

Executive Summary – Enforcement Matter – Case No. 67307

Tokai Carbon CB Ltd.

RN100226026

Docket No. 2025-0157-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Big Spring Carbon Black Plant, 1211 North Midway Road, Big Spring, Howard County

Type of Operation:

Carbon black 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 20, 2025

Comments Received: No

Penalty Information

Total Penalty Assessed: \$30,000

Amount Deferred for Expedited Settlement: \$6,000

Total Paid to General Revenue: \$24,000

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications:

Person/CN - Satisfactory

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: January 15, 2025

Date(s) of NOE(s): January 23, 2025

Executive Summary – Enforcement Matter – Case No. 67307

Tokai Carbon CB Ltd.

RN100226026

Docket No. 2025-0157-AIR-E

Violation Information

Failed to comply with the requirements of 30 TEX. ADMIN. CODE ch. 112, subch. E, div. 2 no later than January 1, 2025, in accordance with 30 TEX. ADMIN. CODE § 112.112(i), no later than the January 1, 2025 compliance schedule due date. Specifically, the stack height of the Incinerator and Heat Recovery Steam Generator, Emissions Point Number ("EPN") 13A, was 50 meters, but it was required to be 65.00 meters [30 TEX. ADMIN. CODE § 112.118 and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondent to:

- a. Within 30 days, raise the stack height of the Incinerator and Heat Recovery Steam Generator, EPN 13A, to 65.00 meters;
- b. Within 45 days, submit written certification to demonstrate compliance with a.;
- c. In lieu of compliance with a. and b., within 30 days, submit an application for an Alternate Means of Control ("AMOC") plan;
- d. If the Respondent is coming into compliance through an AMOC plan, within 365 days, obtain the appropriate permit modification; and
- e. Within 385 days, submit written certification to demonstrate compliance with c. and d.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Yuliya Dunaway, Enforcement Division, Enforcement Team 2, MC R-13, (210) 403-4077; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Long Nguyen, Environmental Manager, Tokai Carbon CB Ltd., 301 Commerce Street, Suite 500, Fort Worth, Texas 76102-4178
Mark Leigh, President, Tokai Carbon CB Ltd., 301 Commerce Street, Suite 500, Fort Worth, Texas 76102-4178

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	29-Jan-2025	Screening	29-Jan-2025	EPA Due	22-Jul-2025
	PCW	10-Mar-2025				

RESPONDENT/FACILITY INFORMATION

Respondent	Tokai Carbon CB Ltd.				
Reg. Ent. Ref. No.	RN100226026				
Facility/Site Region	7-Midland	Major/Minor Source	Major		

CASE INFORMATION

Enf./Case ID No.	67307	No. of Violations	1
Docket No.	2025-0157-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Yuliya Dunaway
		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	\$30,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	0.0%	Adjustment	Subtotals 2, 3, & 7	\$0
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Notes: Since the reduction for one notice of intent to conduct an audit is below zero, the Adjustment Percentage (Subtotal 2) defaults to zero.

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	\$0
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$8,448
Estimated Cost of Compliance: \$50,000
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$30,000
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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	\$30,000
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$30,000
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DEFERRAL	20.0%	Reduction	Adjustment	-\$6,000
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$24,000
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Screening Date 29-Jan-2025

Docket No. 2025-0157-AIR-E

PCW

Respondent Tokai Carbon CB Ltd.

Policy Revision 5 (January 28, 2021)

Case ID No. 67307

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN100226026

Media Air

Enf. Coordinator Yuliya Dunaway

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

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

Adjustment Percentage (Subtotal 2) 0%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Since the reduction for one notice of intent to conduct an audit is below zero, the Adjustment Percentage (Subtotal 2) defaults to zero.

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

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 0%

Screening Date 29-Jan-2025 Respondent Tokai Carbon CB Ltd. Case ID No. 67307 Reg. Ent. Reference No. RN100226026 Media Air Enf. Coordinator Yuliya Dunaway	Docket No. 2025-0157-AIR-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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Violation Number	1		
Rule Cite(s)	30 Tex. Admin. Code § 112.118 and Tex. Health & Safety Code § 382.085(b)		
Violation Description	Failed to comply with the requirements of 30 Tex. Admin. Code ch. 112, subch. E, div. 2 no later than January 1, 2025, in accordance with 30 Tex. Admin. Code § 112.112(i), no later than the January 1, 2025 compliance schedule due date. Specifically, the stack height of the Incinerator and Heat Recovery Steam Generator, Emissions Point Number ("EPN") 13A, was 50 meters, but it was required to be 65.00 meters.		
Base Penalty			\$25,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent
					0.0%

Matrix Notes	Human health or the environment will or could be exposed to pollutants which exceed levels that are protective of human health or environmental receptors as a result of this violation.
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Adjustment	\$17,500
\$7,500	

Violation Events

Number of Violation Events	4	28	Number of violation days
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	daily			
	weekly	x		
	monthly			
	quarterly			
	semiannual			
	annual			
	single event			

Violation Base Penalty	\$30,000
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Four weekly events are recommended from the January 1, 2025 compliance schedule due date to the January 29, 2025 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.
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Violation Subtotal	\$30,000
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Economic Benefit (EB) for this violation

Estimated EB Amount	\$8,448
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Statutory Limit Test

Violation Final Penalty Total	\$30,000
This violation Final Assessed Penalty (adjusted for limits)	
\$30,000	

Economic Benefit Worksheet

Respondent Tokai Carbon CB Ltd.
Case ID No. 67307
Reg. Ent. Reference No. RN100226026
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	\$50,000	1-Jan-2025	1-Jun-2027	2.41	\$402	\$8,046	\$8,448
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	Estimated cost to raise the stack height of the Incinerator and Heat Recovery Steam Generator, EPN 13A, to 65.00 meters. The Date Required is the compliance schedule due date 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	\$50,000	TOTAL	\$8,448
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Compliance History Report

Compliance History Report for CN600131171, RN100226026, Rating Year 2024 which includes Compliance History (CH) components from September 1, 2019, through August 31, 2024.

Customer, Respondent, or Owner/Operator: CN600131171, Tokai Carbon CB Ltd. **Classification:** SATISFACTORY **Rating:** 16.85

Regulated Entity: RN100226026, Big Spring Carbon Black Plant **Classification:** HIGH **Rating:** 0.00

Complexity Points: 17 **Repeat Violator:** NO

CH Group: 05 - Chemical Manufacturing

Location: 1211 North Midway Road, Big Spring, Howard County, TEXAS 79720-0819

TCEQ Region: REGION 07 - MIDLAND

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER HT0027B
AIR NEW SOURCE PERMITS PERMIT 6580
AIR NEW SOURCE PERMITS REGISTRATION 20884

AIR NEW SOURCE PERMITS AFS NUM 4822700002
AIR NEW SOURCE PERMITS REGISTRATION 162521
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX151M2
AIR EMISSIONS INVENTORY ACCOUNT NUMBER HT0027B
INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 30890
TAX RELIEF ID NUMBER 23632

AIR OPERATING PERMITS PERMIT 1550
AIR NEW SOURCE PERMITS REGISTRATION 9093
AIR NEW SOURCE PERMITS ACCOUNT NUMBER HT0027B
AIR NEW SOURCE PERMITS REGISTRATION 112148
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX151
STORMWATER PERMIT TXR05CU89
POLLUTION PREVENTION PLANNING ID NUMBER P06583
INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXR000068395
TAX RELIEF ID NUMBER 27728

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

Date Compliance History Report Prepared: March 10, 2025

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: March 10, 2020 to March 10, 2025

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

Name: Yuliya Dunaway

Phone: (210) 403-4077

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	May 15, 2020	(1645714)
Item 2	September 25, 2020	(1650801)
Item 3	October 06, 2020	(1679399)

Item 4	February 26, 2021	(1699497)
Item 5	April 19, 2021	(1707879)
Item 6	June 22, 2021	(1723425)
Item 7	July 14, 2021	(1738434)
Item 9	October 29, 2021	(1763191)
Item 10	December 21, 2021	(1781087)
Item 11	May 05, 2022	(1659055)
Item 12	August 12, 2022	(1834918)
Item 13	July 06, 2023	(1895452)
Item 14	August 21, 2023	(1856107)
Item 15	October 02, 2023	(1909074)
Item 16	October 25, 2023	(1887318)
Item 17	November 09, 2023	(1895538)
Item 18	March 01, 2024	(1925112)
Item 19	April 01, 2024	(1912047)
Item 20	May 28, 2024	(1974471)
Item 21	June 03, 2024	(1976099)
Item 22	August 16, 2024	(1806007)
Item 23	January 30, 2025	(1917242)

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

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

N/A

F. Environmental audits:

Notice of Intent Date: 12/16/2024 (2034034)

No DOV Associated

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
TOKAI CARBON CB LTD.
RN100226026

§ BEFORE THE
§ TEXAS COMMISSION ON
§ ENVIRONMENTAL QUALITY
§

AGREED ORDER DOCKET NO. 2025-0157-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 Tokai Carbon CB Ltd. (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 carbon black manufacturing plant located at 1211 North Midway Road in Big Spring, Howard 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 \$30,000 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$24,000 of the penalty and \$6,000 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 an investigation at the Plant conducted on January 15, 2025, an investigator documented that the Respondent failed to comply with the requirements of 30 TEX. ADMIN. CODE ch. 112, subch. E, div. 2 no later than January 1, 2025, in accordance with 30 TEX. ADMIN. CODE § 112.112(i), no later than the January 1, 2025 compliance schedule due date, in violation of 30 TEX. ADMIN. CODE § 112.118 and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the stack height of the Incinerator and Heat Recovery Steam Generator, Emissions Point Number ("EPN") 13A, was 50 meters, but it was required to be 65.00 meters.

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: Tokai Carbon CB Ltd., Docket No. 2025-0157-AIR-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Order, raise the stack height of the Incinerator and Heat Recovery Steam Generator, EPN 13A, to 65.00 meters.

- b. Within 45 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.f.
- c. In lieu of compliance with Ordering Provision Nos. 2.a and 2.b, within 30 days after the effective date of this Order, submit an application for an Alternate Means of Control ("AMOC") plan, in accordance with 30 TEX. ADMIN. CODE §§ 112.102(i) and 112.112(j) (effective October 27, 2022, 47 TexReg 6985), to the addresses listed in Ordering Provision No. 2.f and to:

Air Permits Division, MC 163
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Environmental Protection Agency, Region 6
1201 Elm Street, Suite 500
Dallas, Texas 75270

- d. If the Respondent is coming into compliance through an AMOC plan, within 365 days after the effective date of this Order, obtain the appropriate permit modification.
- e. Within 385 days after the effective date of this Order, submit written certification to demonstrate compliance with Ordering Provisions Nos. 2.c and 2.d, as described in Ordering Provision No. 2.f.
- f. The certifications required by these Ordering Provisions shall be accompanied by detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance. Certifications 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
Midland Regional Office
Texas Commission on Environmental Quality
9900 West IH-20, Suite 100
Midland, Texas 79706

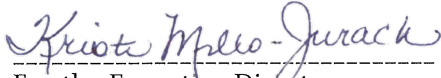
3. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Plant operations referenced in 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



07/16/2025

For the Executive Director

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

May 22, 2025

Date

Mark Leigh

President

Name (Printed or typed)
Authorized Representative of
Tokai Carbon CB Ltd.

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.