

Executive Summary – Enforcement Matter – Case No. 62413
SILGAN CONTAINERS MANUFACTURING CORPORATION
RN100225374
Docket No. 2022-0665-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Silgan Can Paris Plant, 500 Northwest Loop 286, Paris, Lamar County

Type of Operation:

Can manufacturing plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: March 8, 2024

Comments Received: No

Penalty Information

Total Penalty Assessed: \$20,699

Amount Deferred for Expedited Settlement: \$4,139

Total Paid to General Revenue: \$16,560

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: May 17, 2022

Date(s) of NOE(s): May 25, 2022

Executive Summary – Enforcement Matter – Case No. 62413
SILGAN CONTAINERS MANUFACTURING CORPORATION
RN100225374
Docket No. 2022-0665-AIR-E

Violation Information

1. Failed to perform weekly visible emissions observations. Specifically, the Respondent performed quarterly visible emissions observations quarterly after the visible emissions observation performed on April 17, 2021 [30 TEX. ADMIN. CODE §§ 116.115(c), 122.143(4), and 122.144(1)(a), New Source Review ("NSR") Permit No. 21720, Special Conditions ("SC") No. 3, Federal Operating Permit ("FOP") No. O1781, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 3, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

2. Failed to submit a deviation report for at least each six-month period after permit issuance and failed to submit the deviation report no later than 30 days after the end of each reporting period. Specifically, the Respondent determined that no deviations occurred during the February 28, 2021 through August 27, 2021 and August 28, 2021 through February 27, 2022 reporting periods and did not submit deviation reports for the February 28, 2021 through August 27, 2021 and August 28, 2021 through February 27, 2022 reporting periods, but the deviation reports for the February 28, 2021 through August 27, 2021 and August 28, 2021 through February 27, 2022 reporting periods should have been submitted by September 26, 2021 and March 29, 2022, respectively, to report the deviations for failing to perform weekly visible emissions observations [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(B) and (C), FOP No. O1781, General Terms and Conditions, 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, reviewed the visible emissions observation requirements with applicable employees, began performing weekly visible emissions observations, and implemented automated reminders for their compliance calendar specifically for visible emissions observations; and

- b. By June 14, 2022, submitted the deviation reports for the February 28, 2021 through August 27, 2021 and August 28, 2021 through February 27, 2022 reporting periods to report the deviations for failing to perform weekly visible emissions observations and implemented measures designed to ensure that the deviation reports are submitted in a timely manner.

Technical Requirements:

N/A

Executive Summary – Enforcement Matter – Case No. 62413
SILGAN CONTAINERS MANUFACTURING CORPORATION
RN100225374
Docket No. 2022-0665-AIR-E

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Desmond Martin, Enforcement Division, Enforcement Team 2, MC 219, (512) 239-2814; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Kerry Wild, Plant Manager, SILGAN CONTAINERS MANUFACTURING CORPORATION, P.O. Box 40, Paris, Texas 75461

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	31-May-2022	Screening	1-Jun-2022	EPA Due	
	PCW	31-Jan-2024				

RESPONDENT/FACILITY INFORMATION

Respondent	SILGAN CONTAINERS MANUFACTURING CORPORATION				
Reg. Ent. Ref. No.	RN100225374				
Facility/Site Region	5-Tyler	Major/Minor Source	Major		

CASE INFORMATION

Enf./Case ID No.	62413	No. of Violations	2
Docket No.	2022-0665-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Desmond Martin
		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	\$18,750
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	20.0% Adjustment	Subtotals 2, 3, & 7	\$3,750
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Notes	Enhancement for one agreed order containing a denial of liability.
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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	-\$3,187
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$1,558	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$3,385	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$19,313
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OTHER FACTORS AS JUSTICE MAY REQUIRE	7.2%	Adjustment	\$1,386
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	Enhancement to capture the avoided cost of compliance associated with Violation No. 1.
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Final Penalty Amount	\$20,699
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$20,699
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DEFERRAL	20.0%	Reduction	Adjustment	-\$4,139
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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	\$16,560
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Screening Date 1-Jun-2022

Docket No. 2022-0665-AIR-E

PCW

Respondent SILGAN CONTAINERS MANUFACTURING CORPORATION

Policy Revision 5 (January 28, 2021)

Case ID No. 62413

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN100225374

Media Air

Enf. Coordinator Desmond Martin

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>)	1	20%
	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) 20%

>> 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 agreed order containing a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 20%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 20%

Screening Date	1-Jun-2022	Docket No.	2022-0665-AIR-E	PCW
Respondent	SILGAN CONTAINERS MANUFACTURING CORPORATION			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	62413			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN100225374			
Media	Air			
Enf. Coordinator	Desmond Martin			

Violation Number

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c), 122.143(4), and 122.144(1)(a), New Source Review Permit No. 21720, Special Conditions No. 3, Federal Operating Permit ("FOP") No. O1781, General Terms and Conditions ("GTC") and Special Terms and Conditions No. 3, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to perform weekly visible emissions observations. Specifically, the Respondent performed quarterly visible emissions observations after the visible emissions observation performed on April 17, 2021.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Harm			
	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="7.0%"/>
Potential	<input type="text"/>	<input type="text" value="x"/>		

>> Programmatic Matrix

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

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

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

Five quarterly events are recommended for the instances of non-compliance that occurred from April 24, 2021 to May 20, 2022.

Good Faith Efforts to Comply

Reduction

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

Notes The Respondent completed the corrective measures by May 20, 2022, prior to the Notice of Enforcement ("NOE") dated May 25, 2022.

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 SILGAN CONTAINERS MANUFACTURING CORPORATION
Case ID No. 62413
Reg. Ent. Reference No. RN100225374
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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)	\$1,385	14-May-2022	20-May-2022	0.02	\$1	\$1,385	\$1,386

Notes for AVOIDED costs

Estimated avoided cost for performing weekly visible emissions observations plus interest (\$25 per weekly observation x 54 missed weekly observations plus \$35 in interest). The Date Required is the due date of the last missed weekly visible emissions observation and the Final Date is the date of compliance.

Approx. Cost of Compliance \$1,385

TOTAL \$1,386

Screening Date 1-Jun-2022 **Docket No.** 2022-0665-AIR-E **PCW**
Respondent SILGAN CONTAINERS MANUFACTURING CORPORATION *Policy Revision 5 (January 28, 2021)*
Case ID No. 62413 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN100225374
Media Air
Enf. Coordinator Desmond Martin

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(B) and (C), FOP No. 01781, GTC, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to submit a deviation report for at least each six-month period after permit issuance and failed to submit the deviation report no later than 30 days after the end of each reporting period. Specifically, the Respondent determined that no deviations occurred during the February 28, 2021 through August 27, 2021 and August 28, 2021 through February 27, 2022 reporting periods and did not submit deviation reports for the February 28, 2021 through August 27, 2021 and August 28, 2021 through February 27, 2022 reporting periods, but the deviation reports for the February 28, 2021 through August 27, 2021 and August 28, 2021 through February 27, 2022 reporting periods should have been submitted by September 26, 2021 and March 29, 2022, respectively, to report the deviations for failing to perform weekly visible emissions observations.

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 2 248 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$10,000

Two single events are recommended (one event for each deviation report).

Good Faith Efforts to Comply 10.0% Reduction \$1,000

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

Notes The Respondent completed the corrective measures by June 14, 2022, after the NOE dated May 25, 2022.

Violation Subtotal \$9,000

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

Estimated EB Amount \$172 **Violation Final Penalty Total** \$11,789

This violation Final Assessed Penalty (adjusted for limits) \$11,789

Economic Benefit Worksheet

Respondent SILGAN CONTAINERS MANUFACTURING CORPORATION
Case ID No. 62413
Reg. Ent. Reference No. RN100225374
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	26-Sep-2020	14-Jun-2022	1.72	\$129	n/a	\$129
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$500	26-Sep-2020	14-Jun-2022	1.72	\$43	n/a	\$43

Notes for DELAYED costs

Estimated costs to submit the deviation reports for the February 28, 2021 through August 27, 2021 and August 28, 2021 through February 27, 2022 reporting periods to report the deviations for failing to perform weekly visible emissions observations (\$250 per deviation report) 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 first deviation report was due and the Final Dates are the date deviation reports were submitted and 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 \$2,000

TOTAL \$172

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 CN600360721, RN100225374, Rating Year 2022 which includes Compliance History (CH) components from September 1, 2017, through August 31, 2022.

Customer, Respondent, or Owner/Operator: CN600360721, SILGAN CONTAINERS MANUFACTURING CORPORATION **Classification:** SATISFACTORY **Rating:** 8.18
Regulated Entity: RN100225374, SILGAN CAN PARIS PLANT **Classification:** SATISFACTORY **Rating:** 8.18
Complexity Points: 10 **Repeat Violator:** NO
CH Group: 14 - Other
Location: 500 NORTHWEST LOOP 286, PARIS, LAMAR COUNTY, TEXAS
TCEQ Region: REGION 05 - TYLER

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER LA0183P **AIR OPERATING PERMITS** PERMIT 1781
AIR NEW SOURCE PERMITS PERMIT 21720 **AIR NEW SOURCE PERMITS** ACCOUNT NUMBER LA0183P
AIR NEW SOURCE PERMITS AFS NUM 4827700018 **AIR EMISSIONS INVENTORY** ACCOUNT NUMBER LA0183P
POLLUTION PREVENTION PLANNING ID NUMBER **INDUSTRIAL AND HAZARDOUS WASTE** EPA ID
P06233 TXR000027938
INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE
REGISTRATION # (SWR) 85692

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

Date Compliance History Report Prepared: December 20, 2022

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: December 20, 2017 to December 20, 2022

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

Name: Kate Dacy

Phone: (512) 239-4593

Site and Owner/Operator History:

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

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

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

1 Effective Date: 06/29/2021 ADMINORDER 2020-1015-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

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

Rqmt Prov: FOP O-1781, General Terms and Conditions OP

Description: Failure to submit a deviation report for at least each six-month period after permit issuance and failed to submit a deviation report no later than 30 days after the end of each reporting period.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(E)(i)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP O-1781, STC 2(A)(iv)(3) OP

FOP O-1781, STC 3 OP

NSR Permit No. 21720 SC 11D PERMIT

Description: Failure to maintain records containing the information and data sufficient to demonstrate compliance with the permit, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(E)(i) and (c) and 122.143(4), NSR Permit No. 21720, Special Conditions ("SC") Nos. 11.D and 11.G, FOP No. O1781, GTC and Special Terms and Conditions Nos. 2.A(iv)(3) and 3, and TEX. HEALTH & SAFETY CODE §382.085(b).

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	April 16, 2019	(1554922)
Item 2	March 11, 2020	(1633010)
Item 3	April 15, 2021	(1708334)

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
SILGAN CONTAINERS
MANUFACTURING CORPORATION
RN100225374

§
§
§
§
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§

BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2022-0665-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 SILGAN CONTAINERS MANUFACTURING CORPORATION (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 can manufacturing plant located at 500 Northwest Loop 286 in Paris, Lamar County, Texas (the "Plant"). The Plant consists or consisted of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 382 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$20,699 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$16,560 of the penalty and \$4,139 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order. The deferred amount shall be waived only upon full compliance with all the terms and conditions contained in this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms or requirements contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.
5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.

6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Plant:
 - a. By May 20, 2022, reviewed the visible emissions observation requirements with applicable employees, began performing weekly visible emissions observations, and implemented automated reminders for their compliance calendar specifically for visible emissions observations; and
 - b. By June 14, 2022, submitted the deviation reports for the February 28, 2021 through August 27, 2021 and August 28, 2021 through February 27, 2022 reporting periods to report the deviations for failing to perform weekly visible emissions observations and implemented measures designed to ensure that the deviation reports are submitted in a timely manner.

II. ALLEGATIONS

During an investigation at the Plant conducted on May 17, 2022, an investigator documented that the Respondent:

1. Failed to perform weekly visible emissions observations, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c), 122.143(4), and 122.144(1)(a), New Source Review ("NSR") Permit No. 21720, Special Conditions ("SC") No. 3, Federal Operating Permit ("FOP") No. O1781, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 3, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent performed quarterly visible emissions observations quarterly after the visible emissions observation performed on April 17, 2021.
2. Failed to submit a deviation report for at least each six-month period after permit issuance and failed to submit the 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)(B) and (C), FOP No. O1781, General Terms and Conditions, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent determined that no deviations occurred during the February 28, 2021 through August 27, 2021 and August 28, 2021 through February 27, 2022 reporting periods and did not submit deviation reports for the February 28, 2021 through August 27, 2021 and August 28, 2021 through February 27, 2022 reporting periods, but the deviation reports for the February 28, 2021 through August 27, 2021 and August 28, 2021 through February 27, 2022 reporting periods should have been submitted by September 26, 2021 and March 29, 2022, respectively, to report the deviations for failing to perform weekly visible emissions observations.

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: SILGAN CONTAINERS MANUFACTURING CORPORATION, Docket No. 2022-0665-AIR-E" to:

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

2. All relief not expressly granted in this Order is denied.
3. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Plant operations referenced in this Order.
4. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
6. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting,

lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

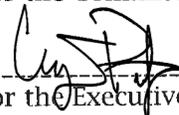
7. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



For the Executive Director

3/22/2024

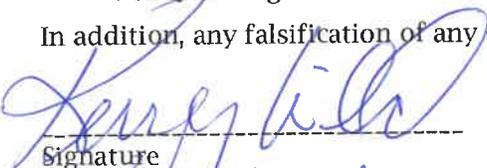
Date

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

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

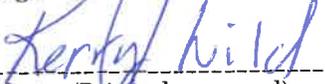
- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the OAG for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic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

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



Signature

Date



Name (Printed or typed)

Date

Authorized Representative of

SILGAN CONTAINERS MANUFACTURING CORPORATION

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.