

Executive Summary – Enforcement Matter – Case No. 65032
Norbord Texas (Nacogdoches) Inc.
RN100543040
Docket No. 2023-1627-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 Nacogdoches OSB, 2301 Southeast Stallings Drive, Nacogdoches,
Nacogdoches County

Type of Operation:

Oriented strand board 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: June 14, 2024

Comments Received: No

Penalty Information

Total Penalty Assessed: \$77,025

Amount Deferred for Expedited Settlement: \$15,405

Total Paid to General Revenue: \$61,620

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: September 4, 2023 through September 15, 2023

Date(s) of NOE(s): November 6, 2023

Executive Summary – Enforcement Matter – Case No. 65032
Norbord Texas (Nacogdoches) Inc.
RN100543040
Docket No. 2023-1627-AIR-E

Violation Information

Failed to comply with the maximum allowable emissions rate (“MAER”). Specifically, the Respondent exceeded the particulate matter equal to or less than 2.5 microns in diameter ("PM2.5") MAER of 1.59 pounds per hour ("lbs/hr") by 0.91 lb/hr during a stack test conducted on October 29, 2021 and by 1.10 lbs/hr during a stack test conducted on June 21, 2022 for the Press Regenerative Thermal Oxidizer/Regenerative Catalytic Oxidizer ("RTO/RCO") Stack, Emissions Point Number ("EPN") 19, resulting in approximately 8,568.96 pounds 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 Permit Nos. 9958 and PSDTX766M1, Special Conditions No. 1, Federal Operating Permit No. O1588, General Terms and Conditions and Special Terms and Conditions No. 9, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

On November 1, 2022, the Respondent conducted a stack test demonstrating compliance with the PM2.5 hourly MAER for the RTO/RCO Stack, EPN 19.

Technical Requirements:

N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Caleb Martin, Enforcement Division, Enforcement Team 2, MC R-12, (512) 239-2091; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Guy Mayfield, Regional Environmental Coordinator, Norbord Texas (Nacogdoches) Inc., P.O. Box 632750, Nacogdoches, Texas 75963-2750
Sammy “Bo” McBride, General Manager, Norbord Texas (Nacogdoches) Inc., P.O. Box 632750, Nacogdoches, Texas 75963-2750

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	12-Nov-2023	
	PCW	22-Apr-2024	Screening 17-Nov-2023 EPA Due

RESPONDENT/FACILITY INFORMATION			
Respondent	Norbord Texas (Nacogdoches) Inc.		
Reg. Ent. Ref. No.	RN100543040		
Facility/Site Region	10-Beaumont	Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	65032	No. of Violations	1
Docket No.	2023-1627-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Caleb 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	\$97,500
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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	4.0%	Adjustment	Subtotals 2, 3, & 7	\$3,900
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Notes

Enhancement for one NOV with same or similar violations and one NOV with dissimilar violations. Reduction for one Notice of Intent to conduct an audit and one Disclosure of 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	-\$24,375
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts \$403
Estimated Cost of Compliance \$8,000

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$77,025
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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	\$77,025
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$77,025
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DEFERRAL	20.0%	Reduction	Adjustment	-\$15,405
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$61,620
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Screening Date

17-Nov-2023

Docket No.

2023-1627-AIR-E

PCW

Respondent

Norbord Texas (Nacogdoches) Inc.

Case ID No.

65032

Reg. Ent. Reference No.

RN100543040

Media

Air

Enf. Coordinator

Caleb 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>)	1	5%
	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>)	1	-1%
	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>)	1	-2%
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)4%

>> Repeat Violator (Subtotal 3)

NoAdjustment Percentage (Subtotal 3)0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory PerformerAdjustment Percentage (Subtotal 7)0%

>> Compliance History Summary

Compliance History Notes

Enhancement for one NOV with same or similar violations and one NOV with dissimilar violations.
Reduction for one Notice of Intent to conduct an audit and one Disclosure of Violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)4%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100%4%

Screening Date

17-Nov-2023

Docket No.

2023-1627-AIR-E

PCW

Respondent

Norbord Texas (Nacogdoches) Inc.

Case ID No.

65032

Reg. Ent. Reference No.

RN100543040

Media

Air

Enf. Coordinator

Caleb 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 Permit Nos. 9958 and PSDTX766M1, Special Conditions No. 1, Federal Operating Permit No. O1588, General Terms and Conditions and Special Terms and Conditions No. 9, 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 particulate matter equal to or less than 2.5 microns in diameter ("PM2.5") MAER of 1.59 pounds per hour ("lbs/hr") by 0.91 lb/hr during a stack test conducted on October 29, 2021 and by 1.10 lbs/hr during a stack test conducted on June 21, 2022 for the Press Regenerative Thermal Oxidizer/Regenerative Catalytic Oxidizer ("RTO/RCO") Stack, Emissions Point Number ("EPN") 19, resulting in approximately 8,568.96 pounds of unauthorized PM2.5 emissions.

Base Penalty

\$25,000

>> Environmental, Property and Human Health Matrix

OR

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 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

13

366

Number of violation days

daily

weekly

monthly

quarterly

semiannual

annual

single event

x

Violation Base Penalty

\$97,500

Thirteen monthly events are recommended from the first non-compliant stack test conducted on October 29, 2021 to the compliance date on November 1, 2022.

Good Faith Efforts to Comply

25.0%

Reduction

\$24,375

Before NOE/NOV

NOE/NOV to EDPRP/Settlement Offer

Extraordinary

Ordinary

N/A

x

Notes

The Respondent completed the corrective measures on November 1, 2022, prior to the Notice of Enforcement dated November 6, 2023.

Violation Subtotal

\$73,125

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

\$403

Violation Final Penalty Total

\$77,025

This violation Final Assessed Penalty (adjusted for limits)

\$77,025

Economic Benefit Worksheet

Respondent Case ID No. Norbord Texas (Nacogdoches) Inc. 65032
Reg. Ent. Reference No. RN100543040
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)	\$8,000	29-Oct-2021	1-Nov-2022	1.01	\$403	n/a	\$403
Notes for DELAYED costs	Estimated cost to conduct a stack test demonstrating compliance with the PM2.5 hourly MAER for the Press RTO/RCO Stack, EPN 19. The Date Required is the date of the first non-compliant stack test 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	\$8,000	TOTAL	\$403
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Compliance History Report

Compliance History Report for CN603166521, RN100543040, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

Customer, Respondent, or Owner/Operator:	CN603166521, Norbord Texas (Nacogdoches) Inc.	Classification:	SATISFACTORY	Rating:	0.37
Regulated Entity:	RN100543040, WEST FRASER TEXAS NACOGDOCHES OSB	Classification:	SATISFACTORY	Rating:	0.37
Complexity Points:	18	Repeat Violator:	NO		
CH Group:	14 - Other				
Location:	2301 SE STALLINGS DRIVE, NACOGDOCHES, NACOGDOCHES COUNTY, TEXAS				
TCEQ Region:	REGION 10 - BEAUMONT				

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER NA0017W
AIR NEW SOURCE PERMITS PERMIT 9958

AIR NEW SOURCE PERMITS REGISTRATION 55811
AIR NEW SOURCE PERMITS REGISTRATION 47370
AIR NEW SOURCE PERMITS REGISTRATION 54222
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX766M1
AIR NEW SOURCE PERMITS REGISTRATION 123659
AIR NEW SOURCE PERMITS REGISTRATION 135012
AIR NEW SOURCE PERMITS REGISTRATION 147672

PETROLEUM STORAGE TANK REGISTRATION
REGISTRATION 90931
STORMWATER PERMIT TXR05GI07

POLLUTION PREVENTION PLANNING ID NUMBER
P00872
TAX RELIEF ID NUMBER 22674

AIR OPERATING PERMITS PERMIT 1588
AIR NEW SOURCE PERMITS ACCOUNT NUMBER
NA0017W
AIR NEW SOURCE PERMITS AFS NUM 4834700007
AIR NEW SOURCE PERMITS REGISTRATION 78914
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX766
AIR NEW SOURCE PERMITS REGISTRATION 85573
AIR NEW SOURCE PERMITS REGISTRATION 105389
AIR NEW SOURCE PERMITS REGISTRATION 167050
PETROLEUM STORAGE TANK REGISTRATION
REGISTRATION 62768
PETROLEUM STORAGE TANK REGISTRATION
REGISTRATION 53855
AIR EMISSIONS INVENTORY ACCOUNT NUMBER
NA0017W
INDUSTRIAL AND HAZARDOUS WASTE OTS REQUEST
42925

Compliance History Period: September 01, 2018 to August 31, 2023 **Rating Year:** 2023 **Rating Date:** 09/01/2023

Date Compliance History Report Prepared: April 22, 2024

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: April 22, 2019 to April 22, 2024

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

Name: Caleb Martin

Phone: (512) 239-2091

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	June 24, 2021	(1735491)
Item 2	November 09, 2021	(1770679)
Item 4	June 29, 2022	(1824509)
Item 5	March 30, 2023	(1894703)
Item 6	November 17, 2023	(1942739)

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: | 08/21/2023 | (1917239) | |
| | Self Report? | NO | | Classification: Moderate |
| | Citation: | 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.144(1)
5C THSC Chapter 382 382.085(b)
General Term and Condition 7 PERMIT
General Terms and Conditions OP
Special Term and Condition 34.G PERMIT
Special Term and Condition 8 OP
Special Term and Condition 9 OP | | |
| | Description: | Failure to maintain records. | | |
| | Self Report? | NO | | Classification: Moderate |
| | Citation: | 30 TAC Chapter 101, SubChapter A 101.20(3)
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)
General Term and Condition 7 PERMIT
General Terms and Conditions OP
Special Term and Condition 22 PERMIT
Special Term and Condition 9 OP
Special Term and Condition 9 PERMIT | | |
| | Description: | Failure to maintain minimum central chamber temperature. | | |
| 2 | Date: | 03/28/2024 | (1965413) | |
| | Self Report? | NO | | Classification: Moderate |
| | Citation: | 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.146(2)
5C THSC Chapter 382 382.085(b)
GENERAL TERMS AND CONDITIONS OP | | |
| | Description: | Failure to submit the annual compliance certification within 30 days from the
end of the compliance certification period.
B3, Mod2b | | |

F. Environmental audits:

Notice of Intent Date: 10/06/2022 (1848100)

Disclosure Date: 01/25/2023

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 113, SubChapter C 113.870
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
30 TAC Chapter 122, SubChapter B 122.148

40 CFR Chapter 63, SubChapter C, PT 63, SubPT DDDD 63.2233
40 CFR Chapter 63, SubChapter C, PT 63, SubPT DDDD 63.2240
40 CFR Chapter 63, SubChapter C, PT 63, SubPT DDDD 63.2241
40 CFR Chapter 63, SubChapter C, PT 63, SubPT DDDD 63.2252
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.6

Rqmt Prov: PERMIT SC 1 and 2 MAERT
OP SC 5 and 9

Description: Failure to comply with the applicable requirements in 40 CFR 63 Subpart DDDD Hazardous Air Pollutants.

Viol. Major

Classification:

Citation: 30 TAC Chapter 113, SubChapter C 113.870
30 TAC Chapter 122, SubChapter B 122.143(4)

30 TAC Chapter 122, SubChapter B 122.145(2)(A)
 30 TAC Chapter 122, SubChapter B 122.148
 40 CFR Part 63, Subpart A 63.11
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT DDDD 63.2233
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT DDDD 63.2271
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.7
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.8

Rqmt Prov: PERMIT SCs I and 2,MAERT;
 OP SCs Sand 9

Description: Failure to comply with the 40 CFR Part 63, Subpart DDDD continuous compliance requirements.
 Viol. Moderate
 Classification:
 Citation: 30 TAC Chapter 113, SubChapter C 113.870
 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
 30 TAC Chapter 122, SubChapter B 122.148
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.10
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT DDDD 63.2233
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT DDDD 63.2280
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT DDDD 63.2281
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT DDDD 63.2282
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT DDDD 63.2283
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.5
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.9

Rqmt Prov: OP SC 5 and 9
 PERMIT SCs I and 2,MAERT

Description: Failure to comply with 40 CFR Part 63, Subpart DDDD notification, reporting, and recordkeeping requirements.
 Viol. Moderate
 Classification:
 Citation: 30 TAC Chapter 113, SubChapter C 113.870
 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT DDDD 63.2233
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT DDDD 63.2262(k)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT DDDD 63.2262(l)

Rqmt Prov: OP Cs 5 and 9
 PERMIT Cs I and 2,MAERT
 PERMIT Cs I, 18, 22, Table 4, MAERT

Description: Failure to calculate minimum temperature limits for the dryer regenerative thermal oxidizers (RTOs) and the press regenerative catalytic oxidizers included in SC 22 correctly.
 Viol. Moderate
 Classification:
 Citation: 30 TAC Chapter 113, SubChapter C 113.1130
 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
 40 CFR Chapter 262, SubChapter I, PT 262, SubPT J 263.10
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.6
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT DDDDD 63.7495(b)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT DDDDD 63.7500(a)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT DDDDD 63.7505
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT DDDDD 63.7510
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT DDDDD 63.7515
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT DDDDD 63.7520
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT DDDDD 63.7521
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT DDDDD 63.7555

Rqmt Prov: PERMIT SCs 1 and 2,MAERT
 OP SCs 5 and 9

Description: Failure to comply with the requirements for 40 CFR Part 63, Subpart DDDDD which mainly consists of a tune-up work practice, notifications, reporting, and recordkeeping applicable to the Gas I subcategory.
 Viol. Moderate

Classification:

Citation: 30 TAC Chapter 113, SubChapter C 113.1130
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.10
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.5
40 CFR Chapter 63, SubChapter C, PT 63, SubPT DDDDD 63.7495(d)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT DDDDD 63.7545
40 CFR Chapter 63, SubChapter C, PT 63, SubPT DDDDD 63.7550
40 CFR Chapter 63, SubChapter C, PT 63, SubPT DDDDD 63.7555
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.9

Rqmt Prov: PERMIT Cs I and 2, MAERT
OP SCs 5 and 9

Description: Failure to comply with 40 CFR Part 63, Subpart DDDDD notification, reporting, and associated recordkeeping requirements, including Initial Notification. Notification of Compliance Status, and annual compliance reports.

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 113, SubChapter C 113.1130
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.10
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.7
40 CFR Chapter 63, SubChapter C, PT 63, SubPT DDDDD 63.7525
40 CFR Chapter 63, SubChapter C, PT 63, SubPT DDDDD 63.7530
40 CFR Chapter 63, SubChapter C, PT 63, SubPT DDDDD 63.7535
40 CFR Chapter 63, SubChapter C, PT 63, SubPT DDDDD 63.7540
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.8

Rqmt Prov: OP Cs 5 and 9
PERMIT SCs 1 and 2, MAERT

Description: Failure to comply with the requirements pertaining to initial compliance demonstration and associated recordkeeping, for 40 CFR Part 63, Subpart DDDDD.

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)

Rqmt Prov: PERMIT SC 34.B
OP SC 9

Description: Failure to record monthly and annual actual emissions from each source at the plant to show compliance with the rolling annual emission limits in the MAERT have not been created and maintained.

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)
30 TAC Chapter 101, SubChapter F 101.201(b)
30 TAC Chapter 101, SubChapter F 101.201(c)
30 TAC Chapter 101, SubChapter F 101.211(a)
30 TAC Chapter 101, SubChapter F 101.211(b)
30 TAC Chapter 101, SubChapter F 101.211(c)
30 TAC Chapter 116, SubChapter B 116.110(a)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)

Rqmt Prov: PERMIT SCs 14 and 15, MAERT
OP SCs 2F, 2G and 9

Description: Failure to record and maintain Required analyses of reporting requirements applicable to unauthorized emissions from Press RTO/RCO system for longer than 15 minutes and Dryer RTOs breakdowns and malfunctions were not conducted.

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 106, SubChapter A 106.4(a)(1)
30 TAC Chapter 106, SubChapter A 106.8(c)(1)

30 TAC Chapter 106, SubChapter A 106.8(c)(2)
30 TAC Chapter 106, SubChapter A 106.8(c)(3)
30 TAC Chapter 106, SubChapter A 106.8(c)(4)
30 TAC Chapter 106, SubChapter A 106.8(c)(5)
30 TAC Chapter 106, SubChapter A 106.8(c)(6)
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)

Description: Failure to accomplish Required analysis and documentation that total actual emissions from all facilities operated pursuant to permit by rule (PBR) are within the limits specified in 30 TAC§ 106.4(a) (I) and other required PBR documentation has not been created and maintained.

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 113, SubChapter C 113.1090
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT ZZZZ 63.6655(e)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT ZZZZ 63.6655(f)

Rqmt Prov: PERMIT SC 2B
OP SCs 5 and 9

Description: Failure to create and maintain all records of maintenance conducted or hours of operation of stationary engines used onsite required per 40 CFR §63.6655(c) & (f) in Subpart ZZ:Z:Z. Although hours of operation were tracked for the emergency fire pump engine and generator, hours of use for emergency, non-emergency and maintenance/readiness testing were not recorded.

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 113, SubChapter C 113.1090
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT ZZZZ 63.6640(f)(2)

Rqmt Prov: PERMIT SC 2B
OP SCs 5 and 9

Description: Failure to not exceed the authorized 100-hour maximum of the emergency fire pump engine during the calendar year 2018 to 2022 as authorized in 40 CFR §63.6640(1)(2).

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.144(1)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)

Description: Failure to conduct and document all required calibration and maintenance for the Wet Electrostatic Precipitator (WESP) current and voltage monitoring systems. or for the pressure drop monitoring devices used on the baghouses.

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)

Rqmt Prov: OP SC 9
PERMIT SCs 17B and 34M

Description: Failure to prepare accurate records of the periods of each bake out or the cumulative sum of bake out hours per calendar year, as required by NSR Permit No. 9958/PSDTX766MI, SC 34M, to show compliance with the calendar year bake-out hourly opacity limit in SC 17B.

Viol. Moderate

Classification:

Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11
30 TAC Chapter 335, SubChapter R 335.504
30 TAC Chapter 335, SubChapter R 335.513(a)
30 TAC Chapter 335, SubChapter C 335.53(a)
30 TAC Chapter 335, SubChapter A 335.9(a)

Description: Failure to conduct and maintain records of hazardous waste determinations for waste streams.

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 335, SubChapter A 335.10(a)(1)
30 TAC Chapter 335, SubChapter R 335.503(b)
30 TAC Chapter 335, SubChapter R 335.504
30 TAC Chapter 335, SubChapter R 335.513(a)
30 TAC Chapter 335, SubChapter A 335.9(a)(1)(A)

Description: Failure to contain correct waste codes in the Hazardous waste manifest 022456 I 74JJK for Konus
Burner Refractory Brick.

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
NORBORD TEXAS (NACOGDOCHES)
INC.
RN100543040

§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2023-1627-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 Norbord Texas (Nacogdoches) 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 an oriented strand board manufacturing plant located at 2301 SE Stallings Drive in Nacogdoches, Nacogdoches 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 \$77,025 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$61,620 of the penalty and \$15,405 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, 2022, the Respondent conducted a stack test demonstrating compliance with the particulate matter equal to or less than 2.5 microns in diameter ("PM2.5") hourly maximum allowable emissions rate ("MAER") for the Press Regenerative Thermal Oxidizer/Regenerative Catalytic Oxidizer ("RTO/RCO") Stack, Emissions Point Number ("EPN") 19.

II. ALLEGATIONS

During a record review for the Plant conducted from September 4, 2023 through September 15, 2023, an investigator documented that the Respondent 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), New Source Review Permit Nos. 9958 and PSDTX766M1, Special Conditions No. 1, Federal Operating Permit No. O1588, General Terms and Conditions and Special Terms and Conditions No. 9, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent exceeded the PM2.5 MAER of 1.59 pounds per hour ("lbs/hr") by 0.91 lb/hr during a stack test conducted on October 29, 2021 and by 1.10 lbs/hr during a stack test conducted on June 21, 2022 for the Press RTO/RCO Stack, EPN 19, resulting in approximately 8,568.96 pounds 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: Norbord Texas (Nacogdoches) Inc., Docket No. 2023-1627-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

6/24/2024

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

6-21-24

Date



Name (Printed or typed)
Authorized Representative of
Norbord Texas (Nacogdoches) Inc.



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.