

Executive Summary – Enforcement Matter – Case No. 66799
Wyman-Gordon Forgings, Inc.
RN100217413
Docket No. 2024-1576-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Wyman Gordon Forgings, 10825 Telge Road, Houston, Harris County

Type of Operation:

Steel forging plant

Other Significant Matters:

Additional Pending Enforcement Actions: Yes, Docket No. 2023-0754-IWD-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: November 15, 2024

Comments Received: No

Penalty Information

Total Penalty Assessed: \$7,650

Amount Deferred for Expedited Settlement: \$1,530

Total Paid to General Revenue: \$6,120

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 10, 2024 through September 12, 2024

Date(s) of NOE(s): September 13, 2024

Executive Summary – Enforcement Matter – Case No. 66799
Wyman-Gordon Forgings, Inc.
RN100217413
Docket No. 2024-1576-AIR-E

Violation Information

Failed to submit a permit renewal application at least six months prior to the expiration of a federal operating permit ("FOP"). Specifically, the Respondent did not submit a renewal application for FOP No. O1031 by February 23, 2024, FOP No. O1031 expired on August 23, 2024, and the Respondent continued to operate emission units at the Plant without authorization [30 TEX. ADMIN. CODE §§ 122.121, 122.133(2), and 122.241(b), and TEX. HEALTH & SAFETY CODE §§ 382.054 and 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondent to:

- a. Immediately comply with the provisions in expired FOP No. O1031, including recordkeeping, reporting, and compliance certification requirements with respect to the Plant's continuing operations.
- b. Within 15 days, submit written certification to demonstrate compliance with a.
- c. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the application for FOP No. O1031 by any deadline specified in writing.
- d. Within 180 days, submit written certification that either FOP No. O1031 has been obtained or that operations have ceased until such time that appropriate authorization is obtained.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Trenton White, Enforcement Division, Enforcement Team 2, MC R-05, (903) 535-5155; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Michael O'Brien, Vice President, Wyman-Gordon Forgings, Inc., 10825 Telge Road, Houston, TX 77095

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	18-Sep-2024	Screening	19-Sep-2024	EPA Due	
	PCW	20-Sep-2024				

RESPONDENT/FACILITY INFORMATION

Respondent	Wyman-Gordon Forgings, Inc.				
Reg. Ent. Ref. No.	RN100217413				
Facility/Site Region	12-Houston	Major/Minor Source	Major		

CASE INFORMATION

Enf./Case ID No.	66799	No. of Violations	1
Docket No.	2024-1576-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Trenton White
		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	\$5,000
---	-------------------	---------

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	53.0%	Adjustment	Subtotals 2, 3, & 7	\$2,650
---------------------------	--------------	-------------------	--------------------------------	---------

Notes: Enhancement for one NOV with same/similar violations, four NOVs with dissimilar violations, and two orders containing a denial of liability.

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	\$0
--	-------------------	-----

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

Total EB Amounts \$196
Estimated Cost of Compliance \$5,000

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$7,650
-----------------------------	-----------------------	---------

OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
---	-------------	-------------------	-----

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$7,650
-----------------------------	---------

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$7,650
-----------------------------------	-------------------------------	---------

DEFERRAL	20.0%	Reduction	Adjustment	-\$1,530
-----------------	--------------	------------------	-------------------	----------

Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$6,120
------------------------	---------

Screening Date	19-Sep-2024	Docket No.	2024-1576-AIR-E	PCW
Respondent	Wyman-Gordon Forgings, Inc.			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	66799			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN100217413			
Media	Air			
Enf. Coordinator	Trenton White			

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	4	8%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	2	40%
	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) 53%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for one NOV with same/similar violations, four NOVs with dissimilar violations, and two orders containing a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 53%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 53%

Screening Date	19-Sep-2024	Docket No.	2024-1576-AIR-E	PCW
Respondent	Wyman-Gordon Forgings, Inc.			Policy Revision 5 (January 28, 2021)
Case ID No.	66799			PCW Revision February 11, 2021
Reg. Ent. Reference No.	RN100217413			
Media	Air			
Enf. Coordinator	Trenton White			
Violation Number	1			
Rule Cite(s)	30 Tex. Admin. Code §§ 122.121, 122.133(2), and 122.241(b), and Tex. Health & Safety Code §§ 382.054 and 382.085(b).			
Violation Description	Failed to submit a permit renewal application at least six months prior to the expiration of a federal operating permit ("FOP"). Specifically, the Respondent did not submit a renewal application for FOP No. O1031 by February 23, 2024, FOP No. O1031 expired on August 23, 2024, and the Respondent continued to operate emission units at the Plant without authorization.			
		Base Penalty	\$25,000	
>> Environmental, Property and Human Health Matrix				
OR		Release	Harm	
		Major	Moderate	Minor
	Actual			
	Potential			
				Percent 0.0%
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
		x		
				Percent 20.0%
Matrix Notes	100% of the rule requirements were not met.			
		Adjustment	\$20,000	
			\$5,000	
Violation Events				
	Number of Violation Events	1	27	Number of violation days
	daily			
	weekly			
	monthly	x		
	quarterly			
	semiannual			
	annual			
	single event			
			Violation Base Penalty	\$5,000
	One monthly event is recommended from the August 23, 2024 permit expiration date to the September 19, 2024 screening date.			
Good Faith Efforts to Comply				
		0.0%	Reduction	\$0
		Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	
	Extraordinary			
	Ordinary			
	N/A	x		
	Notes	The Respondent does not meet the good faith criteria for this violation.		
		Violation Subtotal	\$5,000	
Economic Benefit (EB) for this violation				
	Statutory Limit Test			
	Estimated EB Amount	\$196	Violation Final Penalty Total	\$7,650
	This violation Final Assessed Penalty (adjusted for limits)			\$7,650

Economic Benefit Worksheet

Respondent Wyman-Gordon Forgings, Inc.
Case ID No. 66799
Reg. Ent. Reference No. RN100217413
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	\$5,000	23-Aug-2024	5-Jun-2025	0.78	\$196	n/a	\$196
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to obtain a new FOP to authorize the emission units at the Plant. The Date Required is the date FOP No. O1031 expired and the Final Date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$196



Compliance History Report

Compliance History Report for CN600129167, RN100217413, Rating Year 2024 which includes Compliance History (CH) components from September 1, 2019, through August 31, 2024.

Customer, Respondent, or Owner/Operator: CN600129167, Wyman-Gordon Forgings, Inc.

Classification: SATISFACTORY

Rating: 1.85

Regulated Entity: RN100217413, Wyman Gordon Forgings

Classification: SATISFACTORY

Rating: 1.85

Complexity Points: 20

Repeat Violator: NO

CH Group: 14 - Other

Location: 10825 Telge Road, Houston, Harris County, Texas 77095-5038

TCEQ Region: REGION 12 - HOUSTON

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER HG0114A

PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1010911

AIR NEW SOURCE PERMITS REGISTRATION 11859

AIR NEW SOURCE PERMITS REGISTRATION 13587

AIR NEW SOURCE PERMITS REGISTRATION 11195

AIR NEW SOURCE PERMITS REGISTRATION 13463

AIR NEW SOURCE PERMITS REGISTRATION 14522

AIR NEW SOURCE PERMITS ACCOUNT NUMBER HG0114A

AIR NEW SOURCE PERMITS PERMIT 3456A

AIR NEW SOURCE PERMITS PERMIT 7417

AIR NEW SOURCE PERMITS PERMIT 8126

AIR NEW SOURCE PERMITS REGISTRATION 11111

AIR NEW SOURCE PERMITS REGISTRATION 98495

AIR NEW SOURCE PERMITS REGISTRATION 107364

AIR NEW SOURCE PERMITS REGISTRATION 107368

AIR NEW SOURCE PERMITS REGISTRATION 150212

IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION # (SWR) 31270

WASTEWATER PERMIT WQ0001402000

AIR EMISSIONS INVENTORY ACCOUNT NUMBER HG0114A

INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD008085763

AIR OPERATING PERMITS PERMIT 1031

AIR NEW SOURCE PERMITS REGISTRATION 11579

AIR NEW SOURCE PERMITS REGISTRATION 12714

AIR NEW SOURCE PERMITS REGISTRATION 10647

AIR NEW SOURCE PERMITS REGISTRATION 11423

AIR NEW SOURCE PERMITS REGISTRATION 14143

AIR NEW SOURCE PERMITS REGISTRATION 34274

AIR NEW SOURCE PERMITS REGISTRATION 11258

AIR NEW SOURCE PERMITS PERMIT 6688

AIR NEW SOURCE PERMITS REGISTRATION 8040

AIR NEW SOURCE PERMITS PERMIT 8445

AIR NEW SOURCE PERMITS AFS NUM 4820100002

AIR NEW SOURCE PERMITS REGISTRATION 107366

AIR NEW SOURCE PERMITS REGISTRATION 107365

AIR NEW SOURCE PERMITS REGISTRATION 107367

PETROLEUM STORAGE TANK REGISTRATION 363

WASTEWATER PERMIT 2E0000008

WASTEWATER EPA ID TX0042129

POLLUTION PREVENTION PLANNING ID NUMBER P00938

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 31270

Compliance History Period: September 01, 2019 to August 31, 2024

Rating Year: 2024

Rating Date: 09/01/2024

Date Compliance History Report Prepared: September 16, 2024

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: September 16, 2019 to September 16, 2024

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

Name: Trenton White

Phone: (903) 535-5155

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period?
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period?

YES

NO

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

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

1 Effective Date: 04/13/2020 ADMINORDER 2018-1434-IWD-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: Eff. Lim. and Mon. Req. No. 1 PERMIT
Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data.

See addendum for information regarding one applicable federal action.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	September 18, 2019	(1606904)
Item 2	November 18, 2019	(1619562)
Item 3	December 20, 2019	(1626916)
Item 4	February 18, 2020	(1641171)
Item 5	March 12, 2020	(1647686)
Item 6	May 05, 2020	(1631848)
Item 7	May 12, 2020	(1660607)
Item 8	June 12, 2020	(1667127)
Item 9	July 14, 2020	(1674079)
Item 10	August 19, 2020	(1680852)
Item 11	September 19, 2020	(1687423)
Item 12	October 20, 2020	(1693762)
Item 13	November 17, 2020	(1713975)
Item 14	December 17, 2020	(1713976)
Item 15	January 13, 2021	(1713977)
Item 16	January 26, 2021	(1699418)
Item 17	February 12, 2021	(1727041)
Item 18	March 19, 2021	(1727042)
Item 19	May 13, 2021	(1740824)
Item 20	June 17, 2021	(1747851)
Item 21	July 08, 2021	(1737058)
Item 22	July 20, 2021	(1738317)
Item 23	October 20, 2021	(1777338)
Item 24	November 12, 2021	(1784136)
Item 25	December 17, 2021	(1791165)
Item 26	January 27, 2022	(1782029)
Item 27	March 16, 2022	(1813891)
Item 28	April 07, 2022	(1820464)
Item 29	May 18, 2022	(1829300)
Item 30	May 31, 2022	(1803264)
Item 31	July 19, 2022	(1842796)
Item 32	August 09, 2022	(1848924)
Item 33	September 19, 2022	(1856724)
Item 34	October 31, 2022	(1848300)
Item 35	June 08, 2023	(1903517)
Item 36	August 28, 2023	(1933537)
Item 37	September 20, 2023	(1939678)
Item 38	November 20, 2023	(1952215)
Item 39	December 20, 2023	(1961987)
Item 40	March 21, 2024	(1984213)
Item 41	April 19, 2024	(1990733)
Item 42	May 14, 2024	(1997189)

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: 09/30/2023 (1946524) | | |
| | Self Report? YES | Classification: Moderate | |
| | Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1) | | |
| | Description: Failure to meet the limit for one or more permit parameter | | |
| 2 | Date: 12/31/2023 (1968577) | | |
| | Self Report? YES | Classification: Moderate | |
| | Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1) | | |
| | Description: Failure to meet the limit for one or more permit parameter | | |
| 3 | Date: 01/31/2024 (1977636) | | |
| | Self Report? YES | Classification: Moderate | |
| | Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1) | | |
| | Description: Failure to meet the limit for one or more permit parameter | | |
| 4 | Date: 05/31/2024 (2004145) | | |
| | Self Report? YES | Classification: Moderate | |
| | Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1) | | |
| | Description: Failure to meet the limit for one or more permit parameter | | |
| 5 | Date: 08/27/2024 (1989400) | | |
| | Self Report? NO | Classification: Moderate | |
| | Citation: 30 TAC Chapter 106, SubChapter S 106.433(8)(C)
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)
Special Term and Condition 10 OP | | |
| | Description: Failure to maintain records of monthly reports of pounds per hour, pounds per day, pounds per week, and tons emitted from the site during the previous 12 months for EPN PRO-G152S (Category B3 violation). | | |

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

Addendum to Compliance History Federal Enforcement Actions

Reg Entity Name: WYMAN GORDON FORGINGS CYPRESS

Reg Entity Add: 10825 TELGE ROAD

Reg Entity City: HOUSTON

Reg Entity No: RN100217413

EPA Case No: 06-2023-1752

Order Issue Date (yyyymmdd): 20230707

Case Result:

Statute: CWA

Sect of Statute: 301/402

Classification: Minor

Program: NPDES - Base Program (**Citation:**

Violation Type: Effluent Limit Violations,Not
Otherwise Specified

Cite Sect:

Cite Part:

Enforcement Action: Administrative Compliance Orders

EPA Case No: 06-2019-1745

Order Issue Date (yyyymmdd): 20190211

Case Result: Final Order No Penalty

Statute: CWA

Sect of Statute: 301/402

Classification: Minor

Program: NPDES - Base Program (**Citation:**

Violation Type:

Cite Sect:

Cite Part:

Enforcement Action: Administrative Compliance Orders

EPA Case No: 06-2019-1711

Order Issue Date (yyyymmdd): 20190320

Case Result: Final Order With Penalty

Statute: CWA

Sect of Statute: 301/307

Classification: Major

Program: NPDES - Base Program (**Citation:**

Violation Type: Falsify Applications, Reports,
Information

Cite Sect:

Cite Part:

Enforcement Action: Administrative Penalty Order With or Without Inj

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
WYMAN-GORDON FORGINGS, INC.
RN100217413

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

AGREED ORDER DOCKET NO. 2024-1576-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 Wyman-Gordon Forgings, Inc. (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a steel forging plant located at 10825 Telge Road in Houston, Harris 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 \$7,650 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$6,120 of the penalty and \$1,530 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.

II. ALLEGATIONS

During a record review for the Plant conducted from September 10, 2024 through September 12, 2024, an investigator documented that the Respondent failed to submit a permit renewal application at least six months prior to the expiration of a federal operating permit ("FOP"), in violation of 30 TEX. ADMIN. CODE §§ 122.121, 122.133(2), and 122.241(b), and TEX. HEALTH & SAFETY CODE §§ 382.054 and 382.085(b). Specifically, the Respondent did not submit a renewal application for FOP No. O1031 by February 23, 2024, FOP No. O1031 expired on August 23, 2024, and the Respondent continued to operate emission units at the Plant without authorization.

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: Wyman-Gordon Forgings, Inc., Docket No. 2024-1576-AIR-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088
2. The Respondent shall undertake the following technical requirements at the Plant:
 - a. Immediately upon the effective date of this Order, until such time that FOP No. O1031 is obtained or until 180 days after the effective date of this Order, whichever is earlier, comply with the provisions in expired FOP No. O1031,

including recordkeeping, reporting, and compliance certification requirements with respect to the Plant's continuing operations.

- b. Within 15 days after the effective date of this Order, submit written certification to demonstrate compliance with Ordering Provision No. 2.a, as described in Ordering Provision No. 2.d.
- c. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the application for FOP No. O1031 by any deadline specified in writing.
- d. Within 180 days after the effective date of this Order, submit written certification that either FOP No. O1031 has been obtained or that operations have ceased until such time that appropriate authorization is obtained, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance. The certification shall be signed by the Respondent and shall include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

Air Section Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Street, Suite H
Houston, Texas 77023-1452

3. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Plant operations referenced in this Order.
5. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the

Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Enforcement Division at the address listed above.


6. 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.
7. 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.
8. 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

11/20/2024

Date

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

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

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

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



Signature

Date

Michael O'Brien
Name (Printed or typed)
Authorized Representative of
Wyman-Gordon Forgings, Inc.

VP
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.