



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

January 25, 2013

Mr. Chris B. Pepper, Attorney
Lloyd Gosselink Attorneys at Law
816 Congress Ave., Suite 1900
Austin, TX 78701

Re: Notice of Determination – EPA Docket Number CAA 06-2012-3309
Heather McD, Ltd., d.b.a. Chem-Pruf Door Co. Ltd.
5224 FM 802 Brownsville, TX 78526
Self-Disclosure on July 15, 2011

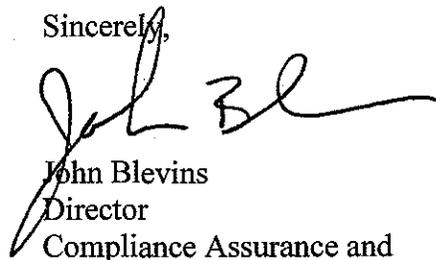
Dear Mr. Pepper:

Enclosed is a Notice of Determination by the Environmental Protection Agency, Region 6 (EPA) on the applicability of EPA's final policy statement on "Incentives for Self-Policing: Discovery, Disclosure, Correction and Prevention of Violations" (65 Fed. Reg. 19618, April 11, 2000) ("Self-Disclosure Policy") to the voluntary disclosures made to EPA regarding the aforementioned facility.

Based upon the information you submitted, EPA has determined that this disclosure meets all nine conditions of EPA's Self-Disclosure Policy. Accordingly, EPA will not seek gravity-based penalties for the disclosed violations, as cited in the Notice of Determination. EPA has also determined that the economic benefit gained as a result of noncompliance is insignificant; therefore, in its discretion, EPA has waived the collection thereof.

Please note that this matter has been designated with the Docket Number referenced above to document resolution of the disclosed violations in EPA's Enforcement and Compliance Assurance Program. Please feel free to contact Clint Rachal regarding any technical questions at (214) 665-6474 or rachal.clint@epa.gov. Should you have any legal questions, please feel free to contact Justin Lannen at (214) 665-8130 or lannen.justin@epa.gov.

Sincerely,



John Blevins
Director
Compliance Assurance and
Enforcement Division

cc: Michael De La Cruz
Texas Commission on Environmental Quality



UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6
DALLAS, TEXAS

IN THE MATTER OF:

HEATHER MCD, LTD.,
D.B.A. CHEM-PRUF DOOR CO. LTD.
BROWNSVILLE, TEXAS

DOCKET NO. CAA 06-2012-3309

NOTICE OF DETERMINATION

Pursuant to the "Final Policy Statement on Incentives for Self-Policing: Discovery, Disclosure, Correction, and Prevention of Violations" (65 Fed. Reg. 19618, April 11, 2000), i.e., the "Self-Disclosure Policy," or "Audit Policy," [hereinafter "Policy"], the United States Environmental Protection Agency, Region 6 (EPA) hereby issues this Notice of Determination.

SELF-DISCLOSURE POLICY

EPA promulgated the Self-Disclosure Policy to encourage regulated entities to voluntarily discover, disclose, correct, and prevent violations of federal environmental requirements. As an incentive for companies to participate in the Self-Disclosure Policy, EPA may substantially reduce or eliminate the gravity-based component of civil penalties where the conditions specified in the Self-Disclosure policy are met. EPA retains full discretion, however, to recover any economic benefit gained as a result of noncompliance. Where the disclosing party establishes that it satisfies all of the conditions listed below, as set forth in the Self-Disclosure Policy, EPA will not seek gravity-based penalties for the violations of federal environmental requirements: (1) Discovery of the violation(s) through an environmental audit; (2) Voluntary discovery; (3) Prompt disclosure; (4) Discovery and disclosure independent of government or third party plaintiff; (5) Correction and remediation; (6) Prevent recurrence; (7) No repeat violations; (8) Other violations excluded; and (9) Cooperation.

FINDINGS OF FACT

1. The violations that are the subject of this NOD were voluntarily disclosed to EPA by Heather McD, Ltd. d.b.a. Chem-Pruf Door Co. Ltd. (the "Disclosing Party") on July 15, 2011.
2. There were five violations disclosed by the facility.

3. The Disclosing Party disclosed to EPA the following violations that occurred at the Disclosing Party's facility in Brownsville, Texas:

- (a) Failure to have a permitted emissions source identified in the MAERT table of NSR Permit 19777A; therefore, a violation of NSR Permit 19777A and the Texas SIP, 30 Tex. Admin. Code §116.115(b)(2)(F).
- (b) Failure to properly label all emission sources as required by Special Condition (S.C.) 2 of NSR Permit 19777A; therefore, a violation of NSR Permit 19777A and the Texas SIP, 30 Tex. Admin. Code §116.115(c).
- (c) Failure to document the use of alternative chemicals as required by S.C. 9D and 10D of NSR Permit 19777A; therefore, a violation of NSR Permit 19777A and the Texas SIP, 30 Tex. Admin. Code §116.115(c).
- (d) Failure to comply with the MACT requirements in 40 C.F.R. Subpart WWW. Specifically, 40 C.F.R. § 63.5905 and 40 C.F.R. § 63.9(b)(2) for violations of the initial notification and the notification of compliance status, as well as 40 C.F.R. §63.5910 (a), (b), (g), and (h) for semi-annual compliance reporting.
- (e) Failure to clean up spills in a timely manner as required by S.C. 13 of NSR Permit 19777A; therefore, a violation of NSR Permit 19777A and the Texas SIP, 30 Tex. Admin. Code §116.115(c).

4. The Disclosing Party has corrected all violations.

RESERVATION OF RIGHTS

5. If, and to the extent that any information or statement provided by the Disclosing Party upon which this Notice of Determination is based, was false or inaccurate at the time such information or statement was provided to EPA, EPA reserves the right to revoke this Notice of Determination and, thereby render such Notice of Determination null and void. Such revocation shall be in writing and shall become effective upon receipt by the Disclosing Party.

6. If, and to the extent that any information or statement provided by the Disclosing Party upon which any civil penalty mitigation granted herein was based, was false or inaccurate at the time such information or statement was provided to EPA, EPA reserves the right to assess and collect any and all civil penalties for any violation described herein. Such revocation shall be in writing and shall become effective upon receipt by the Disclosing Party.

7. Nothing herein shall be construed to limit the authority of EPA and/or the United States to undertake action against any person, including the Disclosing Party, in response to any condition which EPA and/or the United States determines may present an imminent and substantial endangerment to the public health, welfare, or the environment. Furthermore,

issuance of this Notice of Determination does not constitute a waiver by EPA and/or the United States of its right to bring an enforcement action, either civil or criminal, against the Disclosing Party for any other violation of any federal or state statute, regulation, or permit.

8. In issuing this Notice of Determination, EPA seeks to promote self-auditing and expects the Disclosing Party to be in full compliance with all environmental requirements and to continue the internal procedures necessary to prevent recurrences of violations of environmental requirements.

FINAL DETERMINATION

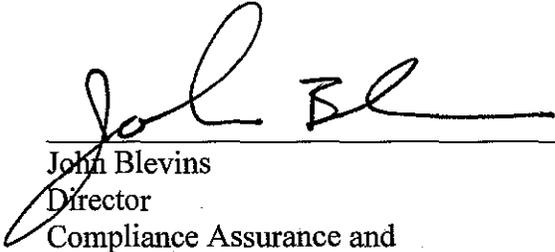
EPA has reviewed the violations specified in the Findings of Fact and the documentation provided in the Disclosure. EPA finds that the Disclosing Party has satisfied all nine conditions of the Self-Disclosure Policy and qualifies for 100% mitigation of the gravity portion of the penalty regarding said violations. Therefore, in accordance with the Audit Policy, EPA will not assess a gravity-based penalty for the violations.

Based on information known to EPA, the Disclosing Party did not gain any significant economic benefit as a result of the disclosed violations. Therefore, EPA will not seek the economic benefit component for the disclosed violations.

This Final Determination is based upon information known to EPA, as of the date of this Notice of Determination.

In making this Final Determination, EPA believes that the Disclosing Party is capable of achieving a higher standard of self-policing and greater compliance with laws and regulations that protect human health and the environment. Consistent with the purposes of the Self-Disclosure Policy, EPA expects the Disclosing Party to institute, on a continuing and company-wide basis, the internal policies and procedures necessary to prevent recurrence of violations of environmental requirements.

Dated: 1.25.13

By: 

John Blevins
Director
Compliance Assurance and
Enforcement Division