

**Executive Summary – Enforcement Matter – Case No. 62314
Gardner Glass Products, Inc.
RN100242973
Docket No. 2022-0634-AIR-E**

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Gardner Glass Products, 7553 Highway 75 South, Huntsville, Walker County

Type of Operation:

Mirror manufacturing facility

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Past-Due Fees: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: August 15, 2025

Comments Received: No

Penalty Information

Total Penalty Assessed: \$62,950

Amount Deferred for Expedited Settlement: \$12,590

Total Paid to General Revenue: \$1,430

Total Due to General Revenue: \$48,930

Payment Plan: 35 payments of \$1,398 each

Compliance History Classifications:

Person/CN - High

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: November 17, 2021 through March 16, 2022 and June 30, 2022 through July 25, 2022

Date(s) of NOE(s): March 23, 2022 and August 9, 2022

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Gardner Glass Products, Inc.
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Docket No. 2022-0634-AIR-E

Violation Information

1. Failed to comply with the maximum allowable coatings usage during maintenance, startup, and shutdown ("MSS") activity. Specifically, the Respondent used a top coat during MSS activities that exceeded the volatile organic compounds ("VOC") content limit of 3.2 pounds per gallon ("lbs/gal") of coating by 2.4 lbs/gal on 10 days from February 13, 2020 to December 7, 2020 [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), New Source Review ("NSR") Permit No. 18495, Special Conditions ("SC") No. 6.E, Federal Operating Permit ("FOP") No. O3448, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 3, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
2. Failed to report all instances of deviations and failed to submit the deviation report no later than 30 days after the end of each reporting period. Specifically, the Respondent reported no deviations in the deviation report for the January 1, 2020 through June 30, 2020 reporting period, but the deviations for the failing to incorporate the changes authorized under Permit by Rule ("PBR") Registration No. 135520 into NSR Permit No. 18495, failing to comply with the coating usage limit for base coat during MSS activities, and failing to comply with the VOC content limit for top coat during MSS activities should have been reported by July 30, 2020 [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A) and (C), FOP No. O3448, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
3. Failed to report all instances of deviations and failed to submit the deviation report no later than 30 days after the end of each reporting period. Specifically, the Respondent reported no deviations in the deviation report for the July 1, 2020 through December 31, 2020 reporting period, but the deviations for the failing to comply with the coating usage limit for base coat during MSS activities and failing to comply with the VOC content limit for top coat during MSS activities should have been reported by January 30, 2021 [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A) and (C), FOP No. O3448, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
4. Failed to maintain records containing the information and data sufficient to demonstrate compliance with the permit. Specifically, the Respondent did not provide records for the cumulative lbs of material usage on a 12-month rolling basis for each step of the silvering process line for May 2020 and November 2020, the cumulative lbs of material usage on a 12-month rolling basis for each step of the back coating line for May 2020 and November 2020, the emissions in tons per year on a 12-month rolling basis for Emissions Point Numbers ("EPNs") RTO, 1, 2, and BPS for January 2020 through November 2020, the total hours of MSS activities on a 12-month rolling basis for January 2020 through November 2020, and the emissions for MSS activities on a 12-month rolling basis for January 2020 through November 2020 to demonstrate compliance with NSR Permit No. 18495 [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(E)(i) and (c), 122.143(4), and 122.144(4), NSR Permit No. 18495, SC No. 8, FOP No. O3448, GTC and STC No. 5, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

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5. Failed to incorporate all changes authorized under a PBR into the permit when the permit is amended or renewed. Specifically, the Respondent did not incorporate the changes authorized under PBR Registration No. 135520 during the renewal of NSR Permit No. 18495 that was completed on March 12, 2020 [30 TEX. ADMIN. CODE §116.116(d)(2) and TEX. HEALTH & SAFETY CODE §§ 382.0518(a) and 382.085(b)].

6. Failed to include a signed certification of accuracy and completeness and failed to submit a Permit Compliance Certification ("PCC") within 30 days of any certification period. Specifically, the PCC for the January 1, 2021 through December 31, 2021 certification period was due by January 30, 2022, but was not submitted until May 20, 2022 and did not include the signed certification of accuracy and completeness, Form OP-CRO1 [30 TEX. ADMIN. CODE §§ 122.143(4) and (15), 122.146(2), and 122.165(a)(8), FOP No. O3448, GTC and STC No. 6, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

7. Failed to submit a deviation report no later than 30 days after the end of each reporting period. Specifically, the deviation report for the July 1, 2021 through December 31, 2021 reporting period was due by January 30, 2022, but was not submitted until May 20, 2022 [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(C), FOP No. O3448, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

- a. By May 20, 2022, submitted the PCC for the January 1, 2021 through December 31, 2021 certification period.
- b. By May 20, 2022, submitted the deviation report for the July 1, 2021 through December 31, 2021 reporting period.
- c. By September 12, 2022, submitted the signed certification of accuracy and completeness, Form OP-CRO1, with the PCC for the January 1, 2021 through December 31, 2021 certification period.

Technical Requirements:

The Order will require the Respondent to:

- a. Within 30 days:
 - i. Begin using a top coat that has a VOC content of 3.2 lbs/gal of coating or less during MSS activities;

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RN100242973
Docket No. 2022-0634-AIR-E

ii. Submit the deviation report for the January 1, 2020 through June 30, 2020 reporting period to report the deviations for failing to incorporate the changes authorized under PBR Registration No. 135520 into NSR No. 18495, failing to comply with the coating usage limit for base coat during MSS activities, and failing to comply with the VOC content limit for top coat during MSS activities;

iii. Implement measures designed to ensure that accurate deviation reports are submitted;

iv. Submit the deviation report for the July 1, 2020 through December 31, 2020 reporting period to report the deviations for failing to comply with the coating usage limit during MSS activities and failing to comply with the VOC content limit for top coat during MSS activities;

v. Implement measures designed to ensure that the deviation reports are submitted in a timely manner;

vi. Provide the records for the cumulative lbs of material usage on a 12-month rolling basis for each step of the silvering process line for May 2020 and November 2020, the cumulative lbs of material usage on a 12-month rolling basis for each step of the back coating line for May 2020 and November 2020, the emissions in tons per year on a 12-month rolling basis for EPNs RTO, 1, 2, and BPS for January 2020 through November 2020, the total hours of MSS activities on a 12-month rolling basis for January 2020 through November 2020, and the emissions for MSS activities on a 12-month rolling basis for January 2020 through November 2020 in order to demonstrate compliance with NSR Permit No. 18495; and

vii. Obtain a permit amendment for NSR Permit No. 18495 to incorporate PBR Registration No. 135520 by submitting an administratively complete application.

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

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

d. Within 180 days, submit written certification that either the amendment for NSR Permit No. 18495 has been obtained or that operations have ceased until such time that appropriate authorization has been obtained to demonstrate compliance.

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Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Johnnie Wu, Enforcement Division, Enforcement Team 2, MC 219, (512) 239-2524; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Larry D. Reinke, General Manager, Gardner Glass Products, Inc., 7553 Highway 75 South, Huntsville, Texas 77340

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	12-Apr-2022	Screening	22-Apr-2022	EPA Due	
	PCW	6-Feb-2025				

RESPONDENT/FACILITY INFORMATION	
Respondent	Gardner Glass Products, Inc.
Reg. Ent. Ref. No.	RN100242973
Facility/Site Region	12-Houston
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	62314	No. of Violations	8
Docket No.	2022-0634-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Johnnie Wu
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$70,500
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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	-10.0%	Adjustment	Subtotals 2, 3, & 7	-\$7,050
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Notes	Reduction for High Performer Classification.
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Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes	The Respondent does not meet the culpability criteria.
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Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$500
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$2,620	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$10,750	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$62,950
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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	
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Final Penalty Amount	\$62,950
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$62,950
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DEFERRAL	20.0%	Reduction	Adjustment	-\$12,590
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes	Deferral offered for expedited settlement.
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PAYABLE PENALTY	\$50,360
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Screening Date 22-Apr-2022

Docket No. 2022-0634-AIR-E

PCW

Respondent Gardner Glass Products, Inc.

Policy Revision 5 (January 28, 2021)

Case ID No. 62314

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN100242973

Media Air

Enf. Coordinator Johnnie Wu

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)

High Performer

Adjustment Percentage (Subtotal 7) -10%

>> Compliance History Summary

Compliance History Notes

Reduction for High Performer Classification.

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

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% -10%

Screening Date 22-Apr-2022 **Docket No.** 2022-0634-AIR-E **PCW**
Respondent Gardner Glass Products, Inc. *Policy Revision 5 (January 28, 2021)*
Case ID No. 62314 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN100242973
Media Air
Enf. Coordinator Johnnie Wu

Violation Number 1
Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), New Source Review ("NSR") Permit No. 18495, Special Conditions ("SC") No. 6.E, Federal Operating Permit ("FOP") No. O3448, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 3, and Tex. Health & Safety Code § 382.085(b)
Violation Description Failed to comply with the maximum allowable coatings usage during maintenance, startup, and shutdown ("MSS") activity. Specifically, the Respondent used a top coat during MSS activities that exceeded the volatile organic compounds ("VOC") content limit of 3.2 pounds per gallon ("lbs/gal") of coating by 2.4 lbs/gal on 10 days from February 13, 2020 to December 7, 2020.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
		Actual			
Potential					

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent

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

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 4 10 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$30,000

Four quarterly events are recommended for the instances of noncompliance that occurred from February 13, 2020 to December 7, 2020.

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 \$30,000

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

Estimated EB Amount \$100 **Violation Final Penalty Total** \$27,000

This violation Final Assessed Penalty (adjusted for limits) \$27,000

Economic Benefit Worksheet

Respondent Gardner Glass Products, Inc.
Case ID No. 62314
Reg. Ent. Reference No. RN100242973
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)	\$500	17-Nov-2021	18-Nov-2025	4.01	\$100	n/a	\$100

Notes for DELAYED costs

Estimated cost to begin using a top coat that has a VOC content of 3.2 lbs/gal of coating or less during MSS activities. The Date Required is the record review 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 \$100

Screening Date 22-Apr-2022 **Docket No.** 2022-0634-AIR-E **PCW**
Respondent Gardner Glass Products, Inc. *Policy Revision 5 (January 28, 2021)*
Case ID No. 62314 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN100242973
Media Air
Enf. Coordinator Johnnie Wu

Violation Number

Rule Cite(s)
 30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(A) and (C), FOP No. O3448, GTC, and Tex. Health & Safety Code § 382.085(b)

Violation Description
 Failed to report all instances of deviations and failed to submit the deviation report no later than 30 days after the end of each reporting period. Specifically, the Respondent reported no deviations in the deviation report for the January 1, 2020 through June 30, 2020 reporting period, but the deviations for the failing to incorporate the changes authorized under Permit by Rule ("PBR") Registration No. 135520 into NSR Permit No. 18495, failing to comply with the coating usage limit for base coat during MSS activities, and failing to comply with the VOC content limit for top coat during MSS activities should have been reported by July 30, 2020.

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="20.0%"/>

100% of the rule requirements were not met.

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

One single event is recommended.

Good Faith Efforts to Comply Reduction

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

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

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

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 Gardner Glass Products, Inc.
Case ID No. 62314
Reg. Ent. Reference No. RN100242973
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	\$1,500	30-Jul-2020	18-Nov-2025	5.31	\$398	n/a	\$398
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$250	30-Jul-2020	18-Nov-2025	5.31	\$66	n/a	\$66

Notes for DELAYED costs

Estimated costs to submit a revised deviation report for the January 1, 2020 through June 30, 2020 reporting period to report the deviations for failing to incorporate the changes authorized under PBR Registration No. 135520 into NSR Permit No. 18495, failing to comply with the coating usage limit for base coat during MSS activities, and failing to comply with the VOC content limit for top coat during MSS activities (\$250) and to implement measures designed to ensure that accurate deviation reports are submitted (\$1,500). The Dates Required are the date the deviations should have been reported and the Final Dates are the estimated dates of compliance.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,750

TOTAL

\$464

Screening Date	22-Apr-2022	Docket No.	2022-0634-AIR-E	PCW		
Respondent	Gardner Glass Products, Inc.				Policy Revision 5 (January 28, 2021)	
Case ID No.	62314				PCW Revision February 11, 2021	
Reg. Ent. Reference No.	RN100242973					
Media	Air					
Enf. Coordinator	Johnnie Wu					
Violation Number	3					
Rule Cite(s)	30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(A) and (C), FOP No. O3448, GTC, and Tex. Health & Safety Code § 382.085(b)					
Violation Description	Failed to report all instances of deviations and failed to submit the deviation report no later than 30 days after the end of each reporting period. Specifically, the Respondent reported no deviations in the deviation report for the July 1, 2020 through December 31, 2020 reporting period, but the deviations for the failing to comply with the coating usage limit for base coat during MSS activities and failing to comply with the VOC content limit for top coat during MSS activities should have been reported by January 30, 2021.					
		Base Penalty			\$25,000	
>> Environmental, Property and Human Health Matrix						
OR	Release	Harm				
		Major	Moderate	Minor		
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent	<input type="text" value="0.0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>		
>> Programmatic Matrix						
	Falsification	Major	Moderate	Minor		
	<input type="text"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Percent	<input type="text" value="20.0%"/>
Matrix Notes	100% of the rule requirements were not met.					
				Adjustment	<input type="text" value="\$20,000"/>	
					\$5,000	
Violation Events						
	Number of Violation Events	<input type="text" value="1"/>	<input type="text" value="447"/>	Number of violation days		
	daily	<input type="text"/>	<input type="text"/>			
	weekly	<input type="text"/>	<input type="text"/>			
	monthly	<input type="text"/>	<input type="text"/>			
	quarterly	<input type="text"/>	<input type="text"/>			
	semiannual	<input type="text"/>	<input type="text"/>			
	annual	<input type="text"/>	<input type="text"/>			
	single event	<input checked="" type="checkbox"/>	<input type="checkbox"/>		Violation Base Penalty	<input type="text" value="\$5,000"/>
	One single event is recommended.					
Good Faith Efforts to Comply						
		<input type="text" value="0.0%"/>		Reduction	<input type="text" value="\$0"/>	
		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="checkbox"/>	<input type="checkbox"/>			
Notes	The Respondent does not meet the good faith criteria for this violation.					
				Violation Subtotal	<input type="text" value="\$5,000"/>	
Economic Benefit (EB) for this violation						
	Estimated EB Amount	<input type="text" value="\$60"/>	Violation Final Penalty Total	<input type="text" value="\$4,500"/>		
			This violation Final Assessed Penalty (adjusted for limits)	<input type="text" value="\$4,500"/>		

Economic Benefit Worksheet

Respondent Gardner Glass Products, Inc.
Case ID No. 62314
Reg. Ent. Reference No. RN100242973
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)	\$250	30-Jan-2021	18-Nov-2025	4.80	\$60	n/a	\$60

Notes for DELAYED costs

Estimated cost to submit a revised deviation report for the July 1, 2020 through December 31, 2020 reporting period to report the deviations for failing to comply with the coating usage limit for base coat during MSS activities and failing to comply with the VOC content limit for top coat during MSS activities. The Date Required is the date the deviations should have been reported and the Final Date is the estimated date of compliance.

See the Economic Benefit in Violation No. 2 for implementing measures designed to ensure that accurate deviation reports are 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 \$60

Screening Date 22-Apr-2022 **Docket No.** 2022-0634-AIR-E **PCW**
Respondent Gardner Glass Products, Inc. *Policy Revision 5 (January 28, 2021)*
Case ID No. 62314 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN100242973
Media Air
Enf. Coordinator Johnnie Wu

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(b)(2)(E)(i) and (c), 122.143(4), and 122.144(4), NSR Permit No. 18495, SC No. 8, FOP No. O3448, GTC and STC No. 5, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to maintain records containing the information and data sufficient to demonstrate compliance with the permit. Specifically, the Respondent did not provide records for the cumulative lbs of material usage on a 12-month rolling basis for each step of the silvering process line for May 2020 and November 2020 and the cumulative lbs of material usage on a 12-month rolling basis for each step of the back coating line for May 2020 and November 2020 to demonstrate compliance with NSR Permit No. 18495.

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	1.0%

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

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 2 304 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$500

Two single events are recommended for each set of incomplete records.

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 \$500

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

Estimated EB Amount \$276 **Violation Final Penalty Total** \$450

This violation Final Assessed Penalty (adjusted for limits) \$450

Economic Benefit Worksheet

Respondent Gardner Glass Products, Inc.
Case ID No. 62314
Reg. Ent. Reference No. RN100242973
Media Air
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				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)	\$1,250	22-Jun-2021	18-Nov-2025	4.41	\$276	n/a	\$276

Notes for DELAYED costs

Estimated cost to provide the records for the cumulative lbs of material usage on a 12-month rolling basis for each step of the silvering process line for May 2020 and November 2020, the cumulative lbs of material usage on a 12-month rolling basis for each step of the back coating line for May 2020 and November 2020, the emissions in tons per year on a 12-month rolling basis for Emissions Point Numbers ("EPNs") RTO, 1, 2, and BPS for January 2020 through November 2020, the total hours of MSS activities on a 12-month rolling basis for January 2020 through November 2020, and the emissions for MSS activities on a 12-month rolling basis for January 2020 through November 2020 (\$250 each for 5 sets of missing records) to demonstrate compliance with NSR Permit No. 18495. The Date Required is the date the records were initially requested 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

\$1,250

TOTAL

\$276

Screening Date	22-Apr-2022	Docket No.	2022-0634-AIR-E	PCW
Respondent	Gardner Glass Products, Inc.			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	62314			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN100242973			
Media	Air			
Enf. Coordinator	Johnnie Wu			
Violation Number	5			
Rule Cite(s)	30 Tex. Admin. Code §116.116(d)(2) and Tex. Health & Safety Code §§ 382.0518(a) and 382.085(b)			
Violation Description	Failed to incorporate all changes authorized under a PBR into the permit when the permit is amended or renewed. Specifically, the Respondent did not incorporate the changes authorized under PBR Registration No. 135520 during the renewal of NSR Permit No. 18495 that was completed on March 12, 2020.			
		Base Penalty	\$25,000	

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				Percent 0.0%
	Potential				

>> Programmatic Matrix

		Harm			
	Falsification	Major	Moderate	Minor	
		x			Percent 20.0%
Matrix Notes	100% of the rule requirements were not met.				
					Adjustment \$20,000

\$5,000

Violation Events

Number of Violation Events	1	771	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 Reduction \$0

		0.0%	
		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 \$5,000

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

Estimated EB Amount	\$1,423	Violation Final Penalty Total	\$4,500
This violation Final Assessed Penalty (adjusted for limits)		\$4,500	

Economic Benefit Worksheet

Respondent Gardner Glass Products, Inc.
Case ID No. 62314
Reg. Ent. Reference No. RN100242973
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	\$5,000	12-Mar-2020	18-Nov-2025	5.69	\$1,423	n/a	\$1,423
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs	Estimated cost to obtain a permit amendment for NSR Permit No. 18495 to incorporate PBR Registration No. 135520. The Date Required is the date NSR Permit No. 18495 was issued and the Final Date is the estimated date of compliance.						

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs							

Approx. Cost of Compliance \$5,000

TOTAL \$1,423

Screening Date 22-Apr-2022 **Docket No.** 2022-0634-AIR-E **PCW**
Respondent Gardner Glass Products, Inc. *Policy Revision 5 (January 28, 2021)*
Case ID No. 62314 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN100242973
Media Air
Enf. Coordinator Johnnie Wu

Violation Number 6
Rule Cite(s) 30 Tex. Admin. Code §§ 122.143(4) and (15), 122.146(2), and 122.165(a)(8), FOP No. O3448, GTC and STC No. 6, and Tex. Health & Safety Code § 382.085(b)
Violation Description Failed to include a signed certification of accuracy and completeness and failed to submit a permit compliance certification ("PCC") within 30 days of any certification period. Specifically, the PCC for the January 1, 2021 through December 31, 2021 certification period was due by January 30, 2022, but was not submitted until May 20, 2022 and did not include the signed certification of accuracy and completeness, Form OP-CRO1.

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			20.0%

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

Adjustment \$20,000

\$5,000

Violation Events

Number of Violation Events 1 109 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 EDPRP/Settlement Offer
Extraordinary		
Ordinary		x
N/A		

Notes The Respondent completed the corrective measures on September 12, 2022, after the Notice of Enforcement dated August 9, 2022.

Violation Subtotal \$4,500

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

Estimated EB Amount \$8 **Violation Final Penalty Total** \$4,000

This violation Final Assessed Penalty (adjusted for limits) \$4,000

Economic Benefit Worksheet

Respondent Gardner Glass Products, Inc.
Case ID No. 62314
Reg. Ent. Reference No. RN100242973
Media Air
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$250	30-Jan-2022	12-Sep-2022	0.62	\$8	n/a	\$8

Notes for DELAYED costs

Estimated costs to submit the signed certification of accuracy and completeness, Form OP-CRO1, with the PCC for the January 1, 2021 through December 31, 2021 certification period. The Date Required is the date the PCC 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

\$8

Screening Date	22-Apr-2022	Docket No.	2022-0634-AIR-E	PCW
Respondent	Gardner Glass Products, Inc.			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	62314			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN100242973			
Media	Air			
Enf. Coordinator	Johnnie Wu			
Violation Number	7			
Rule Cite(s)	30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(C), FOP No. O3448, GTC, and Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failed to submit a deviation report no later than 30 days after the end of each reporting period. Specifically, the deviation report for the July 1, 2021 through December 31, 2021 reporting period was due by January 30, 2022, but was not submitted until May 20, 2022.			
		Base Penalty	\$25,000	

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				
>> Programmatic Matrix					
	Falsification	Major	Moderate	Minor	Percent
		x			20.0%
Matrix Notes	100% of the rule requirements were not met.				
		Adjustment	\$20,000		
			\$5,000		

Violation Events

Number of Violation Events	1	Number of violation days	110	Violation Base Penalty	\$5,000
	daily				
	weekly				
	monthly				
	quarterly				
	semiannual				
	annual				
	single event	x			
	One single 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	\$5,000	

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

Estimated EB Amount	\$289	Violation Final Penalty Total	\$4,500
This violation Final Assessed Penalty (adjusted for limits)		\$4,500	

Economic Benefit Worksheet

Respondent Gardner Glass Products, Inc.
Case ID No. 62314
Reg. Ent. Reference No. RN100242973
Media Air
Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$1,500	30-Jan-2022	18-Nov-2025	3.80	\$285	n/a	\$285
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$250	30-Jan-2022	20-May-2022	0.30	\$4	n/a	\$4

Notes for DELAYED costs

Estimated costs to submit the deviation report for the July 1, 2021 through December 31, 2021 reporting period (\$250) and to implement measures designed to ensure that the deviation reports are submitted in a timely manner (\$1,500). The Dates Required is the date the deviation report was due and the Final Dates are the date the deviation report was submitted and 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 \$1,750

TOTAL \$289

Screening Date 22-Apr-2022 **Docket No.** 2022-0634-AIR-E **PCW**
Respondent Gardner Glass Products, Inc. *Policy Revision 5 (January 28, 2021)*
Case ID No. 62314 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN100242973
Media Air
Enf. Coordinator Johnnie Wu

Violation Number 8

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(b)(2)(E)(i) and (c), 122.143(4), and 122.144(4), NSR Permit No. 18495, SC No. 8, FOP No. 03448, GTC and STC No. 5, and Tex. Health & Safety Code § 382.085(b)

Violation Description
 Failed to maintain records containing the information and data sufficient to demonstrate compliance with the permit. Specifically, the Respondent did not provide records for the emissions in tons per year on a 12-month rolling basis for Emissions Point Numbers ("EPNs") RTO, 1, 2, and BPS for January 2020 through November 2020, the total hours of MSS activities on a 12-month rolling basis for January 2020 through November 2020, and the emissions for MSS activities on a 12-month rolling basis for January 2020 through November 2020 to demonstrate compliance with NSR Permit No. 18495.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
		Actual			
Potential					

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
			x		

Greater than 70% of the rule requirements were not met.

Adjustment \$20,000

\$5,000

Violation Events

Number of Violation Events 3 304 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$15,000

Three single events are recommended for each set of incomplete records.

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 \$15,000

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

Estimated EB Amount \$0 **Violation Final Penalty Total** \$13,500

This violation Final Assessed Penalty (adjusted for limits) \$13,500

Economic Benefit Worksheet

Respondent Gardner Glass Products, Inc.
Case ID No. 62314
Reg. Ent. Reference No. RN100242973
Media Air
Violation No. 8

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs	See the Economic Benefit Worksheet for Violation No. 4.						

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 \$0

TOTAL \$0



Compliance History Report

Compliance History Report for CN600135008, RN100242973, Rating Year 2024 which includes Compliance History (CH) components from September 1, 2019, through August 31, 2024.

Customer, Respondent, or Owner/Operator: CN600135008, Gardner Glass Products, Inc. **Classification:** HIGH **Rating:** 0.00

Regulated Entity: RN100242973, Gardner Glass Products **Classification:** HIGH **Rating:** 0.00

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

CH Group: 14 - Other

Location: 7553 Highway 75 South, Huntsville, Walker County, Texas 77340-2485

TCEQ Region: REGION 12 - HOUSTON

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER WA0041A	AIR OPERATING PERMITS PERMIT 3448
AIR NEW SOURCE PERMITS PERMIT 18495	AIR NEW SOURCE PERMITS ACCOUNT NUMBER WA0041A
AIR NEW SOURCE PERMITS REGISTRATION 135520	AIR NEW SOURCE PERMITS AFS NUM 4847100017
STORMWATER PERMIT TXR05FJ88	WASTEWATER EPA ID TX0102121
AIR EMISSIONS INVENTORY ACCOUNT NUMBER WA0041A	POLLUTION PREVENTION PLANNING ID NUMBER P02045
INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD980747869	INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 34627

Compliance History Period: September 01, 2019 to August 31, 2024 **Rating Year:** 2024 **Rating Date:** 09/01/2024

Date Compliance History Report Prepared: January 21, 2025

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: January 21, 2020 to January 21, 2025

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

Name: Johnnie Wu **Phone:** (512) 239-2524

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	May 29, 2020	(1633414)
Item 2	August 23, 2021	(1723718)
Item 3	May 09, 2023	(1881684)
Item 4	August 06, 2024	(1987341)

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
GARDNER GLASS PRODUCTS, INC.
RN100242973

§
§
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§
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BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2022-0634-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 Gardner Glass Products, Inc. (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a mirror manufacturing facility located at 7553 Highway 75 South in Huntsville, Walker County, Texas (the "Site"). The Site 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 \$62,950 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$1,430 of the penalty and \$12,590 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 \$48,930 of the undeferred penalty shall be paid in 35 monthly payments of \$1,398 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.
9. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Site:
 - a. By May 20, 2022, submitted the Permit Compliance Certification ("PCC") for the January 1, 2021 through December 31, 2021 certification period.
 - b. By May 20, 2022, submitted the deviation report for the July 1, 2021 through December 31, 2021 reporting period.
 - c. By September 12, 2022, submitted the signed certification of accuracy and completeness, Form OP-CRO1, with the PCC for the January 1, 2021 through December 31, 2021 certification period.

II. ALLEGATIONS

1. During a record review for the Site conducted from November 17, 2021 through March 16, 2022, an investigator documented that the Respondent:
 - a. Failed to comply with the maximum allowable coatings usage during maintenance, startup, and shutdown ("MSS") activity, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), New Source Review ("NSR") Permit No. 18495, Special Conditions ("SC") No. 6.E, Federal Operating Permit ("FOP") No. O3448, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 3, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent used a top coat during MSS activities that exceeded the volatile organic compounds ("VOC") content limit of 3.2 pounds per gallon ("lbs/gal") of coating by 2.4 lbs/gal on 10 days from February 13, 2020 to December 7, 2020.

May 20, 2022 and did not include the signed certification of accuracy and completeness, Form OP-CRO1.

- b. Failed to submit a deviation report no later than 30 days after the end of each reporting period, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(C), FOP No. O3448, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the deviation report for the July 1, 2021 through December 31, 2021 reporting period was due by January 30, 2022, but was not submitted until May 20, 2022.

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: Gardner Glass Products, Inc., Docket No. 2022-0634-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:
 - i. Begin using a top coat that has a VOC content of 3.2 lbs/gal of coating or less during MSS activities;
 - ii. Submit the deviation report for the January 1, 2020 through June 30, 2020 reporting period to report the deviations for failing to incorporate the changes authorized under PBR Registration No. 135520 into NSR No. 18495, failing to comply with the coating usage limit for base coat during MSS activities, and failing to comply with the VOC content limit for top coat during MSS activities;
 - iii. Implement measures designed to ensure that accurate deviation reports are submitted;

- iv. Submit the deviation report for the July 1, 2020 through December 31, 2020 reporting period to report the deviations for failing to comply with the coating usage limit during MSS activities and failing to comply with the VOC content limit for top coat during MSS activities;
- v. Implement measures designed to ensure that the deviation reports are submitted in a timely manner;
- vi. Provide the records for the cumulative lbs of material usage on a 12-month rolling basis for each step of the silvering process line for May 2020 and November 2020, the cumulative lbs of material usage on a 12-month rolling basis for each step of the back coating line for May 2020 and November 2020, the emissions in tons per year on a 12-month rolling basis for EPNs RTO, 1, 2, and BPS for January 2020 through November 2020, the total hours of MSS activities on a 12-month rolling basis for January 2020 through November 2020, and the emissions for MSS activities on a 12-month rolling basis for January 2020 through November 2020 in order to demonstrate compliance with NSR Permit No. 18495; and
- vii. Obtain a permit amendment for NSR Permit No. 18495 to incorporate PBR Registration No. 135520 by submitting an administratively complete application, in accordance with 30 TEX. ADMIN. CODE § 116.111, to:

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

- b. Within 45 days after the effective date of this Order, submit written certification, as described in Ordering Provision No. 2.d, to demonstrate compliance with Ordering Provision No. 2.a.
- c. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit amendment application within any deadlines specified in writing.
- d. Within 180 days after the effective date of this Order, submit written certification that either the amendment for NSR Permit No. 18495 has been obtained or that operations have ceased until such time that appropriate authorization has been obtained, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance. The certification shall be signed by the Respondent and shall include the following certification language:

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

information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

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

3. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Site operations referenced in this Order.
5. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Enforcement Division at the address listed above.
6. 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.
7. 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.

8. 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

Krista Melo-Jurack

09/20/2025

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 OAG for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the OAG of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

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

Larry D. Reinke

Signature

7-15-2025

Date

LARRY D. REINKE

Name (Printed or typed)
Authorized Representative of
Gardner Glass Products, Inc.

GENERAL MANAGER

Title

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

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