

Executive Summary - Enforcement Matter - Case No. 61431
CROWN Cork & Seal USA, Inc.
RN100218072
Docket No. 2021-1340-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Crown Cork & Seal USA, 12910 Jess Pirtle Boulevard, Sugar Land, Fort Bend County

Type of Operation:

Aluminum can manufacturing plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: April 29, 2022

Comments Received: No

Penalty Information

Total Penalty Assessed: \$46,314

Amount Deferred for Expedited Settlement: \$9,262

Total Paid to General Revenue: \$37,052

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - High

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: August 13, 2021 through August 28, 2021

Date(s) of NOE(s): September 27, 2021

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Violation Information

1. Failed to prevent unauthorized emissions. Specifically, the Respondent released 3,105.33 pounds ("lbs") of volatile organic compounds ("VOC") from the Can Manufacturing (Thermal Oxidizer), Emissions Point Number ("EPN") I-1, during an emissions event (Incident No. 323584) that began on October 27, 2019 and lasted 71 hours and 45 minutes. The emissions event occurred due to the regenerative thermal oxidizer ("RTO") exhaust motor blower coupling failing, resulting in the release to the atmosphere. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), New Source Review ("NSR") Permit No. 9331, Special Conditions ("SC") No. 2, Federal Operating Permit ("FOP") No. O1034, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 9, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
2. Failed to submit a final record for a reportable emissions event no later than two weeks after the end of the emissions event. Specifically, the final record for Incident No. 323584 was due by November 13, 2019, but was not submitted until November 18, 2019 [30 TEX. ADMIN. CODE §§ 101.201(c) and 122.143(4), FOP No. O1034, GTC and STC No. 2.F, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
3. Failed to prevent unauthorized emissions. Specifically, the Respondent released 26,924.93 lbs of VOC from the Can Manufacturing (Thermal Oxidizer), EPN I-1, during an emissions event (Incident No. 320451) that began on September 6, 2019 and lasted 477 hours. The emissions event occurred when the RTO exhaust blower failed, resulting in the release to the atmosphere. Since the Respondent did not comply with the emissions event reporting requirements, the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator, and the emissions event could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 9331, SC No. 2, FOP No. O1034, GTC and STC No. 9, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
4. Failed to submit an initial notification for a reportable emissions event no later than 24 hours after the discovery of an emissions event. Specifically, the initial notification for Incident No. 320451 was due by September 7, 2019 at 3:00 p.m. but was not submitted until September 9, 2019 at 4:25 p.m. [30 TEX. ADMIN. CODE §§ 101.201(a)(1)(B) and 122.143(4), FOP No. O1034, GTC and STC No. 2.F, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

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5. Failed to identify all required information on the final record for a reportable emissions event. Specifically, the Respondent did not accurately identify the estimated total quantities for VOC on the final record for Incident No. 320451 [30 TEX. ADMIN. CODE §§ 101.201(b)(1)(H) and 122.143(4), FOP No. O1034, GTC and STC No. 2.F, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

6. Failed to provide additional or more detailed information regarding the emissions event when requested by the Executive Director within the time established in the request. Specifically, TCEQ staff requested additional information regarding Incident No. 320451 that was due by August 28, 2021, but the information was not submitted [30 TEX. ADMIN. CODE §§ 101.201(f) and 122.143(4), FOP No. O1034, GTC and STC No. 2.F, 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 September 9, 2019, submitted the initial notification for Incident No. 320451;
- b. On November 18, 2019, submitted the final record for Incident No. 323584;
- c. On June 17, 2021, provided the correct estimated total quantities for the VOC that were released during Incident No. 320451;
- d. By October 11, 2021, added the exhaust blower to the monthly Vibration Analysis Inspection of critical equipment and began a weekly and monthly Preventative Maintenance Inspection in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 320451; and
- e. By October 12, 2021, implemented a checklist prompt in order to ensure that the responses to TCEQ requests for additional information regarding emissions events are provided in a timely manner.

Technical Requirements:

The Order will require the Respondent to:

- a. Within 30 days, implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 323584; and

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CROWN Cork & Seal USA, Inc.
RN100218072
Docket No. 2021-1340-AIR-E

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

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Toni Red, Enforcement Division, Enforcement Team 4, MC 219, (512) 239-1704; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Mark Klaus, Plant Manager, CROWN Cork & Seal USA, Inc., 12910 Jess Pirtle Boulevard, Sugar Land, Texas 77478

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	4-Oct-2021	Screening	5-Oct-2021	EPA Due	2-Apr-2022
	PCW	3-Jan-2022				

RESPONDENT/FACILITY INFORMATION	
Respondent	CROWN Cork & Seal USA, Inc.
Reg. Ent. Ref. No.	RN100218072
Facility/Site Region	12-Houston
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	61431	No. of Violations	6
Docket No.	2021-1340-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Toni Red
		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$50,750
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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	0.0%	Adjustment	Subtotals 2, 3, & 7	\$0
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Notes: No adjustment for compliance history.

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	-\$4,436
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$1,527
 Estimated Cost of Compliance: \$13,750
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$46,314
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$46,314
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$46,314
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DEFERRAL	20.0%	Reduction	Adjustment	-\$9,262
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY	\$37,052
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Screening Date 5-Oct-2021

Docket No. 2021-1340-AIR-E

PCW

Respondent CROWN Cork & Seal USA, Inc.

Policy Revision 5 (January 28, 2021)

Case ID No. 61431

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN100218072

Media Air

Enf. Coordinator Toni Red

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

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

Adjustment Percentage (Subtotal 2) 0%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

No adjustment for compliance history.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 0%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 0%

Screening Date 5-Oct-2021 **Docket No.** 2021-1340-AIR-E **PCW**
Respondent CROWN Cork & Seal USA, Inc. *Policy Revision 5 (January 28, 2021)*
Case ID No. 61431 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN100218072
Media Air
Enf. Coordinator Toni Red

Violation Number 1
Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), New Source Review ("NSR") Permit No. 9331, Special Conditions ("SC") No. 2, Federal Operating Permit ("FOP") No. O1034, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 9, and Tex. Health & Safety Code § 382.085(b)
Violation Description Failed to prevent unauthorized emissions. Specifically, the Respondent released 3,105.33 pounds ("lbs") of volatile organic compounds ("VOC") from the Can Manufacturing (Thermal Oxidizer), Emissions Point Number ("EPN") I-1, during an emissions event (Incident No. 323584) that began on October 27, 2019 and lasted 71 hours and 45 minutes. The emissions event occurred due to the regenerative thermal oxidizer ("RTO") exhaust motor blower coupling failing, resulting in the release to the atmosphere. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual			x	30.0%
	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 which do not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 1 3 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$7,500

One monthly event is recommended.

Good Faith Efforts to Comply

0.0% Reduction \$0

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

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$7,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,340 **Violation Final Penalty Total** \$7,500

This violation Final Assessed Penalty (adjusted for limits) \$7,500

Economic Benefit Worksheet

Respondent CROWN Cork & Seal USA, Inc.
Case ID No. 61431
Reg. Ent. Reference No. RN100218072
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				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	27-Oct-2019	1-Jul-2022	2.68	\$1,340	n/a	\$1,340

Notes for DELAYED costs

Estimated cost to implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 323584. The Date Required is the date the emissions event began 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

\$10,000

TOTAL

\$1,340

Screening Date 5-Oct-2021 **Docket No.** 2021-1340-AIR-E **PCW**
Respondent CROWN Cork & Seal USA, Inc. *Policy Revision 5 (January 28, 2021)*
Case ID No. 61431 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN100218072
Media Air
Enf. Coordinator Toni Red

Violation Number 2
Rule Cite(s) 30 Tex. Admin. Code §§ 101.201(c) and 122.143(4), FOP No. O1034, GTC and STC No. 2.F, and Tex. Health & Safety Code § 382.085(b)
Violation Description Failed to submit a final record for a reportable emissions event no later than two weeks after the end of the emissions event. Specifically, the final record for Incident No. 323584 was due by November 13, 2019, but was not submitted until November 18, 2019.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0.0%
Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
				x	
Less than 30% of the rule requirements were not met.					

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 1 5 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 achieved compliance on November 18, 2019, prior to the Notice of Enforcement ("NOE") dated September 27, 2021.

Violation Subtotal \$188

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount \$0 **Violation Final Penalty Total** \$188

This violation Final Assessed Penalty (adjusted for limits) \$188

Economic Benefit Worksheet

Respondent CROWN Cork & Seal USA, Inc.
Case ID No. 61431
Reg. Ent. Reference No. RN100218072
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$250	13-Nov-2019	18-Nov-2019	0.01	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to submit the final record for Incident No. 323584. The Date Required is the date the final record was due and the Final Date is the date the final record was submitted.

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

\$0

Screening Date 5-Oct-2021 **Docket No.** 2021-1340-AIR-E **PCW**
Respondent CROWN Cork & Seal USA, Inc. *Policy Revision 5 (January 28, 2021)*
Case ID No. 61431 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN100218072
Media Air
Enf. Coordinator Toni Red

Violation Number

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), NSR Permit No. 9331, SC No. 2, FOP No. O1034, GTC and STC No. 9, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions. Specifically, the Respondent released 26,924.93 lbs of VOC from the Can Manufacturing (Thermal Oxidizer), EPN I-1, during an emissions event (Incident No. 320451) that began on September 6, 2019 and lasted 477 hours. The emissions event occurred when the RTO exhaust blower failed, resulting in the release to the atmosphere. Since the Respondent did not comply with the emissions event reporting requirements, the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator, and the emissions event could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent <input type="text" value="50.0%"/>
		Major	Moderate	Minor	
		Actual	<input type="text" value="x"/>	<input type="text"/>	
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>		

>> Programmatic Matrix

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

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

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

Good Faith Efforts to Comply Reduction

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

Notes The Respondent completed the corrective actions by October 11, 2021, after the NOE dated October 4, 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 CROWN Cork & Seal USA, Inc.
Case ID No. 61431
Reg. Ent. Reference No. RN100218072
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)	\$1,500	6-Sep-2019	11-Oct-2021	2.10	\$157	n/a	\$157

Notes for DELAYED costs

Estimated cost to add the exhaust blower to the monthly Vibration Analysis Inspection of critical equipment and begin a weekly and monthly Preventative Maintenance Inspection in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 320451. The Date Required is the date the emissions event began 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 \$157

Screening Date 5-Oct-2021 **Docket No.** 2021-1340-AIR-E **PCW**
Respondent CROWN Cork & Seal USA, Inc. *Policy Revision 5 (January 28, 2021)*
Case ID No. 61431 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN100218072
Media Air
Enf. Coordinator Toni Red

Violation Number 4
Rule Cite(s) 30 Tex. Admin. Code §§ 101.201(a)(1)(B) and 122.143(4), FOP No. O1034, GTC and STC No. 2.F, and Tex. Health & Safety Code § 382.085(b)
Violation Description Failed to submit an initial notification for a reportable emissions event no later than 24 hours after the discovery of an emissions event. Specifically, the initial notification for Incident No. 320451 was due by September 7, 2019 at 3:00 p.m., but was not submitted until September 9, 2019 at 4:25 p.m.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
		Actual			
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 1 2 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 achieved compliance on September 9, 2019, prior to the NOE dated October 4, 2021.

Violation Subtotal \$188

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount \$0 **Violation Final Penalty Total** \$188

This violation Final Assessed Penalty (adjusted for limits) \$188

Economic Benefit Worksheet

Respondent CROWN Cork & Seal USA, Inc.
Case ID No. 61431
Reg. Ent. Reference No. RN100218072
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
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

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	7-Sep-2019	9-Sep-2019	0.01	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to submit the initial notification for Incident No. 320451. The Date Required is the date the initial notification was due and the Final Date is the date the initial notification was submitted.

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

\$0

Screening Date 5-Oct-2021 **Docket No.** 2021-1340-AIR-E **PCW**
Respondent CROWN Cork & Seal USA, Inc. *Policy Revision 5 (January 28, 2021)*
Case ID No. 61431 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN100218072
Media Air
Enf. Coordinator Toni Red

Violation Number

Rule Cite(s)
 30 Tex. Admin. Code §§ 101.201(b)(1)(H) and 122.143(4), FOP No. O1034, GTC and STC No. 2.F, and Tex. Health & Safety Code § 382.085(b)

Violation Description
 Failed to identify all required information on the final record for a reportable emissions event. Specifically, the Respondent did not accurately identify the estimated total quantities for VOC on the final record for Incident No. 320451.

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

Matrix Notes

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

Good Faith Efforts to Comply Reduction

	Before NOE/NOV	NOE/NOV to EDRP/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

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 CROWN Cork & Seal USA, Inc.
Case ID No. 61431
Reg. Ent. Reference No. RN100218072
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
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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	10-Oct-2019	17-Jun-2021	1.69	\$21	n/a	\$21
Notes for DELAYED costs: Estimated cost to provide the correct estimated total quantities for the VOC that were released during Incident No. 320451. The Date Required is the date the final record 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 \$21

Screening Date 5-Oct-2021 **Docket No.** 2021-1340-AIR-E **PCW**
Respondent CROWN Cork & Seal USA, Inc. *Policy Revision 5 (January 28, 2021)*
Case ID No. 61431 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN100218072
Media Air
Enf. Coordinator Toni Red

Violation Number 6

Rule Cite(s) 30 Tex. Admin. Code §§ 101.201(f) and 122.143(4), FOP No. O1034, GTC and STC No. 2.F, and Tex. Health & Safety Code § 382.085(b)

Violation Description
 Failed to provide additional or more detailed information regarding the emissions event when requested by the Executive Director within the time established in the request. Specifically, TCEQ staff requested additional information regarding Incident No. 320451 that was due by August 28, 2021, but the information was not submitted.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0.0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
	x			20.0%

Matrix Notes
 100% of the rule requirements were not met.

Adjustment \$20,000

\$5,000

Violation Events

Number of Violation Events 1 45 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$5,000

One single event is recommended.

Good Faith Efforts to Comply 10.0% Reduction \$500

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

Notes
 The Respondent completed the corrective actions by October 12, 2021, after the NOE dated October 4, 2021.

Violation Subtotal \$4,500

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount \$9 **Violation Final Penalty Total** \$4,500

This violation Final Assessed Penalty (adjusted for limits) \$4,500

Economic Benefit Worksheet

Respondent CROWN Cork & Seal USA, Inc.
Case ID No. 61431
Reg. Ent. Reference No. RN100218072
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
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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	28-Aug-2021	12-Oct-2021	0.12	\$9	n/a	\$9
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 implement a checklist prompt in order to ensure that the responses to TCEQ requests for additional information regarding emissions events are provided in a timely manner. The Date Required is the date the additional information 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

\$1,500

TOTAL

\$9

The TCEQ is committed to accessibility.

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



Compliance History Report

Compliance History Report for CN602717332, RN100218072, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

Customer, Respondent, or Owner/Operator: CN602717332, CROWN Cork & Seal USA, Inc. **Classification:** SATISFACTORY **Rating:** 6.94

Regulated Entity: RN100218072, CROWN CORK & SEAL USA **Classification:** HIGH **Rating:** 0.00

Complexity Points: 10 **Repeat Violator:** NO

CH Group: 14 - Other

Location: 12910 JESS PIRTLE BOULEVARD IN SUGAR LAND, FORT BEND COUNTY, TEXAS

TCEQ Region: REGION 12 - HOUSTON

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER FG0082W	AIR OPERATING PERMITS PERMIT 1034
AIR NEW SOURCE PERMITS PERMIT 9331	AIR NEW SOURCE PERMITS ACCOUNT NUMBER FG0082W
AIR NEW SOURCE PERMITS AFS NUM 4815700035	STORMWATER PERMIT TXR05AL20
STORMWATER PERMIT TXR05EZ54	AIR EMISSIONS INVENTORY ACCOUNT NUMBER FG0082W
POLLUTION PREVENTION PLANNING ID NUMBER P00158	INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD980879480
INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 34359	TAX RELIEF ID NUMBER 20138

Compliance History Period: September 01, 2016 to August 31, 2021 **Rating Year:** 2021 **Rating Date:** 09/01/2021

Date Compliance History Report Prepared: October 12, 2021

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: October 12, 2016 to October 12, 2021

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

Name: Toni Red **Phone:** (512) 239-1704

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO

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

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

B. Criminal convictions:
N/A

C. Chronic excessive emissions events:
N/A

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

Item 1	February 05, 2018	(1437309)
Item 2	June 18, 2019	(1532172)
Item 3	January 31, 2020	(1618417)
Item 4	March 08, 2021	(1702385)
Item 5	August 31, 2021	(1755032)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

N/A

F. Environmental audits:

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

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CROWN CORK & SEAL USA, INC.
RN100218072**

**§
§
§
§
§**

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2021-1340-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 CROWN Cork & Seal USA, Inc. (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates an aluminum can manufacturing plant located at 12910 Jess Pirtle Boulevard in Sugar Land, Fort Bend 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 \$46,314 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$37,052 of the penalty and \$9,262 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 September 9, 2019, submitted the initial notification for Incident No. 320451;
 - b. On November 18, 2019, submitted the final record for Incident No. 323584;
 - c. On June 17, 2021, provided the correct estimated total quantities for the volatile organic compounds ("VOC") that were released during Incident No. 320451;
 - d. By October 11, 2021, added the exhaust blower to the monthly Vibration Analysis Inspection of critical equipment and began a weekly and monthly Preventative Maintenance Inspection in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 320451; and
 - e. By October 12, 2021, implemented a checklist prompt in order to ensure that the responses to TCEQ requests for additional information regarding emissions events are provided in a timely manner.

II. ALLEGATIONS

1. During a record review conducted from August 13, 2021 through August 28, 2021, an investigator documented that the Respondent:
 - a. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), New Source Review ("NSR") Permit No. 9331, Special Conditions ("SC") No. 2, Federal Operating Permit ("FOP") No. O1034, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 9, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 3,105.33 pounds ("lbs") of VOC from the Can Manufacturing (Thermal Oxidizer), Emissions Point Number ("EPN") I-1, during an emissions event (Incident No. 323584) that began on October 27, 2019 and lasted 71 hours and 45 minutes. The emissions event occurred due to the regenerative thermal oxidizer ("RTO") exhaust motor blower coupling failing,

resulting in the release to the atmosphere. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

- b. Failed to submit a final record for a reportable emissions event no later than two weeks after the end of the emissions event, in violation of 30 TEX. ADMIN. CODE §§ 101.201(c) and 122.143(4), FOP No. O1034, GTC and STC No. 2.F, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the final record for Incident No. 323584 was due by November 13, 2019, but was not submitted until November 18, 2019.
2. During a record review conducted from August 13, 2021 through August 28, 2021, an investigator documented that the Respondent:
 - a. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 9331, SC No. 2, FOP No. O1034, GTC and STC No. 9, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 26,924.93 lbs of VOC from the Can Manufacturing (Thermal Oxidizer), EPN I-1, during an emissions event (Incident No. 320451) that began on September 6, 2019 and lasted 477 hours. The emissions event occurred when the RTO exhaust blower failed, resulting in the release to the atmosphere. Since the Respondent did not comply with the emissions event reporting requirements, the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator, and the emissions event could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
 - b. Failed to submit an initial notification for a reportable emissions event no later than 24 hours after the discovery of an emissions event, in violation of 30 TEX. ADMIN. CODE §§ 101.201(a)(1)(B) and 122.143(4), FOP No. O1034, GTC and STC No. 2.F, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the initial notification for Incident No. 320451 was due by September 7, 2019 at 3:00 p.m., but was not submitted until September 9, 2019 at 4:25 p.m.
 - c. Failed to identify all required information on the final record for a reportable emissions event, in violation of 30 TEX. ADMIN. CODE §§ 101.201(b)(1)(H) and 122.143(4), FOP No. O1034, GTC and STC No. 2.F, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent did not accurately identify the estimated total quantities for VOC on the final record for Incident No. 320451.
 - d. Failed to provide additional or more detailed information regarding the emissions event when requested by the Executive Director within the time established in the request, in violation of 30 TEX. ADMIN. CODE §§ 101.201(f) and 122.143(4), FOP No. O1034, GTC and STC No. 2.F, and TEX. HEALTH & SAFETY

CODE § 382.085(b). Specifically, TCEQ staff requested additional information regarding Incident No. 320451 that was due by August 28, 2021, but the information was not submitted.

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: CROWN Cork & Seal USA, Inc., Docket No. 2021-1340-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:
 - a. Within 30 days after the effective date of this Order, implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 323584.
 - b. Within 45 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be signed by the Respondent and shall include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

Air Section Manager
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 Order Compliance Team 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



10/24/2022

For the Executive Director

Date

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

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

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

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



9-29-22

Signature

Date

MARK KLAUS

PLANT MANAGER

Name (Printed or typed)
Authorized Representative of
CROWN Cork & Seal USA, Inc.

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.