

Executive Summary – Enforcement Matter – Case No. 62474
Broadwind Heavy Fabrications, Inc.
RN105615850
Docket No. 2022-0734-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Broadwind Towers Abilene, 1126 North Arnold Boulevard, Abilene, Taylor County

Type of Operation:

Wind turbine support tower manufacturing plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: April 14, 2023

Comments Received: No

Penalty Information

Total Penalty Assessed: \$14,500

Amount Deferred for Expedited Settlement: \$2,900

Total Paid to General Revenue: \$11,600

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: March 24, 2022 through March 30, 2022

Date(s) of NOE(s): May 24, 2022

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Broadwind Heavy Fabrications, Inc.
RN105615850
Docket No. 2022-0734-AIR-E

Violation Information

1. 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 did not submit a deviation report for the January 1, 2021 through June 30, 2021 reporting period, but the deviations for failing to maintain a complete daily record of pressure drop readings for each paint booth in operation and failing to conduct daily visible emission observations of the blast booth exhaust vents should have been reported by July 30, 2021. Also, the Respondent did not submit a deviation report for the July 1, 2021 through December 31, 2021 reporting period, but the deviations for failing to maintain a complete daily record of pressure drop readings for each paint booth in operation, failing to conduct daily visible emission observations of the blast booth exhaust vents, and failing to submit a deviation report for the January 1, 2021 through June 30, 2021 reporting period should have been reported by January 30, 2022 [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(B) and (C), Federal Operating Permit ("FOP") No. O3979, General Terms and Conditions ("GTC"), and TEX. HEALTH & SAFETY CODE § 382.085(b)].

2. Failed to submit a permit compliance certification within 30 days of any certification period. Specifically, the permit compliance certification for the January 1, 2021 through December 31, 2021 certification period was due by January 30, 2022, but was not submitted until March 8, 2022 [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.146(2), FOP No. O3979, GTC and Special Terms and Conditions No. 9, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

On March 8, 2022, the Respondent submitted the permit compliance certification 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. Submit the deviation report for the January 1, 2021 through June 30, 2021 reporting period to report the deviations for failing to maintain a complete daily record of the pressure drop readings for each paint booth in operation and failing to conduct the daily visible emissions observations of the blast booth exhaust vents; and

ii. Submit the deviation report for the July 1, 2021 through December 31, 2021 reporting period to report the deviations for failing to maintain a complete daily record of the pressure drop readings for each paint booth in operation, failing to

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Broadwind Heavy Fabrications, Inc.
RN105615850
Docket No. 2022-0734-AIR-E**

conduct the daily visible emissions observations of the blast booth exhaust vents, and failing to submit the deviation report for the January 1, 2021 through June 30, 2021 reporting period.

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

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Rajesh Acharya, Enforcement Division, Enforcement Team 2, MC 219, (512) 239-0577; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Erik Jensen, General Manager, Broadwind Heavy Fabrications, Inc., 1126 Arnold Boulevard, Abilene, Texas 79603-5224

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			
	PCW	20-Jan-2023	Screening	10-Jun-2022	EPA Due

RESPONDENT/FACILITY INFORMATION	
Respondent	Broadwind Heavy Fabrications, Inc.
Reg. Ent. Ref. No.	RN105615850
Facility/Site Region	3-Abilene
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	62474	No. of Violations	2
Docket No.	2022-0734-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Rajesh Acharya
		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	\$15,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	5.0% Adjustment	Subtotals 2, 3, & 7	\$750
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Notes: Enhancement for one NOV with same or similar violations.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$1,250
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$41
 Estimated Cost of Compliance: \$750
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$14,500
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0% Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$14,500
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$14,500
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DEFERRAL	20.0% Reduction	Adjustment	-\$2,900
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY	\$11,600
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Screening Date 10-Jun-2022

Docket No. 2022-0734-AIR-E

PCW

Respondent Broadwind Heavy Fabrications, Inc.

Policy Revision 5 (January 28, 2021)

Case ID No. 62474

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN105615850

Media Air

Enf. Coordinator Rajesh Acharya

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	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) 5%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for one NOV with same or similar violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 5%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 5%

Screening Date 10-Jun-2022
Respondent Broadwind Heavy Fabrications, Inc.
Case ID No. 62474
Reg. Ent. Reference No. RN105615850
Media Air
Enf. Coordinator Rajesh Acharya

Docket No. 2022-0734-AIR-E

PCW

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(B) and (C), Federal Operating Permit ("FOP") No. O3979, General Terms and Conditions ("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 did not submit a deviation report for the January 1, 2021 through June 30, 2021 reporting period, but the deviations for failing to maintain a complete daily record of the pressure drop readings for each paint booth in operation and failing to conduct the daily visible emissions observations of the blast booth exhaust vents should have been reported by July 30, 2021. Also, the Respondent did not submit a deviation report for the July 1, 2021 through December 31, 2021 reporting period, but the deviations for failing to maintain a complete daily record of the pressure drop readings for each paint booth in operation, failing to conduct the daily visible emissions observations of the blast booth exhaust vents, and failing to submit a deviation report for the January 1, 2021 through June 30, 2021 reporting period should have been reported by January 30, 2022.

Base Penalty \$25,000

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
		Actual			
Potential					

>> **Programmatic Matrix**

Falsification	Harm			Percent
	Major	Moderate	Minor	
	x			20.0%

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

Adjustment \$20,000

\$5,000

Violation Events

Number of Violation Events 2 315 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

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 \$10,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$40

Violation Final Penalty Total \$10,500

This violation Final Assessed Penalty (adjusted for limits) \$10,500

Economic Benefit Worksheet

Respondent Broadwind Heavy Fabrications, Inc.
Case ID No. 62474
Reg. Ent. Reference No. RN105615850
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	30-Jan-2022	1-Sep-2023	1.59	\$40	n/a	\$40

Notes for DELAYED costs

Estimated costs to submit the deviation report for the January 1, 2021 through June 30, 2021 reporting period to report the deviations for failing to maintain a complete daily record of the pressure drop readings for each paint booth in operation and failing to conduct the daily visible emissions observations of the blast booth exhaust vents (\$250) and to submit the deviation report for the July 1, 2021 through December 31, 2021 reporting period to report the deviations for failing to maintain a complete daily record of the pressure drop readings for each paint booth in operation, failing to conduct the daily visible emissions observations of the blast booth exhaust vents, and failing to submit the deviation report for the January 1, 2021 through June 30, 2021 reporting period (\$250). The Date Required is the date the first deviation report was due 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 \$40

Screening Date 10-Jun-2022 **Docket No.** 2022-0734-AIR-E **PCW**
Respondent Broadwind Heavy Fabrications, Inc. *Policy Revision 5 (January 28, 2021)*
Case ID No. 62474 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN105615850
Media Air
Enf. Coordinator Rajesh Acharya

Violation Number 2
Rule Cite(s) 30 Tex. Admin. Code §§ 122.143(4) and 122.146(2), FOP No. O3979, GTC and Special Terms and Conditions No. 9, and Tex. Health & Safety Code § 382.085(b)
Violation Description 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 March 8, 2022.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				Percent 0.0%
Potential					

>> Programmatic Matrix

	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 37 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 25.0% Reduction \$1,250

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

Notes The Respondent completed the corrective measures on March 8, 2022, prior to the Notice of Enforcement dated May 24, 2022.

Violation Subtotal \$3,750

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

Estimated EB Amount \$1 **Violation Final Penalty Total** \$4,000

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

Economic Benefit Worksheet

Respondent Broadwind Heavy Fabrications, Inc.
Case ID No. 62474
Reg. Ent. Reference No. RN105615850
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$250	30-Jan-2022	8-Mar-2022	0.10	\$1	n/a	\$1

Notes for DELAYED costs

Estimated cost to submit 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 \$1

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 CN603403593, RN105615850, Rating Year 2022 which includes Compliance History (CH) components from September 1, 2017, through August 31, 2022.

Customer, Respondent, or Owner/Operator: CN603403593, Broadwind Heavy Fabrications, Inc. **Classification:** SATISFACTORY **Rating:** 1.44
Regulated Entity: RN105615850, BROADWIND TOWERS ABILENE **Classification:** SATISFACTORY **Rating:** 1.44
Complexity Points: 8 **Repeat Violator:** NO
CH Group: 14 - Other
Location: 1126 NORTH ARNOLD BOULEVARD IN ABILENE, TAYLOR COUNTY, TEXAS
TCEQ Region: REGION 03 - ABILENE

ID Number(s):

AIR OPERATING PERMITS PERMIT 3979

AIR NEW SOURCE PERMITS PERMIT 86078

AIR NEW SOURCE PERMITS REGISTRATION 92196

AIR NEW SOURCE PERMITS AFS NUM 4844100273

STORMWATER PERMIT TXR05FN11

AIR EMISSIONS INVENTORY ACCOUNT NUMBER TBA008H

POLLUTION PREVENTION PLANNING ID NUMBER P09554

INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXR000084290

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: Rajesh Acharya

Phone: (512) 239-0577

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	August 27, 2019	(1590630)
Item 2	September 11, 2019	(1592989)
Item 3	March 17, 2020	(1623417)
Item 4	April 07, 2021	(1706141)

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

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

- 1 Date: 05/24/2022 (1811044)
- Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
86078 PERMIT
Special Terms and Conditions 6. OP
Description: Failure to maintain a complete daily record of pressure drop readings for each paint booth while in operation.
- Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 113, SubChapter C 113.960
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMMM 63.3920(a)(1)(iii)
5C THSC Chapter 382 382.085(b)
Special Terms and Conditions 1.A. OP
Special Terms and Conditions 4. OP
Description: Failure to submit a semiannual compliance report as required by 40 CFR 63, Subpart MMMM, by no later than the compliance due date of January 31.
- Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Terms and Conditions 5. OP
Description: Failure to record daily visible emissions (VE) observations from EPNs BLST1 and BLST2, as required by the Compliance Assurance Monitoring (CAM) requirements of Site Operating Permit No. O-3979.
- Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.165(f)
5C THSC Chapter 382 382.085(b)
Description: Failure to notify the executive director of any change in the Responsible Official (RO) no later than at the next submittal requiring certification.

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
BROADWIND HEAVY FABRICATIONS,
INC.
RN105615850

§
§
§
§
§
§

BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2022-0734-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 Broadwind Heavy Fabrications, 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 wind turbine support tower manufacturing plant located at 1126 North Arnold Boulevard in Abilene, Taylor 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 \$14,500 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$11,600 of the penalty and \$2,900 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 on March 8, 2022, the Respondent submitted the permit compliance certification ("PCC") for the January 1, 2021 through December 31, 2021 certification period.

II. ALLEGATIONS

During an investigation at the Plant conducted from March 24, 2022 through March 30, 2022, an investigator documented that the Respondent:

1. 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), Federal Operating Permit ("FOP") No. O3979, General Terms and Conditions ("GTC"), and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent did not submit a deviation report for the January 1, 2021 through June 30, 2021 reporting period, but the deviations for failing to maintain a complete daily record of pressure drop readings for each paint booth in operation and failing to conduct daily visible emission observations of the blast booth exhaust vents should have been reported by July 30, 2021. Also, the Respondent did not submit a deviation report for the July 1, 2021 through December 31, 2021 reporting period, but the deviations for failing to maintain a complete daily record of pressure drop readings for each paint booth in operation, failing to conduct daily visible emission observations of the blast booth exhaust vents, and failing to submit a deviation report for the January 1, 2021 through June 30, 2021 reporting period should have been reported by January 30, 2022.
2. Failed to submit a PCC within 30 days of any certification period, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.146(2), FOP No. O3979, GTC and Special Terms and Conditions No. 9, and TEX. HEALTH & SAFETY CODE § 382.085(b). 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 March 8, 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: Broadwind Heavy Fabrications, Inc., Docket No. 2022-0734-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. Submit the deviation report for the January 1, 2021 through June 30, 2021 reporting period to report the deviations for failing to maintain a complete daily record of the pressure drop readings for each paint booth in operation and failing to conduct the daily visible emissions observations of the blast booth exhaust vents; and
 - ii. Submit the deviation report for the July 1, 2021 through December 31, 2021 reporting period to report the deviations for failing to maintain a complete daily record of the pressure drop readings for each paint booth in operation, failing to conduct the daily visible emissions observations of the blast booth exhaust vents, and failing to submit the deviation report for the January 1, 2021 through June 30, 2021 reporting period.
 - b. Within 45 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be signed by the Respondent and shall include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

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

3. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Plant operations referenced in this Order.
5. If the Respondent fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Enforcement Division at the address listed above.
7. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized

by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

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

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



For the Executive Director

6/5/2023

Date

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

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

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

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



Signature

3-8-23

Date

Erik W Jensen

Name (Printed or typed)
Authorized Representative of
Broadwind Heavy Fabrications, 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.