later than 90 days after the test plan has been approved. Specifically, the one-time test and sampling for the Thermal Oxidizer, EPN EP-7, was not conducted.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				7.0%
	Potential			x	

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
					0.0%

Human health or the environment will or could be exposed to insignificant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$23,250

\$1,750

Violation Events

Number of Violation Events 1 1627 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$1,750

One single event is recommended.

Good Faith Efforts to Comply

10.0%

Reduction \$175

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		x
N/A		

Notes The Respondent completed the corrective measures by August 25, 2021, after the NOE dated March 19, 2021.

Violation Subtotal \$1,575

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,945

Violation Final Penalty Total \$3,089

This violation Final Assessed Penalty (adjusted for limits) \$3,089

Economic Benefit Worksheet

Respondent Mauser USA, LLC
Case ID No. 60573
Reg. Ent. Reference No. RN100211002
Media Air
Violation No. 3

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	15-Oct-2016	25-Aug-2021	4.86	\$1,945	n/a	\$1,945

Notes for DELAYED costs
 Estimated cost to replace the thermal oxidizer and conduct the one-time testing and sampling for the Thermal Oxidizer, EPN EP-7. The Date Required is the date the one-time test was due and the 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 \$1,945

Screening Date 30-Mar-2021
Respondent Mauser USA, LLC
Case ID No. 60573
Reg. Ent. Reference No. RN100211002
Media Air
Enf. Coordinator Danielle Porras

Docket No. 2021-0426-AIR-E

PCW

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

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(A), FOP No. O3319, GTC, and Tex. Health & Safety Code § 382.085(b)

Violation Description
 Failed to report all instances of deviations. Specifically, the deviation report for the March 23, 2019 through September 22, 2019 reporting period did not include the deviations for failing to conduct the quarterly accuracy audits for the Thermal Oxidizer temperature sensors, failing to maintain records of the quarterly visible emissions observations conducted during the first and second quarters of 2019, failing to maintain the control efficiency documentation of each ventilation system's filtration system, failing to conduct the annual calibrations of the differential pressure gauge, failing to maintain the pressure drop readings, failing to maintain the inspection logs and records of the audio, visual, and olfactory ("AVO") inspections conducted on the capture systems of the thermal oxidizers, failing to conduct a one-time test and sampling for the thermal oxidizer, and failing to comply with the representations for the exempt solvent overspray emissions from the PROLINE2 Shell Lining Booths.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
	x			15.0%

Matrix Notes More than 70% of the rule requirements were not met.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1 525 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$3,750

One single event is recommended.

Good Faith Efforts to Comply

10.0%

Reduction \$375

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

Extraordinary		
Ordinary		x
N/A		

Notes The Respondent completed the corrective measures by May 26, 2021, after the NOE dated March 19, 2021.

Violation Subtotal \$3,375

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$110

Violation Final Penalty Total \$6,620

This violation Final Assessed Penalty (adjusted for limits) \$6,620

Economic Benefit Worksheet

Respondent Mauser USA, LLC
Case ID No. 60573
Reg. Ent. Reference No. RN100211002
Media Air
Violation No. 4

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	\$1,500	22-Oct-2019	31-Dec-2020	1.19	\$90	n/a	\$90
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$250	22-Oct-2019	26-May-2021	1.59	\$20	n/a	\$20

Notes for DELAYED costs

Estimated costs to submit a revised deviation report for the March 23, 2019 through September 22, 2019 reporting period to report the deviations for failing to conduct the quarterly accuracy audits for the Thermal Oxidizer temperature sensors, failing to maintain records of the quarterly visible emissions observations conducted during the first and second quarters of 2019, failing to maintain the control efficiency documentation of each ventilation system's filtration system, failing to conduct the annual calibrations of the differential pressure gauge, failing to maintain the pressure drop readings, failing to maintain the inspection logs and records of the AVO inspections conducted on the capture systems of the thermal oxidizers, failing to conduct a one-time test and sampling for the thermal oxidizer, and failing to comply with the representations for the exempt solvent overspray emissions from the PROLINE2 Shell Lining Booths (\$250) and to conduct training in order to ensure that all instances of deviations are reported in a timely manner (\$1,500). The Dates Required are the date the deviation report was due and the Final Dates are the dates 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 \$1,750

TOTAL \$110

Screening Date 30-Mar-2021
Respondent Mauser USA, LLC
Case ID No. 60573
Reg. Ent. Reference No. RN100211002
Media Air
Enf. Coordinator Danielle Porras

Docket No. 2021-0426-AIR-E

PCW

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

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(A), FOP No. O3319, GTC, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to report all instances of deviations. Specifically, the deviation report for the September 23, 2019 through March 22, 2020 reporting period did not include the deviations for failing to maintain records of the quarterly visible emissions observations conducted during the third quarter of 2019, failing to maintain the control efficiency documentation of each ventilation system's filtration system, failing to conduct the annual calibrations of the differential pressure gauge, failing to maintain the pressure drop readings, failing to maintain the inspection logs and records of the AVO inspections conducted on the capture systems of the thermal oxidizers, failing to conduct a one-time test and sampling for the thermal oxidizer, and failing to comply with the representations for the exempt solvent overspray emissions from the PROLINE2 Shell Lining Booths.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
				x	

More than 30% but less than 70% of the rule requirements were not met.

Adjustment \$23,250

\$1,750

Violation Events

Number of Violation Events 1 343 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$1,750

One single event is recommended.

Good Faith Efforts to Comply

10.0%

Reduction \$175

	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		x
N/A		

Notes: The Respondent completed the corrective measures by May 26, 2021, after the NOE dated March 19, 2021.

Violation Subtotal \$1,575

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$14

Violation Final Penalty Total \$3,089

This violation Final Assessed Penalty (adjusted for limits) \$3,089

Economic Benefit Worksheet

Respondent Mauser USA, LLC
Case ID No. 60573
Reg. Ent. Reference No. RN100211002
Media Air
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

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)	\$250	21-Apr-2020	26-May-2021	1.10	\$14	n/a	\$14

Notes for DELAYED costs

Estimated costs to submit a revised deviation report for the September 23, 2019 through March 22, 2020 reporting period to include the deviations for failing to maintain records of the quarterly visible emissions observations conducted during the third quarter of 2019, failing to maintain the control efficiency documentation of each ventilation system's filtration system, failing to conduct the annual calibrations of the differential pressure gauge, failing to maintain the pressure drop readings, failing to maintain the inspection logs and records of the AVO inspections conducted on the capture systems of the thermal oxidizers, failing to conduct a one-time test and sampling for the thermal oxidizer, and failing to comply with the representations for the exempt solvent overspray emissions from the PROLINE2 Shell Lining Booths. The Date Required is the date the deviation report was due and the Final Date is the date the revised deviation report was submitted.

See the Economic Benefit in Violation No. 4 for the delayed cost to conduct training in order to ensure that all instances of deviations are reported in a timely manner.

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 \$250

TOTAL \$14

Screening Date 30-Mar-2021
Respondent Mauser USA, LLC
Case ID No. 60573
Reg. Ent. Reference No. RN100211002
Media Air
Enf. Coordinator Danielle Porras

Docket No. 2021-0426-AIR-E

PCW

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

Violation Number 6

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), NSR Permit No. 128890, SC No. 12.C, FOP No. 03319, GTC and STC No. 6, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to perform an accuracy audit of the thermal oxidizer temperature sensor once every quarter. Specifically, the Respondent did not conduct the accuracy audit of the temperature sensor for the Thermal Oxidizer, EPN EP-7, during the first quarter of 2020.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				7.0%
	Potential			x	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes Human health or the environment will or could be exposed to insignificant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$23,250

\$1,750

Violation Events

Number of Violation Events 1 45 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$1,750

One single event is recommended (one event for the missed quarterly accuracy audit).

Good Faith Efforts to Comply

25.0%

Reduction \$437

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		

Notes The Respondent completed the corrective measures on May 15, 2020, prior to the NOE dated March 19, 2021.

Violation Subtotal \$1,313

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$252

Violation Final Penalty Total \$2,791

This violation Final Assessed Penalty (adjusted for limits) \$2,791

Economic Benefit Worksheet

Respondent Mauser USA, LLC
Case ID No. 60573
Reg. Ent. Reference No. RN100211002
Media Air
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

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

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	\$250	31-Mar-2020	15-May-2020	0.12	\$2	\$250	\$252
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated avoided cost to perform an accuracy audit of the temperature sensor once every quarter for Thermal Oxidizer, EPN EP-7. The Date Required is the last day of the quarter that the accuracy audit could have been performed and the Final Date is the date of compliance.

Approx. Cost of Compliance \$250

TOTAL \$252

Screening Date 30-Mar-2021
Respondent Mauser USA, LLC
Case ID No. 60573
Reg. Ent. Reference No. RN100211002
Media Air
Enf. Coordinator Danielle Porras

Docket No. 2021-0426-AIR-E

PCW

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

Violation Number 7

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), NSR Permit No. 128890, SC No. 12.C, FOP No. 03319, GTC and STC No. 6, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to perform an accuracy audit of the thermal oxidizer temperature sensor once every quarter. Specifically, the Respondent did not conduct the accuracy audit of the temperature sensor for the Thermal Oxidizer, EPN EP-8, during the first quarter of 2020.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				7.0%
	Potential			x	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes

Human health or the environment will or could be exposed to insignificant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$23,250

\$1,750

Violation Events

Number of Violation Events 1 45 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$1,750

One single event is recommended (one event for the missed quarterly accuracy audit).

Good Faith Efforts to Comply

25.0%

Reduction \$437

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		

Notes The Respondent completed the corrective measures on May 15, 2020, prior to the NOE dated March 19, 2021.

Violation Subtotal \$1,313

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$252

Violation Final Penalty Total \$2,791

This violation Final Assessed Penalty (adjusted for limits) \$2,791

Economic Benefit Worksheet

Respondent Mauser USA, LLC
Case ID No. 60573
Reg. Ent. Reference No. RN100211002
Media Air
Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

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

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	\$250	31-Mar-2020	15-May-2020	0.12	\$2	\$250	\$252
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated avoided cost to perform an accuracy audit of the temperature sensor once every quarter for Thermal Oxidizer, EPN EP-8. The Date Required is the last day of the quarter that the accuracy audit could have been performed and the Final Date is the date of compliance.

Approx. Cost of Compliance \$250

TOTAL \$252

Screening Date 30-Mar-2021
Respondent Mauser USA, LLC
Case ID No. 60573
Reg. Ent. Reference No. RN100211002
Media Air
Enf. Coordinator Danielle Porras

Docket No. 2021-0426-AIR-E

PCW

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

Violation Number 8

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(b)(2)(E)(i) and (c) and 122.143(4), NSR Permit No. 128890, SC No. 11.C and 22.H, FOP No. O3319, GTC and STC No. 6, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to maintain records containing the information and data sufficient to demonstrate compliance with the permit. Specifically, the Respondent did not maintain the manufacturer's documentation of the particulate matter ("PM") control efficiency for the filters used in the surface coating/lining booths.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
				x	1.0%

Matrix Notes Less than 30% of the rule requirements were not met.

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 4 103 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$1,000

Four single events are recommended (one event for each of the two surface coating booths and for each of the two lining booths).

Good Faith Efforts to Comply

25.0%

Reduction \$250

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		

Notes The Respondent completed the corrective measures on December 14, 2020, prior to the NOE dated March 19, 2021.

Violation Subtotal \$750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$4

Violation Final Penalty Total \$1,595

This violation Final Assessed Penalty (adjusted for limits) \$1,595

Economic Benefit Worksheet

Respondent Mauser USA, LLC
Case ID No. 60573
Reg. Ent. Reference No. RN100211002
Media Air
Violation No. 8

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

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	\$250	2-Sep-2020	14-Dec-2020	0.28	\$4	n/a	\$4
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
 Estimated cost to begin maintaining the manufacturer's documentation of the PM control efficiency for the filters used in the surface coating/lining booths. The Date Required is the investigation date and the 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 \$250

TOTAL \$4

Screening Date 30-Mar-2021
Respondent Mauser USA, LLC
Case ID No. 60573
Reg. Ent. Reference No. RN100211002
Media Air
Enf. Coordinator Danielle Porras

Docket No. 2021-0426-AIR-E

PCW

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

Violation Number 9

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), NSR Permit No. 128890, SC No. 11.E, FOP No. 03319, GTC and STC No. 6, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to conduct annual calibrations of the differential pressure gauge of each ventilation system. Specifically, the Respondent did not conduct annual calibrations of the differential pressure gauge for the Double Main Oven, PROLINE2 Flash-Off Oven, Shell Oven, Lid Lining Booth 2, Wicket Oven, PROLINE1 Surface Coating Booth, and PROLINE2 Surface Coating Booth during calendar years 2017, 2018, 2019, and 2020.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				7.0%
	Potential			x	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes

Human health or the environment will or could be exposed to insignificant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$23,250

\$1,750

Violation Events

Number of Violation Events 4 1388 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$7,000

Four single events are recommended (one event for each calendar year)

Good Faith Efforts to Comply 25.0%

Reduction \$1,750

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

Extraordinary		
Ordinary	x	
N/A		

Notes

The Respondent completed the corrective measures on March 6, 2021, prior to the NOE dated March 19, 2021.

Violation Subtotal \$5,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$7,609

Violation Final Penalty Total \$11,162

This violation Final Assessed Penalty (adjusted for limits) \$11,162

Economic Benefit Worksheet

Respondent Mauser USA, LLC
Case ID No. 60573
Reg. Ent. Reference No. RN100211002
Media Air
Violation No. 9

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

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

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	\$7,543	31-Dec-2020	6-Mar-2021	0.18	\$66	\$7,543	\$7,609
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated avoided cost to conduct annual calibrations of the differential pressure gauge of each ventilation system (\$250/calibration x seven ventilation systems/year x 4 missed years plus \$543 in interest). The Date Required is the last date the calibrations could have been conducted and the Final Date is the date of compliance.

Approx. Cost of Compliance \$7,543

TOTAL \$7,609

Screening Date 30-Mar-2021
Respondent Mauser USA, LLC
Case ID No. 60573
Reg. Ent. Reference No. RN100211002
Media Air
Enf. Coordinator Danielle Porras

Docket No. 2021-0426-AIR-E

PCW

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

Violation Number 10

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), NSR Permit No. 128890, SC Nos. 11.G and 22.K, FOP No. O3319, GTC and STC No. 6, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to maintain records containing the information and data sufficient to demonstrate compliance with the permit. Specifically, the Respondent did not maintain the records demonstrating that the pressure drop readings are recorded once per week for each ventilation system.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1.0%

Matrix Notes

Less than 30% of the rule requirements were not met.

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 1 127 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$250

One single event is recommended.

Good Faith Efforts to Comply

25.0%

Reduction \$62

	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		

Notes

The Respondent completed the corrective measures on January 7, 2021, prior to the NOE dated March 19, 2021.

Violation Subtotal \$188

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$26

Violation Final Penalty Total \$399

This violation Final Assessed Penalty (adjusted for limits) \$399

Economic Benefit Worksheet

Respondent Mauser USA, LLC
Case ID No. 60573
Reg. Ent. Reference No. RN100211002
Media Air
Violation No. 10

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

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	2-Sep-2020	7-Jan-2021	0.35	\$26	n/a	\$26
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

Estimated cost to begin maintaining the records demonstrating that the pressure drop readings are recorded once per week for each ventilation system. The Date Required is the investigation date and the 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

\$1,500

TOTAL

\$26

Screening Date 30-Mar-2021
Respondent Mauser USA, LLC
Case ID No. 60573
Reg. Ent. Reference No. RN100211002
Media Air
Enf. Coordinator Danielle Porras

Docket No. 2021-0426-AIR-E

PCW

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

Violation Number 11

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), NSR Permit No. 128890, SC Nos. 12.G and 22.P, FOP No. O3319, GTC and STC No. 6, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to maintain records containing the information and data sufficient to demonstrate compliance with the permit. Specifically, the Respondent did not maintain the records demonstrating that the AVO inspections are conducted monthly for the capture systems for each thermal oxidizer.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1.0%

Matrix Notes

Less than 30% of the rule requirements were not met.

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 1 47 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$250

One single event is recommended.

Good Faith Efforts to Comply

25.0%

Reduction \$62

	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		

Notes: The Respondent completed the corrective measures on October 19, 2020, prior to the NOE dated March 19, 2021.

Violation Subtotal \$188

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$10

Violation Final Penalty Total \$399

This violation Final Assessed Penalty (adjusted for limits) \$399

Economic Benefit Worksheet

Respondent Mauser USA, LLC
Case ID No. 60573
Reg. Ent. Reference No. RN100211002
Media Air
Violation No. 11

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

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	2-Sep-2020	19-Oct-2020	0.13	\$10	n/a	\$10
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
 Estimated cost to begin maintaining the records demonstrating that the AVO inspections are conducted monthly for the capture systems for each thermal oxidizer. The Date Required is the investigation date and the 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 \$1,500

TOTAL \$10

Screening Date 30-Mar-2021
Respondent Mauser USA, LLC
Case ID No. 60573
Reg. Ent. Reference No. RN100211002
Media Air
Enf. Coordinator Danielle Porras

Docket No. 2021-0426-AIR-E

PCW

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

Violation Number 12

Rule Cite(s) 30 Tex. Admin. Code §§ 116.615(4) and 122.143(4), Standard Permit Registration No. 157110, Air Quality Standard Permit for Pollution Control Projects, General Requirements No. (2)(A), FOP No. O3319, GTC and STC No. 6, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to report the start of construction no later than 15 working days after occurrence of the event. Specifically, the Respondent did not report the start of construction of the replacement thermal oxidizer for Thermal Oxidizer, EPN EP-7, to the TCEQ Houston Regional Office by May 8, 2020.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
		x			15.0%

Matrix Notes

100% of the rule requirements were not met.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1 307 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$3,750

One single event is recommended.

Good Faith Efforts to Comply

25.0%

Reduction \$937

	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		

Notes The Respondent completed the corrective measures on October 9, 2020, prior to the NOE dated March 19, 2021.

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$5

Violation Final Penalty Total \$5,980

This violation Final Assessed Penalty (adjusted for limits) \$5,980

Economic Benefit Worksheet

Respondent Mauser USA, LLC
Case ID No. 60573
Reg. Ent. Reference No. RN100211002
Media Air
Violation No. 12

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)	\$250	8-May-2020	9-Oct-2020	0.42	\$5	n/a	\$5

Notes for DELAYED costs Estimated cost to report the start of construction for the replacement thermal oxidizer for Thermal Oxidizer, EPN EP-7, to the TCEQ Houston Regional Office. The Date Required is the date the report was due and the 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 \$250

TOTAL \$5



Compliance History Report

Compliance History Report for CN602989428, RN100211002, Rating Year 2022 which includes Compliance History (CH) components from September 1, 2017, through August 31, 2022.

Customer, Respondent, or Owner/Operator: CN602989428, Mauser USA, LLC **Classification:** SATISFACTORY **Rating:** 11.29
Regulated Entity: RN100211002, Mauser **Classification:** SATISFACTORY **Rating:** 11.29
Complexity Points: 13 **Repeat Violator:** NO
CH Group: 14 - Other
Location: 4004 Homestead Road, Houston, Harris County, Texas 77028-5810
TCEQ Region: REGION 12 - HOUSTON

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER HG0654J	AIR OPERATING PERMITS PERMIT 3319
AIR NEW SOURCE PERMITS ACCOUNT NUMBER HG0654J	AIR NEW SOURCE PERMITS AFS NUM 4820100480
AIR NEW SOURCE PERMITS REGISTRATION 80479	AIR NEW SOURCE PERMITS REGISTRATION 121769
AIR NEW SOURCE PERMITS PERMIT 128890	AIR NEW SOURCE PERMITS REGISTRATION 147264
AIR NEW SOURCE PERMITS REGISTRATION 157110	AIR EMISSIONS INVENTORY ACCOUNT NUMBER HG0654J
POLLUTION PREVENTION PLANNING ID NUMBER P08471	INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD045196052
INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 33930	

Compliance History Period: September 01, 2017 to August 31, 2022 **Rating Year:** 2022 **Rating Date:** 09/01/2022

Date Compliance History Report Prepared: February 23, 2023

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: February 23, 2018 to February 23, 2023

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

Name: Danielle Porras

Phone: (713) 767-3682

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:

- 1 Effective Date: 02/19/2019 ADMINORDER 2018-0135-AIR-E (1660 Order-Agreed Order With Denial)
 Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.146(2)
 5C THSC Chapter 382 382.085(b)
 Rqmt Prov: General Terms and Conditions OP
 Description: Failure to submit the Permit Compliance Certification (PCC) report within 30 days. (Category A12.i.(7))
 Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.145(2)(C)
 5C THSC Chapter 382 382.085(b)
 Rqmt Prov: General Terms and Conditions OP
 Description: Failure to submit deviation report (DRs) within 30 days. (Category A12.i.(7))

- 2 Effective Date: 12/21/2020 ADMINORDER 2020-0440-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

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

Rqmt Prov: General Terms and Conditions OP

Description: Failure to submit a deviation report for the reporting period of March 23, 2018 through September 22, 2018.
Category A12i.7

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.146(2)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms & Conditions OP

Description: Failure to certify compliance for at least each 12-month period following initial permit issuance (Category A12.i.(7)).

See addendum for information regarding federal actions.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	April 26, 2019	(1555469)
Item 2	August 13, 2021	(1711368)
Item 3	November 01, 2021	(1764603)

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:	02/21/2023	(1841113)
	Self Report?	NO	Classification: Minor
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(b)(2)(E)(ii) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 30 TAC Chapter 122, SubChapter B 122.144(1) 5C THSC Chapter 382 382.085(b) General Terms and Conditions OP Periodic Monitoring Summary OP Special Condition 20E PERMIT Special Condition 4C PERMIT Special Term and Condition 5 OP Special Term and Condition 6 OP	
	Description:	Failure to maintain quarterly visible emission observation records for Burnoff Oven, PROLINE2 Shell Lining Booth 1, PROLINE2 Shell Lining Booth 2, Paint Kitchen, Lining Kitchen, IBC Vent, Thermal Oxidizer 7, and Thermal Oxidizer 8 (EPNs: EP-10, EP-1, EP-2, PAINT-K, PAINT-L, VNT-IBC, EP-7, and EP-8). (Category B3)	
	Self Report?	NO	Classification: Minor
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(b)(2)(E)(ii) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Condition 20K PERMIT Special Term and Condition 6 OP	
	Description:	Failure to maintain records of differential pressure readings for PROLINE3 Lid Lining Booth 1, PROLINE1 Surface Coating Booth, PROLINE2 Surface Coating Booth, PROLINE Shell Lining Booth 1, and PROLINE 2 Shell Lining Booth 2 (EPNs: EP-7, EP-8. EP-1, and EP-2). (Category B3)	
	Self Report?	NO	Classification: Minor
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(b)(2)(E)(ii) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Condition 20L PERMIT Special Term and Condition 6 OP	

Description: Failure to maintain records of filter replacement for PROLINE3 Lid Lining Booth 1, PROLINE1 Surface Coating Booth, PROLINE2 Surface Coating Booth, PROLINE Shell Lining Booth 1, and PROLINE 2 Shell Lining Booth 2 (EPNs: EP-7, EP-8, EP-1, and EP-2). (Category B3)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 11C PERMIT
Special Term and Condition 6 OP

Description: Failure to conduct quarterly accuracy audit for Thermal Oxidizer 8 (EPN: EP-8). (Category B1)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(E)(ii)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 200 PERMIT
Special Term and Condition 6 OP

Description: Failure to maintain monthly records of audio, visual, and olfactory (AVO) inspections for Thermal Oxidizer 7 and Thermal Oxidizer 8 (EPNs: EP-7 and EP-8). (Category B3)

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

Addendum to Compliance History Federal Enforcement Actions

Reg Entity Name: MAUSER

Reg Entity Add: 4004 HOMESTEAD ROAD

Reg Entity City: HOUSTON

Reg Entity No: RN100211002

EPA Case No: 06-2020-0906

Order Issue Date (yyyymmdd): 20200407

Case Result: Final Order With Penalty

Statute: RCRA

Sect of Statute: 3010

Classification: Minor

Program: Gen Hazardous Waste M **Citation:**

Violation Type:

Cite Sect:

Cite Part:

Enforcement Action: Administrative Penalty Order With or Without Inj

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
MAUSER USA, LLC
RN100211002

§
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§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2021-0426-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 Mauser USA, LLC (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 and plastic drum manufacturing plant located at 4004 Homestead Road in Houston, Harris 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 \$66,503 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$53,203 of the penalty and \$13,300 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 May 15, 2020, began conducting an accuracy audit of the temperature sensor once every quarter for the Thermal Oxidizer, Emissions Point Number ("EPN") EP-7, and Thermal Oxidizer, EPN EP-8;
 - b. On October 9, 2020, reported the start of construction for the replacement thermal oxidizer for Thermal Oxidizer, EPN EP-7, to the TCEQ Houston Regional Office;
 - c. On October 19, 2020, began maintaining the records demonstrating that the audio, visual, and olfactory ("AVO") inspections are conducted monthly for the capture systems for each thermal oxidizer;
 - d. On December 14, 2020, began maintaining the manufacturer's documentation of the particulate matter ("PM") control efficiency for the filters used in the surface coating/lining booths;
 - e. By December 31, 2020, began maintaining records demonstrating that each thermal oxidizer is inspected and a log is kept that notes the date of each inspection, the name of the inspector, and any repairs and/or maintenance work performed on each thermal oxidizer and the capture systems and conducted training in order to ensure that the records for the thermal oxidizer inspections are maintained;
 - f. By December 31, 2020, conducted training in order to ensure that all instances of deviations are reported in a timely manner;
 - g. On January 7, 2021, began maintaining the records demonstrating that the pressure drop readings are recorded once per week for each ventilation system;
 - h. On March 6, 2021, conducted the annual calibrations of the differential pressure gauge for the Double Main Oven, PROLINE2 Flash-Off Oven, Shell Oven, Lid Lining Booth 2, Wicket Oven, PROLINE1 Surface Coating Booth, and PROLINE2 Surface Coating Booth;
 - i. On May 26, 2021, submitted a revised deviation report for the March 23, 2019 through September 22, 2019 reporting period to report the deviations for failing

to conduct the quarterly accuracy audits for the Thermal Oxidizer temperature sensors, failing to maintain records of the quarterly visible emissions observations conducted during the first and second quarters of 2019, failing to maintain the control efficiency documentation of each ventilation system's filtration system, failing to conduct the annual calibrations of the differential pressure gauge, failing to maintain the pressure drop readings, failing to maintain the inspection logs and records of the AVO inspections conducted on the capture systems of the thermal oxidizers, failing to conduct a one-time test and sampling for the thermal oxidizer, and failing to comply with the representations for the exempt solvent overspray emissions from the PROLINE2 Shell Lining Booths;

- j. On May 26, 2021, submitted a revised deviation report for the September 23, 2019 through March 22, 2020 reporting period to include the deviations for failing to maintain records of the quarterly visible emissions observations conducted during the third quarter of 2019, failing to maintain the control efficiency documentation of each ventilation system's filtration system, failing to conduct the annual calibrations of the differential pressure gauge, failing to maintain the pressure drop readings, failing to maintain the inspection logs and records of the AVO inspections conducted on the capture systems of the thermal oxidizers, failing to conduct a one-time test and sampling for the thermal oxidizer, and failing to comply with the representations for the exempt solvent overspray emissions from the PROLINE2 Shell Lining Booths; and
- k. By August 25, 2021, replaced the thermal oxidizer and conducted the one-time testing and sampling for the Thermal Oxidizer, EPN EP-7.

II. ALLEGATIONS

During an investigation at the Plant conducted from September 2, 2020 through February 3, 2021, an investigator documented that the Respondent:

1. Failed to comply with the representations with regard to construction plans and operation procedures in a permit application, in violation of 30 TEX. ADMIN. CODE §§ 116.116(a)(1) and 122.143(4), Federal Operating Permit ("FOP") No. O3319, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 6, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent did not represent the exempt solvent overspray emissions from PROLINE2 Shell Lining Booth 1, EPN EP-1, and PROLINE2 Shell Lining Booth 2, EPN EP-2, in the amendment application for New Source Review ("NSR") Permit No. 128890.
2. Failed to maintain records containing the information and data sufficient to demonstrate compliance with the permit, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(E)(i) and (c) and 122.143(4), NSR Permit No. 128890, Special Conditions ("SC") Nos. 12.H and 22.Q, FOP No. O3319, GTC and STC No. 6, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent did not maintain the records demonstrating that each thermal oxidizer is inspected and a log is kept that notes the date of each inspection, the name of the inspector, and any repairs and/or maintenance work performed on each thermal oxidizer and the capture systems.
3. Failed to conduct one-time testing and sampling of the thermal oxidizers no later than 90 days after the test plan has been approved, in violation of 30 TEX. ADMIN. CODE

§§ 116.115(c) and 122.143(4), NSR Permit No. 128890, SC Nos. 18 and 19.C, FOP No. O3319, GTC and STC No. 6, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the one-time test and sampling for the Thermal Oxidizer, EPN EP-7, was not conducted.

4. Failed to report all instances of deviations, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), FOP No. O3319, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the deviation report for the March 23, 2019 through September 22, 2019 reporting period did not include the deviations for failing to conduct the quarterly accuracy audits for the Thermal Oxidizer temperature sensors, failing to maintain records of the quarterly visible emissions observations conducted during the first and second quarters of 2019, failing to maintain the control efficiency documentation of each ventilation system's filtration system, failing to conduct the annual calibrations of the differential pressure gauge, failing to maintain the pressure drop readings, failing to maintain the inspection logs and records of the AVO inspections conducted on the capture systems of the thermal oxidizers, failing to conduct a one-time test and sampling for the thermal oxidizer, and failing to comply with the representations for the exempt solvent overspray emissions from the PROLINE2 Shell Lining Booths.
5. Failed to report all instances of deviations, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), FOP No. O3319, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the deviation report for the September 23, 2019 through March 22, 2020 reporting period did not include the deviations for failing to maintain records of the quarterly visible emissions observations conducted during the third quarter of 2019, failing to maintain the control efficiency documentation of each ventilation system's filtration system, failing to conduct the annual calibrations of the differential pressure gauge, failing to maintain the pressure drop readings, failing to maintain the inspection logs and records of the AVO inspections conducted on the capture systems of the thermal oxidizers, failing to conduct a one-time test and sampling for the thermal oxidizer, and failing to comply with the representations for the exempt solvent overspray emissions from the PROLINE2 Shell Lining Booths.
6. Failed to perform an accuracy audit of the thermal oxidizer temperature sensor once every quarter, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 128890, SC No. 12.C, FOP No. O3319, GTC and STC No. 6, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent did not conduct the accuracy audit of the temperature sensor for the Thermal Oxidizer, EPN EP-7, during the first quarter of 2020.
7. Failed to perform an accuracy audit of the thermal oxidizer temperature sensor once every quarter, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 128890, SC No. 12.C, FOP No. O3319, GTC and STC No. 6, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent did not conduct the accuracy audit of the temperature sensor for the Thermal Oxidizer, EPN EP-8, during the first quarter of 2020.
8. Failed to maintain records containing the information and data sufficient to demonstrate compliance with the permit, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(E)(i) and (c) and 122.143(4), NSR Permit No. 128890, SC No. 11.C and 22.H, FOP No. O3319, GTC and STC No. 6, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent did not maintain the manufacturer's documentation of the PM control efficiency for the filters used in the surface coating/lining booths.

9. Failed to conduct annual calibrations of the differential pressure gauge of each ventilation system, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 128890, SC No. 11.E, FOP No. O3319, GTC and STC No. 6, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent did not conduct annual calibrations of the differential pressure gauge for the Double Main Oven, PROLINE2 Flash-Off Oven, Shell Oven, Lid Lining Booth 2, Wicket Oven, PROLINE1 Surface Coating Booth, and PROLINE2 Surface Coating Booth during calendar years 2017, 2018, 2019, and 2020.
10. Failed to maintain records containing the information and data sufficient to demonstrate compliance with the permit, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 128890, SC Nos. 11.G and 22.K, FOP No. O3319, GTC and STC No. 6, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent did not maintain the records demonstrating that the pressure drop readings are recorded once per week for each ventilation system.
11. Failed to maintain records containing the information and data sufficient to demonstrate compliance with the permit, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 128890, SC Nos. 12.G and 22.P, FOP No. O3319, GTC and STC No. 6, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent did not maintain the records demonstrating that the AVO inspections are conducted monthly for the capture systems for each thermal oxidizer.
12. Failed to report the start of construction no later than 15 working days after occurrence of the event, in violation of 30 TEX. ADMIN. CODE §§ 116.615(4) and 122.143(4), Standard Permit Registration No. 157110, Air Quality Standard Permit for Pollution Control Projects, General Requirements No. (2)(A), FOP No. O3319, GTC and STC No. 6, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent did not report the start of construction for the replacement thermal oxidizer for Thermal Oxidizer, EPN EP-7, to the TCEQ Houston Regional Office by May 8, 2020.

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: Mauser USA, LLC, Docket No. 2021-0426-AIR-E" to:

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

2. The Respondent shall undertake the following technical requirements at the Plant:
- a. Within 30 days after the effective date of this Order, submit an administratively complete amendment application for NSR Permit No. 128890 to represent exempt solvent overspray emissions to be emitted from PROLINE2 Shell Lining Booth 1, EPN EP-1, and PROLINE2 Shell Lining Booth 2, EPN EP-2, in accordance with 30 TEX. ADMIN. CODE § 116.111, to:

Air Permits Division, MC 163
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

- b. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit amendment application by any deadline specified in writing.
- c. Within 45 days after the effective date of this Agreed Order, submit written certification to demonstrate compliance with Ordering Provision No. 2.a., as described in Ordering Provision No. 2.d.
- d. Within 180 days after the effective date of this Order, submit written certification that either the amendment for NSR Permit No. 128890 has been obtained or that operations have ceased until such time that the 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:

Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Air Section Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Street, Suite H
Houston, Texas 77023-1452

3. All relief not expressly granted in this Order is denied.
4. 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.
5. 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.
6. 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 Enforcement Division at the address listed above.
7. 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.
8. 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.

9. 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



For the Executive Director

9/26/2023

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 OAG 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 OAG 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

9-12-23

Date

MARK ALLEN

Name (Printed or typed)
Authorized Representative of
Mauser USA, LLC

Plant Manager

Title

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

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