

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



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TCEQ  
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IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
PURE CASTINGS COMPANY AND  
LONE STAR FOUNDRIES, INC.  
RN100721281

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§

BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY

AGREED ORDER  
DOCKET NO. 2012-1778-AIR-E

I. JURISDICTION AND STIPULATIONS

On **MAR 05 2013**, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Pure Castings Company and Lone Star Foundries, Inc. ("Respondents") 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 Respondents together stipulate that:

1. The Respondents own and operate a foundry at 2110 East 4th Street in Austin, Travis County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Executive Director and the Respondents agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondents are subject to the Commission's jurisdiction.
4. The Respondents received notice of the violations alleged in Section II ("Allegations") on or about August 5, 2012.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondents of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Nine Hundred Thirty-Eight Dollars (\$938) is assessed by the Commission in settlement of the violations alleged in Section II

("Allegations"). The Respondents have paid Seven Hundred Fifty-One Dollars (\$751) of the administrative penalty and One Hundred Eighty-Seven Dollars (\$187) is deferred contingent upon the Respondents' timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondents fail to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondents to pay all or part of the deferred penalty.

7. 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.
8. The Executive Director and the Respondents 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).
9. The Executive Director recognizes that the Respondents obtained a Permit by Rule that authorizes the wax burnout furnace at the Plant on July 16, 2012.
10. 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 Respondents have not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## **II. ALLEGATIONS**

As owners and operators of the Plant, the Respondents are alleged to have failed to obtain authorization prior to the construction and operation of a furnace, in violation of 30 TEX. ADMIN. CODE § 116.110(a), TEX. HEALTH & SAFETY CODE §§ 382.0518(a) and 382.085(b), as documented during the investigation conducted on May 31, 2012. Specifically, at the time of the investigation an unauthorized wax burnout furnace (center oven) was in operation.

## **III. DENIALS**

The Respondents generally deny each allegation in Section II ("Allegations").

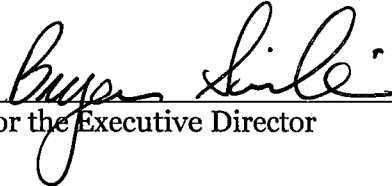
#### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondents pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondents' compliance with all the terms and conditions set forth in this Agreed 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. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Pure Castings Company and Lone Star Foundries, Inc., Docket No. 2012-1778-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 Respondents are jointly and severally liable for the violations documented in this Agreed Order, and are jointly and severally liable for timely and satisfactory compliance with all terms and conditions of this Agreed Order.
3. The provisions of this Agreed Order shall apply to and be binding upon the Respondents. The Respondents are ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. This Agreed Order, issued by the Commission, shall not be admissible against the Respondents in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed 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.
5. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed 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 Agreed 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.
6. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondents, or three days after the date on which the Commission mails notice of the Order to the Respondents, whichever is earlier.

## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

  
For the Executive Director

3/5/2013  
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, 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 Attorney General's Office 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 Attorney General's Office 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.

M. Andrew Edgerton  
Signature

October 23, 2012  
Date

M. ANDREW Edgerton  
Name (Printed or typed)  
Authorized Representative of  
Pure Castings Company

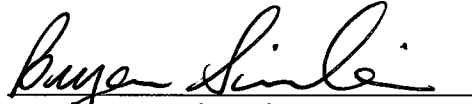
President  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

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Date

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- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office 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.

M. Andrew Edgerton  
Signature

October 23, 2012  
Date

M. Andrew Edgerton  
Name (Printed or typed)  
Authorized Representative of  
Lone Star Foundries, Inc.

President  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

Bryan W. Shaw, Ph.D., *Chairman*  
Carlos Rubinstein, *Commissioner*  
Toby Baker, *Commissioner*  
Zak Covar, *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

March 18, 2013

### CERTIFIED MAIL RETURN RECEIPT REQUESTED

Mr. Andrew Edgerton, President  
Pure Castings Company and Lone Star Foundries, Inc  
P.O. Box 6497  
Austin, Texas 78762

Re: TCEQ Enforcement Action  
Pure Castings Company and Lone Star Foundries, Inc  
Docket No. 2012-1778-AIR-E

Dear Mr. Edgerton:

Enclosed for your records is a fully-executed copy of the Agreed Order for the above-referenced matter.

Should you have any questions, please contact Amancio Gutierrez, the Enforcement Coordinator assigned to this matter, at (512)239-3921.

Sincerely,

A handwritten signature in cursive script that reads "Debra Barber".

Debra Barber  
Enforcement Division

Enclosure

cc: Amancio Gutierrez, Enforcement Division  
Air Section Manager, Region 11

7004 1350 0002 7545 3833

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| Certified Fee                                             |    |                  |
| Return Receipt Fee<br>(Endorsement Required)              |    |                  |
| Ref<br>(End) Andrew Edgerton                              |    |                  |
| To Pure Castings Company, and Lone Star<br>Foundries, Inc |    |                  |
| Semi P.O. Box 6497                                        |    |                  |
| Street or P.O. Austin, Texas 78762                        |    |                  |
| City, State, ZIP+4                                        |    |                  |
| PS Form 3800, June 2002 See Reverse for Instructions      |    |                  |