

Executive Summary – Enforcement Matter – Case No. 62692
Angelina Forest Products, LLC
RN110406907
Docket No. 2022-0941-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

West Fraser Texas Angelina, 3935 Farm-to-Market Road 326, Lufkin, Angelina County

Type of Operation:

Greenfield lumber mill

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: January 24, 2025

Comments Received: No

Penalty Information

Total Penalty Assessed: \$284,950

Amount Deferred for Expedited Settlement: \$56,990

Total Paid to General Revenue: \$227,960

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications:

Person/CN - High

Site/RN - High

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: June 27, 2022

Date(s) of NOE(s): July 19, 2022

Executive Summary – Enforcement Matter – Case No. 62692
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RN110406907
Docket No. 2022-0941-AIR-E

Violation Information

1. Failed to comply with the maximum allowable emissions rates ("MAERs"). Specifically, during a stack test conducted on September 9, 2020, the Respondent exceeded the particulate matter ("PM") MAER of 3.94 pounds per hour ("lbs/hr") by 2.96 lbs/hr, the microns in diameter ("PM10") MAER of 1.38 lbs/hr by 0.42 lb/hr, and the 2.5 microns in diameter ("PM2.5") MAER of 0.43 lb/hr by 0.87 lb/hr for the Shaving System Cyclone Discharge Stack, Emissions Point Number ("EPN") 7, resulting in approximately 21,341.6 lbs of unauthorized PM emissions, 3,082.2 lbs of unauthorized PM10 emissions, and 6,272.7 lbs of unauthorized PM2.5 emissions [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), New Source Review ("NSR") Permit Nos. 152131 and PSDTX538, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O4132, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 6, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

2. Failed to comply with the MAER. Specifically, during a stack test conducted on September 10, 2020, the Respondent exceeded the PM2.5 MAER of 0.12 lb/hr by 0.16 lb/hr for the Dry Waste Cyclone Discharge Stack, EPN 8, resulting in approximately 1,153.6 lbs of unauthorized PM2.5 emissions [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), NSR Permit Nos. 152131 and PSDTX538, SC No. 1, FOP No. O4132, GTC and STC No. 6, 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 December 30, 2021, increased the stack heights of the Shaving System Cyclone Discharge Stack, EPN 7, and the Dry Waste Cyclone Discharge Stack, EPN 8;
- b. On September 30, 2022, obtained a permit amendment for NSR Permit Nos. 152131 and PSDTX538 to increase the PM, the PM equal to or less than PM10, and the PM equal to or less than 2.5 PM2.5 MAERs for Shaving System Cyclone Discharge Stack, EPN 7, and the PM2.5 MAER for Dry Waste Cyclone Discharge Stack, EPN 8; and
- c. By July 14, 2024, installed the Planer System Dust Collector Stack, EPN 21, to further control the PM emissions from the Shaving System Cyclone Discharge Stack, EPN 7, and the Dry Waste Cyclone Discharge Stack, EPN 8.

Technical Requirements:

N/A

Executive Summary – Enforcement Matter – Case No. 62692
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RN110406907
Docket No. 2022-0941-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: Wiley Quarles, General Manager, Angelina Forest Products, LLC, 3935 Farm-to-Market Road 326, Lufkin, Texas 75901-1720

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	26-Jul-2022		
	PCW	19-Nov-2024	Screening	28-Jul-2022
			EPA Due	

RESPONDENT/FACILITY INFORMATION				
Respondent	Angelina Forest Products, LLC			
Reg. Ent. Ref. No.	RN110406907			
Facility/Site Region	10-Beaumont	Major/Minor Source	Major	

CASE INFORMATION				
Enf./Case ID No.	62692	No. of Violations	2	
Docket No.	2022-0941-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	\$347,500
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	-8.0%	Adjustment	Subtotals 2, 3, & 7	-\$27,800
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Notes

Enhancement for one NOV with dissimilar violations. Reduction for High Performer classification.

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	-\$34,750
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$6,814
Estimated Cost of Compliance	\$35,000

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$284,950
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount	\$284,950
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$284,950
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DEFERRAL	20.0%	Reduction	Adjustment	-\$56,990
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$227,960
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Screening Date	28-Jul-2022	Docket No.	2022-0941-AIR-E	PCW
Respondent	Angelina Forest Products, LLC			
Case ID No.	62692			
Reg. Ent. Reference No.	RN110406907			
Media	Air			
Enf. Coordinator	Desmond Martin			

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

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	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 2%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

High Performer

Adjustment Percentage (Subtotal 7) -10%

>> Compliance History Summary

Compliance History Notes

Enhancement for one NOV with dissimilar violations. Reduction for High Performer classification.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) -8%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% -8%

Screening Date	28-Jul-2022	Docket No.	2022-0941-AIR-E	PCW	
Respondent	Angelina Forest Products, LLC	Policy Revision 5 (January 28, 2021)			
Case ID No.	62692	PCW Revision February 11, 2021			
Reg. Ent. Reference No.	RN110406907				
Media	Air				
Enf. Coordinator	Desmond Martin				
Violation Number	1				
Rule Cite(s)	30 Tex. Admin. Code §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), New Source Review ("NSR") Permit Nos. 152131 and PSDTX538, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. 04132, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 6, and Tex. Health & Safety Code § 382.085(b)				
Violation Description	Failed to comply with the maximum allowable emissions rates ("MAERs"). Specifically, during a stack test conducted on September 9, 2020, the Respondent exceeded the particulate matter ("PM") MAER of 3.94 pounds per hour ("lbs/hr") by 2.96 lbs/hr, the PM equal to or less than 10 microns in diameter ("PM10") MAER of 1.38 lbs/hr by 0.42 lb/hr, and the PM equal to or less than 2.5 microns in diameter ("PM2.5") MAER of 0.43 lb/hr by 0.87 lb/hr for the Shaving System Cyclone Discharge Stack, Emissions Point Number ("EPN") 7, resulting in approximately 21,341.6 lbs of unauthorized PM emissions, 3,082.2 lbs of unauthorized PM10 emissions, and 6,272.7 lbs of unauthorized PM2.5 emissions.				
		Base Penalty	\$25,000		
>> Environmental, Property and Human Health Matrix					
OR	Release	Harm			
		Major Moderate Minor			
	Actual Potential	<input type="text"/> <input type="text"/>	<input checked="" type="text"/>	<input type="text"/>	
		Percent	50.0%		
>> Programmatic Matrix					
Matrix Notes	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent 0.0%
	Human health or the environment have been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.				
				Adjustment	\$12,500
					\$12,500
Violation Events					
Number of Violation Events		23	687	Number of violation days	
	daily weekly monthly quarterly semiannual annual single event	<input type="text"/> <input type="text"/> <input checked="" type="text"/>			
		Violation Base Penalty		\$287,500	
Twenty three monthly events are recommended from the September 9, 2020 stack test date to the July 28, 2022 screening date.					
Good Faith Efforts to Comply		10.0%	Reduction		\$28,750
		Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer			
	Extraordinary Ordinary N/A	<input type="text"/> <input type="text"/>	<input type="text"/> <input checked="" type="text"/>		
	Notes	The Respondent completed corrective measures on July 14, 2024, after the Notice of Enforcement ("NOE") dated July 19, 2022.			
				Violation Subtotal	\$258,750
Economic Benefit (EB) for this violation			Statutory Limit Test		
Estimated EB Amount		\$6,814	Violation Final Penalty Total		\$235,750
This violation Final Assessed Penalty (adjusted for limits)				\$235,750	

Economic Benefit Worksheet

Respondent Angelina Forest Products, LLC
Case ID No. 62692
Reg. Ent. Reference No. RN110406907
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	\$20,000	9-Sep-2020	14-Jul-2024	3.85	\$256	\$5,129	\$5,385
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$10,000	9-Sep-2020	30-Dec-2021	1.31	\$44	\$871	\$915
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs	\$5,000	9-Sep-2020	30-Sep-2022	2.06	\$514	n/a	\$514
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated costs to increase the stack heights of the Shaving System Cyclone Discharge Stack, EPN 7, and the Dry Waste Cyclone Discharge Stack, EPN 8 (\$10,000), to obtain a permit amendment for NSR Permit Nos. 152131 and PSDTX538 to increase the PM, PM10, and PM2.5 MAERs for EPN 7 and the PM2.5 MAER for EPN 8 (\$5,000), and to install a Planer System Dust Collector Stack, EPN 21, to further control the PM emissions from EPNs 7 and 8. The Dates Required are the initial date of non-compliance and the Final Dates are the dates of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$35,000

TOTAL

\$6,814

Screening Date 28-Jul-2022 Respondent Angelina Forest Products, LLC Case ID No. 62692 Reg. Ent. Reference No. RN110406907 Media Air Enf. Coordinator Desmond Martin	Docket No. 2022-0941-AIR-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>			
Violation Number 2					
Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), NSR Permit Nos. 152131 and PSDTX538, SC No. 1, FOP No. 04132, GTC and STC No. 6, and Tex. Health & Safety Code § 382.085(b)					
Violation Description Failed to comply with the MAER. Specifically, during a stack test conducted on September 10, 2020, the Respondent exceeded the PM2.5 MAER of 0.12 lb/hr by 0.16 lb/hr for the Dry Waste Cyclone Discharge Stack, EPN 8, resulting in approximately 1,153.6 lbs of unauthorized PM2.5 emissions.					
Base Penalty		\$25,000			
>> Environmental, Property and Human Health Matrix					
OR	Harm				
	Release	Major	Moderate	Minor	
	Actual			x	
	Potential				
		Percent	30.0%		
>> Programmatic Matrix					
	Falsification	Major	Moderate	Minor	
		Percent	0.0%		
Matrix Notes	Human health or the environment have been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.				
Adjustment		\$17,500			
		\$7,500			
Violation Events					
Number of Violation Events		8	686	Number of violation days	
	daily				
	weekly				
	monthly				
	quarterly	x			
	semiannual				
	annual				
	single event				
Violation Base Penalty		\$60,000			
Eight quarterly events are recommended from the September 10, 2020 stack test date to the July 28, 2022 screening date.					
Good Faith Efforts to Comply		10.0%	Reduction		\$6,000
		Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer		
	Extraordinary				
	Ordinary		x		
	N/A				
	Notes	The Respondent completed corrective measures on July 14, 2024, after the NOE dated July 19, 2022.			
Violation Subtotal		\$54,000			
Economic Benefit (EB) for this violation					
Statutory Limit Test					
Estimated EB Amount		\$0	Violation Final Penalty Total		\$49,200
This violation Final Assessed Penalty (adjusted for limits)		\$49,200			

Economic Benefit Worksheet

Respondent Angelina Forest Products, LLC
Case ID No. 62692
Reg. Ent. Reference No. RN110406907
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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

See the Economic Benefit from Violation No. 1.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

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 CN605533249, RN110406907, Rating Year 2024 which includes Compliance History (CH) components from September 1, 2019, through August 31, 2024.

Customer, Respondent, or Owner/Operator: CN605533249, Angelina Forest Products, LLC **Classification:** HIGH **Rating:** 0.00

Regulated Entity: RN110406907, West Fraser Texas Angelina **Classification:** HIGH **Rating:** 0.00

Complexity Points: 13 **Repeat Violator:** NO

CH Group: 14 - Other

Location: 3935 Farm-to-Market 326, Lufkin, Angelina County, Texas 75901-1720

TCEQ Region: REGION 10 - BEAUMONT

ID Number(s):

AIR OPERATING PERMITS PERMIT 4132

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1538

AIR NEW SOURCE PERMITS AFS NUM 4800500049

STORMWATER PERMIT TXR05GI34

POLLUTION PREVENTION PLANNING ID NUMBER P10872

TAX RELIEF ID NUMBER 23978

AIR NEW SOURCE PERMITS PERMIT 152131

AIR NEW SOURCE PERMITS REGISTRATION 171243

PETROLEUM STORAGE TANK REGISTRATION REGISTRATION 90840

AIR EMISSIONS INVENTORY ACCOUNT NUMBER ACA006F

TAX RELIEF ID NUMBER 23977

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

Date Compliance History Report Prepared: October 21, 2024

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: October 21, 2019 to October 21, 2024

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

Name: Desmond Martin

Phone: (512) 239-2814

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	February 26, 2022	(1787310)
Item 4	April 20, 2023	(1902030)
Item 8	April 09, 2024	(1981410)

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.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING

ANGELINA FOREST PRODUCTS, LLC
RN110406907

§
§
§
§
§

BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2022-0941-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 Angelina Forest Products, 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 owns and operates a greenfield lumber mill located at 3935 Farm-to-Market Road 326 in Lufkin, Angelina County, Texas (the "Site"). The Site consists or consisted of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 382 and the rules of the TCEQ..
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$284,950 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$227,960 of the penalty and \$56,990 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 Site:
 - a. By December 30, 2021, increased the stack heights of the Shaving System Cyclone Discharge Stack, Emissions Point Number ("EPN") 7, and the Dry Waste Cyclone Discharge Stack, EPN 8.
 - b. On September 30, 2022, obtained a permit amendment for New Source Review ("NSR") Permit Nos. 152131 and PSDTX538 to increase the particulate matter ("PM"), the PM equal to or less than 10 microns in diameter ("PM10"), and the PM equal to or less than 2.5 microns in diameter ("PM2.5") maximum allowable emissions rates ("MAERs") for Shaving System Cyclone Discharge Stack, EPN 7, and the PM2.5 MAER for Dry Waste Cyclone Discharge Stack, EPN 8.
 - c. By July 14, 2024, installed the Planer System Dust Collector Stack, EPN 21, to further control the PM emissions from the Shaving System Cyclone Discharge Stack, EPN 7, and the Dry Waste Cyclone Discharge Stack, EPN 8.

II. ALLEGATIONS

During a record review for the Site conducted on June 27, 2022, an investigator documented that the Respondent:

1. Failed to comply with the MAERs, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), NSR Permit Nos. 152131 and PSDTX538, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. 04132, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 6, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, during a stack test conducted on September 9, 2020, the Respondent exceeded the PM MAER of 3.94 pounds per hour ("lbs/hr") by 2.96 lbs/hr, the PM10 MAER of 1.38 lbs/hr by 0.42 lb/hr, and the PM2.5 MAER of 0.43 lb/hr by 0.87 lb/hr for the Shaving System Cyclone Discharge Stack, EPN 7, resulting in approximately 21,341.6 lbs of unauthorized PM emissions, 3,082.2 lbs of unauthorized PM10 emissions, and 6,272.7 lbs of unauthorized PM2.5 emissions.
2. Failed to comply with the MAER, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), NSR Permit Nos. 152131 and PSDTX538, SC No. 1, FOP No. 04132, GTC and STC No. 6, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, during a stack test conducted on September 10, 2020, the Respondent exceeded the PM2.5 MAER of 0.12 lb/hr by 0.16 lb/hr for the Dry Waste Cyclone

Discharge Stack, EPN 8, resulting in approximately 1,153.6 lbs of unauthorized PM2.5 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: Angelina Forest Products, LLC, Docket No. 2022-0941-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 Site 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

2/24/2025

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)
Authorized Representative of
Angelina Forest Products, LLC

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.