

**Executive Summary – Enforcement Matter – Case No. 61749**  
**Global Fiberglass Solutions of Texas, LLC**  
**RN102297579 and RN110287299**  
**Docket No. 2022-0065-IHW-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

IHW

**Small Business:**

No

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

13 Industrial Street, Sweetwater, Nolan County (Facility No. 1, RN102297579)

4310 State Highway 70, Sweetwater, Nolan County (Facility No. 2, RN110287299)

**Type of Operation:**

Unauthorized storage facility and a wind turbine blade storage site

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** July 15, 2022

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$13,200

**Amount Deferred for Expedited Settlement:** \$2,640

**Total Paid to General Revenue:** \$305

**Total Due to General Revenue:** \$10,255

Payment Plan: 35 payments of \$293 each

**Compliance History Classifications (RN: 102297579)**

Person/CN - Satisfactory

Site/RN - Satisfactory

**Compliance History Classifications (RN: 110287299)**

Person/CN - Satisfactory

Site/RN - Unclassified

**Major Source:** No

**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:** February 12, 2021, October 8, 2021, and December 3, 2021

**Date(s) of NOE(s):** December 3, 2021

**Executive Summary – Enforcement Matter – Case No. 61749**  
**Global Fiberglass Solutions of Texas, LLC**  
**RN102297579 and RN110287299**  
**Docket No. 2022-0065-IHW-E**

***Violation Information***

1. Caused, suffered, allowed or permitted the unauthorized storage of ISW. Specifically, the Respondent was storing approximately 320,010 cubic yards of fiberglass wind turbine blades and fiberglass turbine housings at Facility No. 1 without authorization [30 TEX. ADMIN. CODE § 335.2(a) and (b)].
2. Failed to keep records of all hazardous and industrial solid waste activities regarding the quantities generated, stored, processed, and disposed of on-site or shipped off-site for storage, processing, or disposal. Specifically, no records were provided [30 TEX. ADMIN. CODE § 335.9(a)(1)].
3. Caused, suffered, allowed or permitted the unauthorized storage of ISW. Specifically, the Respondent was storing approximately 128,171 cubic yards of fiberglass wind turbine blades at Facility No. 2 without authorization [30 TEX. ADMIN. CODE § 335.2(a) and (b)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

N/A

**Technical Requirements:**

The Respondent shall undertake the following technical requirements:

- a. Immediately, cease storing any additional ISW until proper authorization is obtained.
- b. Within 30 days for Facility No. 1, begin maintaining all records of all hazardous and industrial solid waste activities regarding the quantities generated, stored, processed, and disposed of on-site or shipped off-site for storage, processing, or disposal.
- c. Within 365 days, obtain a permit to store ISW at Facility No. 1.
- d. Within 365 days, obtain a permit to store ISW at Facility No. 2.
- e. Within 380 days, submit written certification to demonstrate compliance with a. through d.
- f. In lieu of c., d., and e., within 60 days, remove all unauthorized ISW and dispose of it at an authorized facility.
- g. Within 90 days, submit written certification to demonstrate compliance with a., b., and f.

**Executive Summary – Enforcement Matter – Case No. 61749  
Global Fiberglass Solutions of Texas, LLC  
RN102297579 and RN110287299  
Docket No. 2022-0065-IHW-E**

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Hailey Johnson, Enforcement Division, Enforcement Team 3, MC 219, (512) 239-1756; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

**Respondent:** Donald Lilly, Managing Director, Global Fiberglass Solutions of Texas, LLC, 16212 Bothell Everett Highway, Suite F203, Mill Creek, Washington 98012-1603

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



# Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

<b>DATES</b>	<b>Assigned</b>	13-Dec-2021			
	<b>PCW</b>	31-Jan-2022	<b>Screening</b>	23-Dec-2021	<b>EPA Due</b>

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Global Fiberglass Solutions of Texas, LLC ("Facility No. 1")
<b>Reg. Ent. Ref. No.</b>	RN102297579
<b>Facility/Site Region</b>	3-Abilene
<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>				
<b>Enf./Case ID No.</b>	61749	<b>No. of Violations</b>	2	
<b>Docket No.</b>	2022-0065-IHW-E	<b>Order Type</b>	1660	
<b>Media Program(s)</b>	Industrial and Hazardous Waste	<b>Government/Non-Profit</b>	No	
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Hailey Johnson	
		<b>EC's Team</b>	Enforcement Team 6	
<b>Admin. Penalty \$</b>	<b>Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$10,000
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	7.0% Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	\$700
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Notes: Enhancement for one NOV with same/similar violations and one NOV with dissimilar violations.

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

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$0
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts: \$11,232  
 Estimated Cost of Compliance: \$223,711  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$10,700
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	\$10,700
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$10,700
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<b>DEFERRAL</b>	20.0%	Reduction	<b>Adjustment</b>	-\$2,140
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	\$8,560
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**Screening Date** 23-Dec-2021

**Docket No.** 2022-0065-IHW-E

**PCW**

**Respondent** Global Fiberglass Solutions of Texas, LLC ("Facility No. 1")

*Policy Revision 5 (January 28, 2021)*

**Case ID No.** 61749

*PCW Revision February 11, 2021*

**Reg. Ent. Reference No.** RN102297579

**Media** Industrial and Hazardous Waste

**Enf. Coordinator** Hailey Johnson

### 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	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgments or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	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)** 7%

#### >> 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 one NOV with dissimilar violations.

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

#### >> Final Compliance History Adjustment

**Final Adjustment Percentage \*capped at 100%** 7%

Screening Date 23-Dec-2021

Docket No. 2022-0065-IHW-E

PCW

Respondent Global Fiberglass Solutions of Texas, LLC ("Facility No. 1")

Policy Revision 5 (January 28, 2021)

Case ID No. 61749

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN102297579

Media Industrial and Hazardous Waste

Enf. Coordinator Hailey Johnson

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 335.2(a) and (b)

Violation Description Caused, suffered, allowed, or permitted the unauthorized storage of industrial solid waste ("ISW"). Specifically, the Respondent was storing approximately 320,010 cubic yards of ISW consisting of fiberglass wind turbine blades and fiberglass turbine housings at Facility No. 1 without authorization.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), Percent (0.0%).

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, Percent (10.0%).

Matrix Notes 100% of the rule requirement was not met.

Adjustment \$22,500

\$2,500

Violation Events

Number of Violation Events 3 Number of violation days 76

Table with frequency categories: daily, weekly, monthly (x), quarterly, semiannual, annual, single event.

Violation Base Penalty \$7,500

Three monthly events are recommended from the October 8, 2021 investigation date to the December 23, 2021 screening date.

Good Faith Efforts to Comply

0.0% Reduction \$0

Table with categories: 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 \$11,191

Violation Final Penalty Total \$8,025

This violation Final Assessed Penalty (adjusted for limits) \$8,025

# Economic Benefit Worksheet

**Respondent** Global Fiberglass Solutions of Texas, LLC ("Facility No. 1")  
**Case ID No.** 61749  
**Reg. Ent. Reference No.** RN102297579  
**Media Violation No.** Industrial and Hazardous Waste 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	\$223,211	8-Oct-2021	9-Oct-2022	1.00	\$11,191	n/a	\$11,191
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs** Estimated delayed cost to obtain a permit to store ISW at Facility No. 1 (\$150 for the permit fee and \$223,061 to demonstrate financial assurance for closure, post-closure, and corrective action cost estimates of Facility No. 1). The Date Required is the investigation 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 \$223,211

**TOTAL** \$11,191

**Screening Date** 23-Dec-2021 **Docket No.** 2022-0065-IHW-E **PCW**  
**Respondent** Global Fiberglass Solutions of Texas, LLC ("Facility No. 1") *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 61749 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN102297579  
**Media** Industrial and Hazardous Waste  
**Enf. Coordinator** Hailey Johnson

**Violation Number**   
**Rule Cite(s)**   
**Violation Description**

**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**

	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="10.0%"/>

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 checked="" type="text" value="x"/>

**Violation Base Penalty**

**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"/>	<input type="text"/>
N/A	<input checked="" type="text" value="x"/>	<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** Global Fiberglass Solutions of Texas, LLC ("Facility No. 1")  
**Case ID No.** 61749  
**Reg. Ent. Reference No.** RN102297579  
**Media Violation No.** Industrial and Hazardous Waste 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	\$500	12-Feb-2021	9-Oct-2022	1.65	\$41	n/a	\$41
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 delayed cost to maintain records of all hazardous and industrial solid waste activities regarding the quantities generated, stored, processed, and disposed of on-site or shipped off-site for storage, processing, or disposal. The Date Required is the initial investigation 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 \$500

**TOTAL** \$41



# Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

<b>DATES</b>	<b>Assigned</b>	13-Dec-2021	<b>Screening</b>	23-Dec-2021	<b>EPA Due</b>	
	<b>PCW</b>	31-Jan-2022				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Global Fiberglass Solutions of Texas, LLC ("Facility No. 2")
<b>Reg. Ent. Ref. No.</b>	RN110287299
<b>Facility/Site Region</b>	3-Abilene
<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	61749	<b>No. of Violations</b>	1
<b>Docket No.</b>	2022-0065-IHW-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Industrial and Hazardous Waste	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Hailey Johnson
		<b>EC's Team</b>	Enforcement Team 6
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	<b>\$2,500</b>
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	<b>0.0%</b> Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	<b>\$0</b>
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Notes: No adjustment for Compliance History.

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

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	<b>\$0</b>
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<b>Economic Benefit</b>	<b>0.0%</b> Enhancement*	<b>Subtotal 6</b>	<b>\$0</b>
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Total EB Amounts: \$4,596  
 Estimated Cost of Compliance: \$91,675  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$2,500</b>
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	<b>0.0%</b> Adjustment	<b>\$0</b>
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	<b>\$2,500</b>
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$2,500</b>
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<b>DEFERRAL</b>	<b>20.0%</b> Reduction	<b>Adjustment</b>	<b>-\$500</b>
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	<b>\$2,000</b>
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**Screening Date** 23-Dec-2021

**Docket No.** 2022-0065-IHW-E

**PCW**

**Respondent** Global Fiberglass Solutions of Texas, LLC ("Facility No. 2")

*Policy Revision 5 (January 28, 2021)*

**Case ID No.** 61749

*PCW Revision February 11, 2021*

**Reg. Ent. Reference No.** RN110287299

**Media** Industrial and Hazardous Waste

**Enf. Coordinator** Hailey Johnson

### 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 23-Dec-2021

Docket No. 2022-0065-IHW-E

PCW

Respondent Global Fiberglass Solutions of Texas, LLC ("Facility No. 2")

Policy Revision 5 (January 28, 2021)

Case ID No. 61749

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN110287299

Media Industrial and Hazardous Waste

Enf. Coordinator Hailey Johnson

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 335.2(a) and (b)

Violation Description

Caused, suffered, allowed, or permitted the unauthorized storage of industrial solid waste ("ISW"). Specifically, the Respondent was storing approximately 128,171 cubic yards of fiberglass wind turbine blades at Facility No. 2 without authorization.

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 10.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment

\$22,500

\$2,500

Violation Events

Number of Violation Events 1

20 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty

\$2,500

One monthly event is recommended from the December 3, 2021 record review date to the December 23, 2021 screening date.

Good Faith Efforts to Comply

0.0%

Reduction

\$0

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

Extraordinary		
Ordinary		
N/A	x	

Notes

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

Violation Subtotal

\$2,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

\$4,596

Violation Final Penalty Total

\$2,500

This violation Final Assessed Penalty (adjusted for limits)

\$2,500

## Economic Benefit Worksheet

**Respondent** Global Fiberglass Solutions of Texas, LLC ("Facility No. 2")  
**Case ID No.** 61749  
**Reg. Ent. Reference No.** RN110287299  
**Media** Industrial and Hazardous Waste  
**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	\$91,675	8-Oct-2021	9-Oct-2022	1.00	\$4,596	n/a	\$4,596
Other (as needed)				0.00	\$0	n/a	\$0

#### Notes for DELAYED costs

Estimated delayed cost to obtain a permit to store ISW at Facility No. 2 (\$150 for the permit fee and \$91,525 to demonstrate financial assurance for closure, post-closure, and corrective action cost estimates of Facility No. 2). The Date Required is the initial investigation 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

\$91,675

**TOTAL**

\$4,596

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 CN605416825, RN102297579, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

**Customer, Respondent, or Owner/Operator:** CN605416825, Global Fiberglass Solutions of Texas, LLC **Classification:** SATISFACTORY **Rating:** 1.00

**Regulated Entity:** RN102297579, Global Fiberglass Solutions of Texas **Classification:** SATISFACTORY **Rating:** 1.00

**Complexity Points:** 9 **Repeat Violator:** NO

**CH Group:** 14 - Other

**Location:** 13 Industrial Street, Sweetwater, Nolan County, Texas 79556-6221

**TCEQ Region:** REGION 03 - ABILENE

**ID Number(s):**

<b>AIR NEW SOURCE PERMITS ACCOUNT NUMBER</b> ND0093T	<b>AIR NEW SOURCE PERMITS PERMIT</b> 48620
<b>ON SITE SEWAGE FACILITY PERMIT</b> 177101	<b>POLLUTION PREVENTION PLANNING ID NUMBER</b> P06871
<b>INDUSTRIAL AND HAZARDOUS WASTE EPA ID</b> TXD988042248	<b>INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR)</b> 87429

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

**Date Compliance History Report Prepared:** February 08, 2022

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** February 08, 2017 to February 08, 2022

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

<b>Name:</b> Hailey Johnson	<b>Phone:</b> (512) 239-1756
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## 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	September 21, 2017	(1437487)
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### **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:        | 02/12/2021  | (1701884) |                 |       |
|   | Self Report? | NO  |           | Classification: | Minor |
|   | Citation:    | 30 TAC Chapter 281, SubChapter A 281.25(a)(4)<br>TPDES MSGP Part III, Section B (3) PERMIT                                |           |                 |       |
|   | Description: | Failure to consistently conduct visual monitoring of storm water discharges from permitted outfalls on a quarterly basis. |           |                 |       |

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 281, SubChapter A 281.25(a)(4)  
TPDES MSGP Part III, Section C (1)(a,b) PERMIT  
Description: Failure to monitor for numeric effluent limitations (hazardous metals) at permitted outfalls on an annual basis.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 281, SubChapter A 281.25(a)(4)  
TPDES MSGP Part IV, Sections A & B PERMIT  
TPDES MSGP Part V, Section N (4) PERMIT  
Description: Failure to monitor for benchmark parameters on a semi-annual basis at permitted outfalls.

2 Date: 04/13/2021 (1703213)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 335, SubChapter A 335.9  
Description: Failure to provide records of hazardous waste and industrial solid waste activities.

**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

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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 CN605416825, RN110287299, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

**Customer, Respondent, or Owner/Operator:** CN605416825, Global Fiberglass Solutions of Texas, LLC **Classification:** SATISFACTORY **Rating:** 1.00  
**Regulated Entity:** RN110287299, GLOBAL Fiberglass Solutions of Texas **Classification:** UNCLASSIFIED **Rating:** -----  
**Complexity Points:** 4 **Repeat Violator:** NO  
**CH Group:** 14 - Other  
**Location:** 4310 State Highway 70, Sweetwater, Nolan County, Texas 79556  
**TCEQ Region:** REGION 03 - ABILENE

**ID Number(s):**

**AIR NEW SOURCE PERMITS REGISTRATION** 152317

**WATER QUALITY NON-PERMITTED ID NUMBER**  
R03109947689

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

**Date Compliance History Report Prepared:** February 08, 2022

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** February 08, 2017 to February 08, 2022

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

**Name:** Hailey Johnson

**Phone:** (512) 239-1756

**Site and Owner/Operator History:**

- 1) Has the site been in existence and/or operation for the full five-year compliance period? NO
- 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.):**

**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  
GLOBAL FIBERGLASS  
SOLUTIONS OF TEXAS, LLC  
RN102297579  
RN110287299**

§  
§  
§  
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§

**BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY**

**AGREED ORDER  
DOCKET NO. 2022-0065-IHW-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 Global Fiberglass Solutions of Texas, LLC (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 361 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 operated an unauthorized storage facility located at 13 Industrial Street in Sweetwater, Nolan County, Texas ("Facility No. 1") and a wind turbine blade storage site located at 4310 State Highway 70 in Sweetwater, Nolan County, Texas ("Facility No. 2"). Facility Nos. 1 and 2 ("collectively referred to as the "Facilities") involve or involved the management of industrial solid waste ("ISW") as defined in TEX. HEALTH & SAFETY CODE ch. 361.
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. 361 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 \$13,200 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$305 of the penalty and \$2,640 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order and shall be waived only upon full compliance with all the terms and conditions of this Order.

The remaining amount of \$10,255 of the undeferred penalty shall be paid in 35 monthly payments of \$293 each. The first monthly payment shall be paid within 30 days after the effective date of this Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until the penalty is paid in full. If the Respondent fails to comply with the payment requirements of this Order, including the payment schedule, the Executive Director may accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. The Respondent's failure to meet the payment schedule of this Order and/or the acceleration of any remaining balance constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms and conditions of this Order and 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.

## **II. ALLEGATIONS**

1. During an investigation conducted on October 8, 2021 at Facility No. 1, an investigator documented that the Respondent caused, suffered, allowed or permitted the unauthorized storage of ISW, in violation of 30 TEX. ADMIN. CODE § 335.2(a) and (b). Specifically, the Respondent was storing approximately 320,010 cubic yards of fiberglass wind turbine blades and fiberglass turbine housings at Facility No. 1 without authorization.
2. During investigations conducted on February 12, 2021 and October 8, 2021 at Facility No. 1, an investigator documented that the Respondent failed to keep records of all hazardous and industrial solid waste activities regarding the quantities generated, stored, processed, and disposed of on-site or shipped off-site for storage, processing, or disposal, in violation of 30 TEX. ADMIN. CODE § 335.9(a)(1). Specifically, no records were provided.
3. During an investigation conducted on October 8, 2021, and a record review conducted on December 3, 2021 at Facility No. 2, an investigator documented that the Respondent

caused, suffered, allowed or permitted the unauthorized storage of ISW, in violation of 30 TEX. ADMIN. CODE § 335.2(a) and (b). Specifically, the Respondent was storing approximately 128,171 cubic yards of fiberglass wind turbine blades at Facility No. 2 without authorization.

### 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: Global Fiberglass Solutions of Texas, LLC, Docket No. 2022-0065-IHW-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. Immediately upon the effective date of this Order for the Facilities, cease storing any additional ISW until proper authorization is obtained.
  - b. Within 30 days after the effective date of this Order for Facility No. 1, begin maintaining all records of all hazardous and industrial solid waste activities regarding the quantities generated, stored, processed, and disposed of on-site or shipped off-site for storage, processing, or disposal, in accordance with 30 TEX. ADMIN. CODE § 335.9.
  - c. Within 365 days after the effective date of this Order for Facility No. 1, obtain a permit to store ISW at Facility No. 1, in accordance with 30 TEX. ADMIN. CODE § 335.2.
  - d. Within 365 days after the effective date of this Order for Facility No. 2, obtain a permit to store ISW at Facility No. 2, in accordance with 30 TEX. ADMIN. CODE § 335.2.
  - e. Within 380 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 Nos. 2.a through 2.d, to the addresses listed in Ordering Provision No. 2.g below.

- f. In lieu of Ordering Provision Nos. 2.c, 2.d, and 2.e, within 60 days after the effective date of this Order for the Facilities, remove all unauthorized ISW and dispose of it at an authorized facility.
- g. Within 90 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 Nos. 2.a, 2.b, and 2.f. 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:

Waste Section Manager  
Abilene Regional Office  
Texas Commission on Environmental Quality  
1977 Industrial Boulevard  
Abilene, Texas 79602-7833

- 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 Facilities' 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

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

\_\_\_\_\_  
9/28/2022  
\_\_\_\_\_  
Date

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

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

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

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

  
\_\_\_\_\_  
Signature

\_\_\_\_\_  
06/09/22  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Donald L Lilly  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
Global Fiberglass Solutions of Texas, LLC

\_\_\_\_\_  
Managing Director  
\_\_\_\_\_  
Title

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