

Executive Summary – Enforcement Matter – Case No. 62526
Nationwide Tank & Pipe LLC
RN105155436
Docket No. 2022-0767-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Leisure Pools and Spas Manufacturing North America, 3567 IH-35 South, New Braunfels, Comal County

Type of Operation:

Fiberglass tank 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: November 29, 2024

Comments Received: No

Penalty Information

Total Penalty Assessed: \$18,087

Amount Deferred for Expedited Settlement: \$3,617

Total Paid to General Revenue: \$14,470

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications:

Person/CN - Unclassified

Site/RN - Unclassified

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 31, 2022

Date(s) of NOE(s): June 10, 2022

Executive Summary – Enforcement Matter – Case No. 62526
Nationwide Tank & Pipe LLC
RN105155436
Docket No. 2022-0767-AIR-E

Violation Information

1. Failed to submit the 40 CODE OF FEDERAL REGULATIONS ("CFR") Part 63 Subpart WWWW semiannual compliance report no later than 31 days after the end of the reporting period. Specifically, the 40 CFR Part 63 Subpart WWWW semiannual compliance report for the July 1, 2021 through December 31, 2021 reporting period was due by January 31, 2022, but was not submitted until April 26, 2022 [30 TEX. ADMIN. CODE §§ 101.20(2), 113.1060, 116.115(c), and 122.143(4), 40 CFR § 63.5910(a) and (b)(3) and (4), New Source Review ("NSR") Permit No. 83082, Special Conditions ("SC") No. 4, Federal Operating Permit ("FOP") No. O2996, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") Nos. 1.E and 5, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

2. Failed to comply with the maximum allowable emissions rate ("MAER"). Specifically, the Respondent exceeded the styrene MAER of 29.87 pounds per hour ("lbs/hr") by a range from 0.19 to 5.55 lbs/hr on 22 days from January 12, 2021 to October 5, 2021 for simultaneous operations at Ventilation Stack for Bays 1 and 2 and Ventilation Stack for Bays 3 and 4, Emissions Point Numbers 1 and 2, resulting in 46.29 pounds of unauthorized styrene emissions [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 83082, SC No. 12, FOP No. O2996, GTC and STC No. 5, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

On November 1, 2021, the Respondent ceased owning and operating the Plant.

Technical Requirements:

N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Mackenzie Mehlmann, Enforcement Division, Enforcement Team 2, MC 219, (512) 239-2572; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: David Pain, Chief Executive Officer/President, Nationwide Tank & Pipe LLC, 3567 Interstate Highway 35 South, New Braunfels, Texas 78132

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	13-Jun-2022	Screening	21-Jun-2022	EPA Due	
	PCW	30-Sep-2024				

RESPONDENT/FACILITY INFORMATION	
Respondent	Nationwide Tank & Pipe LLC
Reg. Ent. Ref. No.	RN105155436
Facility/Site Region	13-San Antonio
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	62526	No. of Violations	2
Docket No.	2022-0767-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Mackenzie Mehlmann
		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	\$7,750
---	-------------------	---------

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	0.0% Adjustment	Subtotals 2, 3, & 7	\$0
---------------------------	-----------------	--------------------------------	-----

Notes: No adjustments for compliance history.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
--------------------	----	------------------	-------------------	-----

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$62
--	-------------------	-------

Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
-------------------------	-------------------	-------------------	-----

Total EB Amounts: \$10,405
 Estimated Cost of Compliance: \$10,500
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$7,688
-----------------------------	-----------------------	---------

OTHER FACTORS AS JUSTICE MAY REQUIRE	135.3%	Adjustment	\$10,399
---	--------	-------------------	----------

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Recommended enhancement to capture the avoided costs of compliance associated with Violation No. 2.

Final Penalty Amount	\$18,087
-----------------------------	----------

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$18,087
-----------------------------------	-------------------------------	----------

DEFERRAL	20.0%	Reduction	Adjustment	-\$3,617
-----------------	-------	-----------	-------------------	----------

Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY	\$14,470
------------------------	----------

Screening Date 21-Jun-2022

Docket No. 2022-0767-AIR-E

PCW

Respondent Nationwide Tank & Pipe LLC

Policy Revision 5 (January 28, 2021)

Case ID No. 62526

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN105155436

Media Air

Enf. Coordinator Mackenzie Mehlmann

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)

Unclassified

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

No adjustments for compliance history.

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

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 0%

Screening Date 21-Jun-2022 **Docket No.** 2022-0767-AIR-E **PCW**
Respondent Nationwide Tank & Pipe LLC *Policy Revision 5 (January 28, 2021)*
Case ID No. 62526 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN105155436
Media Air
Enf. Coordinator Mackenzie Mehlmann

Violation Number 1
Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(2), 113.1060, 116.115(c), and 122.143(4), 40 Code of Federal Regulations ("CFR") § 63.5910(a) and (b)(3) and (4), New Source Review ("NSR") Permit No. 83082, Special Conditions ("SC") No. 4, Federal Operating Permit ("FOP") No. O2996, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") Nos. 1.E and 5, and Tex. Health & Safety Code § 382.085(b)
Violation Description Failed to submit the 40 CFR Part 63 Subpart WWWW semiannual compliance report no later than 31 days after the end of the reporting period. Specifically, the 40 CFR Part 63 Subpart WWWW semiannual compliance report for the July 1, 2021 through December 31, 2021 reporting period was due by January 31, 2022, but was not submitted until April 26, 2022.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Harm			Percent 0.0%	
	Release	Major	Moderate		Minor
	Actual				
Potential					

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent 1.0%
				x	

Matrix Notes Less than 30% of the rule requirement was not met.

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 1 85 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$250

One single event is recommended.

Good Faith Efforts to Comply 25.0% Reduction \$62

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

Notes The Respondent completed corrective actions on April 26, 2022, prior to the Notice of Enforcement dated June 10, 2022.

Violation Subtotal \$188

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

Estimated EB Amount \$6 **Violation Final Penalty Total** \$442

This violation Final Assessed Penalty (adjusted for limits) \$442

Economic Benefit Worksheet

Respondent Nationwide Tank & Pipe LLC
Case ID No. 62526
Reg. Ent. Reference No. RN105155436
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
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

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	31-Jan-2022	26-Apr-2022	0.23	\$6	n/a	\$6

Notes for DELAYED costs

Estimated cost to submit the 40 CFR Part 63 Subpart WWWW semiannual compliance report for the July 1, 2021 through December 31, 2021 reporting period. The Date Required is the date the semiannual compliance report 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 \$500

TOTAL \$6

Screening Date	21-Jun-2022	Docket No.	2022-0767-AIR-E	PCW
Respondent	Nationwide Tank & Pipe LLC			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	62526			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN105155436			
Media	Air			
Enf. Coordinator	Mackenzie Mehlmann			
Violation Number	2			
Rule Cite(s)	30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 83082, SC No. 12, FOP No. O2996, GTC and STC No. 5, and Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failed to comply with the maximum allowable emissions rate ("MAER"). Specifically, the Respondent exceeded the styrene MAER of 29.87 pounds per hour ("lbs/hr") by a range from 0.19 to 5.55 lbs/hr on 22 days from January 12, 2021 to October 5, 2021 for simultaneous operations at Ventilation Stack for Bays 1 and 2 and Ventilation Stack for Bays 3 and 4, Emissions Point Numbers ("EPNs") 1 and 2, resulting in 46.29 pounds of unauthorized styrene emissions.			
		Base Penalty	\$25,000	

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual			x	Percent 30.0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent 0.0%

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

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 1 22 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	x
single event	

Violation Base Penalty \$7,500

One annual event is recommended for the instances of non-compliance that occurred from January 12, 2021 to October 5, 2021.

Good Faith Efforts to Comply 0.0% Reduction \$0

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

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

Violation Subtotal \$7,500

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

Estimated EB Amount \$10,399 **Violation Final Penalty Total** \$17,645

This violation Final Assessed Penalty (adjusted for limits) \$17,645

Economic Benefit Worksheet

Respondent Nationwide Tank & Pipe LLC
Case ID No. 62526
Reg. Ent. Reference No. RN105155436
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
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

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	\$10,000	12-Jan-2021	1-Nov-2021	0.80	\$399	\$10,000	\$10,399
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated cost to implement measures designed to comply with the styrene hourly MAER for the Ventilation Stack for Bays 1 and 2 and Ventilation Stack for Bays 3 and 4, EPNs 1 and 2. The Date Required is the initial date of non-compliance and the Final Date is the date of change in ownership.

Approx. Cost of Compliance

\$10,000

TOTAL

\$10,399

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 CN604717843, RN105155436, Rating Year 2024 which includes Compliance History (CH) components from September 1, 2019, through August 31, 2024.

Customer, Respondent, or Owner/Operator: CN604717843, Nationwide Tank & Pipe LLC
Classification: UNCLASSIFIED **Rating:** -----

Regulated Entity: RN105155436, Leisure Pools and Spas Manufacturing North America
Classification: UNCLASSIFIED **Rating:** -----

Complexity Points: 13
Repeat Violator: NO

CH Group: 14 - Other

Location: 3567 Interstate Highway 35 South, New Braunfels, Comal County, Texas 78132-5268

TCEQ Region: REGION 13 - SAN ANTONIO

ID Number(s):

AIR OPERATING PERMITS PERMIT 2996	AIR NEW SOURCE PERMITS PERMIT 83082
AIR NEW SOURCE PERMITS REGISTRATION 109319	AIR NEW SOURCE PERMITS ACCOUNT NUMBER CSA002B
AIR NEW SOURCE PERMITS AFS NUM 4809100642	STORMWATER PERMIT TXRNEBS42
AIR EMISSIONS INVENTORY ACCOUNT NUMBER CSA002B	POLLUTION PREVENTION PLANNING ID NUMBER P07290
INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXR000079417	INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 88781

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

Date Compliance History Report Prepared: September 20, 2024

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: September 20, 2019 to September 20, 2024

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

Name: Mackenzie Mehlmann	Phone: (512) 239-2572
---------------------------------	------------------------------

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	March 27, 2020	(1625659)
Item 3	January 25, 2024	(1944460)

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
NATIONWIDE TANK & PIPE LLC
RN105155436

§ BEFORE THE
§ TEXAS COMMISSION ON
§ ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2022-0767-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 Nationwide Tank & Pipe LLC (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 owned and operated a fiberglass tank manufacturing plant located at 3567 Interstate Highway 35 South in New Braunfels, Comal 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 \$18,087 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$14,470 of the penalty and \$3,617 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 November 1, 2021, the Respondent ceased owning and operating the Plant.

II. ALLEGATIONS

During a record review for the Plant conducted on May 31, 2022, an investigator documented that the Respondent:

1. Failed to submit the 40 CODE OF FEDERAL REGULATIONS ("CFR") Part 63 Subpart WWWW semiannual compliance report no later than 31 days after the end of the reporting period, in violation of 30 TEX. ADMIN. CODE §§ 101.20(2), 113.1060, 116.115(c), and 122.143(4), 40 CFR § 63.5910(a) and (b)(3) and (4), New Source Review ("NSR") Permit No. 83082, Special Conditions ("SC") No. 4, Federal Operating Permit ("FOP") No. O2996, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") Nos. 1.E and 5, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the 40 CFR Part 63 Subpart WWWW semiannual compliance report for the July 1, 2021 through December 31, 2021 reporting period was due by January 31, 2022, but was not submitted until April 26, 2022.
2. Failed to comply with the maximum allowable emissions rate ("MAER"), in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 83082, SC No. 12, FOP No. O2996, GTC and STC No. 5, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent exceeded the styrene MAER of 29.87 pounds per hour ("lbs/hr") by a range from 0.19 to 5.55 lbs/hr on 22 days from January 12, 2021 to October 5, 2021 for simultaneous operations at Ventilation Stack for Bays 1 and 2 and Ventilation Stack for Bays 3 and 4, Emissions Point Numbers 1 and 2, resulting in 46.29 pounds of unauthorized styrene emissions.

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: Nationwide Tank & Pipe LLC, Docket No. 2022-0767-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

11/27/2024

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

10.21.2024

Date

David Rain

Name (Printed or typed)
Authorized Representative of
Nationwide Tank & Pipe LLC

CEO / President

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.