

NOTICE OF DOCUMENT QUALITY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

**THE QUALITY OF THE FOLLOWING ORIGINAL PAPER
DOCUMENT(S) WAS SUCH THAT ALL OR PORTIONS OF THE
SCANNED IMAGE
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Some reasons for poor quality:

There are multiple densities per page, different types of ink, faded document, and some documents are different colors. Many of the photographs, charts, graphs, maps are of poor quality.

Texas Commission on Environmental Quality
Investigation Report
BUILDING MATERIALS CORPORATION OF AMERICA
CN602717464

GAF MATERIALS

RN100788959

Investigation # 885551

Incident #

Investigator: PATRICK KAINER

Site Classification

Conducted: 12/21/2010 -- 12/21/2010

SIC Code: 2952

Program(s): AIR NEW SOURCE
PERMITS

Investigation Type : Compliance Invest File Review

Location : 2600 Singleton Blvd

Additional ID(s) : 7711A
DB0378SAddress: 2600 SINGLETON BLVD
DALLAS, TX 75212

Activity Type :

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TCEQ
CENTRAL FILE ROOM

Principal(s) :

Role

Name

RESPONDENT

BUILDING MATERIALS CORPORATION OF AMERICA

Contact(s) :

Role

Title

Name

Phone

Regulated Entity Mail Contact

ENGINEERING MANAGER MR DOUG HARRIS

Work (214) 637-1060

Other Staff Member(s) :

Role

Name

Supervisor

ERIC REESE

Associated Check ListChecklist NameUnit NameENF - AIR ENFORCEMENT INVESTIGATION ACTIVIT 2008-0805-AIR-E
CHECKLIST

COMPLIANCE WITH RESOLUTION RECORD REVIEW 2008-0805-AIR-E

Investigation Comments :

Investigation to resolve violations associated to Commission Order Docket No. 2008-0805-AIR-E. The penalty has been paid and the SEP has been completed. Documentation demonstrating compliance and notarized certification of compliance have been submitted by the respondent. The enforcement file will be closed and the respondent will be sent a Notice of Compliance.

ALLEGED VIOLATION(S) NOTED AND RESOLVED

Track No: 218795

Resolution Status Date: 12/21/2010

Violation Start Date: 5/20/2005

Violation End Date: 8/20/2010

30 TAC Chapter 116.115(b)(2)(F)

5C THC Chapter 382.085(b)

PERMIT 7711A, 7711A Special Condition 1

TCEQ Permit No. 7711A, SC 1 requires that all sources at this facility shall not exceed the values stated in the MAERT.

Alleged Violation:

Investigation: 432395

Comment Date: 04/23/2008

Failure to comply with 30 Texas Administrative Code (30 TAC) §116.115(b)(2)(f) which required the holder of Permit 7711A to comply with the permit Maximum Allowable Emissions Rate Table (MAERT). TCEQ Permit No. 7711A, SC 1 requires that all sources at this facility not exceed the values stated in the MAERT. Under 116.115(b)(2)(f) the alleged violations of the MAERT per Emission Point Number (EPN) and pollutant(s) occurs as follows:

- The emission rate limit specified for Thermal Oxidizer Stack (EPN 8) in the MAERT for SO₂ is 0.73 pounds per hour (lbs/hr). The average emission rate reported was 17.00 lbs/hr.
- The emission rate limit specified for Thermal Oxidizer Stack (EPN 8) in the MAERT for NO_x is 1.75 lbs/hr. The average emission rate reported was 1.85 lbs/hr.
- The emission rate limit specified for Thermal Oxidizer Stack (EPN 8) in the MAERT for CO is 1.28 lbs/hr. The average emission rate reported was 10.21 lbs/hr.
- The emission rate limit specified for Line Number 3 Stacks (EPN COOL3) in the MAERT for Total Particulate Matter is 6.00 lbs/hr. The average emission rate reported was 29.84 lbs/hr.
- The emission rate limit specified for Sand AP Baghouse Stack (EPN 25) in the MAERT for Total Particulate Matter is 3.86 lbs/hr. The average emission rate reported was 4.38 lbs/hr.
- The emission rate limit specified for ESP Stack (EPN 34) in the MAERT for Total Hydrocarbon Emissions is 3.20 lbs/hr. The average emission rate reported was 4.80 lbs/hr.

Investigation: 636622

Comment Date: 04/23/2008

On January 25, 2008, it was documented that GAF Materials Corporation (GAF) failed to comply with 30 Texas Administrative Code (TAC) 116.115(b)(2)(F) which required the holder of Permit No. 7711A to comply with the permit Maximum Allowable Emission Rates Table (MAERT), dated February 13, 2007. TCEQ Permit No. 7711A, Special Condition (SC) No. 1 requires that all sources at this facility not exceed the values stated in the MAERT. Under 116.115(b)(2)(F) the alleged violation of the MAERT per Emission Point Number (EPN) and pollutant(s) occurs as follows:

The emission rate limit specified for Thermal Oxidizer Stack (EPN 8) in the MAERT for SO₂ is 0.73 pounds per hour (lbs/hr). The average emission rate reported for stack testing conducted on October 30 & 31, 2006 was 38.49 lbs/hr.

The emission rate limit specified for EPN 8 in the MAERT for NO_x is 0.72 lbs/hr. The average emission rate reported for stack testing conducted on October 30 & 31, 2006 was 2.15 lbs/hr.

The emission rate limit specified for EPN 8 in the MAERT for CO is 1.26 lbs/hr. The average emission rate reported for stack testing conducted on October 30 & 31, 2006 was 22.46 lbs/hr.

The emission rate limit specified for Line 3 Cooling Section (EPN COOL3) in the MAERT for VOC is 3.38 lbs/hr. The average emission rate reported for stack testing conducted on May 16, 2005 through May 27, 2005 was 29.84 lbs/hr.

Investigation: 885551

Comment Date: 12/21/2010

Failure to comply with the permitted Maximum Allowable Emissions Rate Table ("MAERT") for the line 3 cooling section ("EPN No. COOL3") as determined during stack testing.

Recommended Corrective Action: Submit documentation showing compliance with the MAERT for EPN's 8 and COOL3 as required by Special Condition 1 which requires that all sources at this facility shall not exceed the values stated in the MAERT.

Resolution: Documentation demonstrating compliance and notarized certification of compliance were submitted by the respondent on 09/29/2010. Specifically, the respondent stated that a permit amendment was submitted to the TCEQ on 12/18/2008 and the amended NSR Permit No. 7711A was issued by the TCEQ on 08/20/2010. In addition, the Air Permits Division sent an email to the Order Compliance Team on 12/20/2010, stating that the respondent submitted the proper amendment and TCEQ has approved the amendment.

Track No: 353482

Resolution Status Date: 12/21/2010

Violation Start Date: 5/16/2005

Violation End Date: 8/20/2010

30 TAC Chapter 116.115(b)(2)(F)

PERMIT 7711A, Sp. Cond. 1

Alleged Violation:

Investigation: 723011

Comment Date: 01/07/2009

Failed to comply with the permitted MAERT for the thermal oxidizer stack ("EPN 8") as determined during stack testing.

Investigation: 885551

Comment Date: 12/21/2010

Failure to comply with the permitted MAERT for the thermal oxidizer stack ("EPN 8") as determined during stack testing.

Resolution: Documentation demonstrating compliance and notarized certification of compliance were submitted by the respondent on 09/29/2010. Specifically, the respondent stated that a permit amendment was submitted to the TCEQ on 12/18/2008 and the amended NSR Permit No. 7711A was issued by the TCEQ on 08/20/2010. In addition, the Air Permits Division sent an email to the Order Compliance Team on 12/20/2010, stating that the respondent submitted the proper amendment and TCEQ has approved the amendment.

Signed



Environmental Investigator

Date

12/21/10

Signed



Supervisor

Date

12/21/10

Attachments: (in order of final report submittal)

☐ Enforcement Action Request (EAR)

☒ Letter to Facility (specify type) : NOC

☐ Investigation Report

☐ Sample Analysis Results

☐ Manifests

☐ NOR

☐ Maps, Plans, Sketches

☐ Photographs

☐ Correspondence from the facility

☐ Other (specify) :

AIR/DB-0379-S/60

Bryan W. Shaw, Ph.D., *Chairman*
Buddy Garcia, *Commissioner*
Carlos Rubinstein, *Commissioner*
Mark R. Vickery, P.G., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

DECEMBER 21, 2010

Mr. David Fuelleman, Plant Manager
Building Materials Corporation of America
2600 Singleton Boulevard
Dallas, Texas 75212-3738

Re: Notice of Compliance with Agreed Order
Building Materials Corporation of America; RN100788959
Docket No. 2008-0805-AIR-E; Enforcement Case No. 35904

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TCEQ
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Dear Mr. Fuelleman:

This letter is to inform you that a review of Texas Commission on Environmental Quality (TCEQ) records concerning the above-referenced enforcement matter indicates that Building Materials Corporation of America has fulfilled the requirements of the Agreed Order effective on February 8, 2009. Specifically, Building Materials Corporation of America has fulfilled the technical and Supplemental Environmental Project requirements of the Agreed Order and has paid the administrative penalty. Based upon this, we conclude that your response has been satisfactory and no further action is necessary at this time with respect to this enforcement matter. The Order will terminate on February 8, 2014, provided Building Materials Corporation of America maintains compliance with all terms and conditions of the Order.

We appreciate your cooperation, and if we can be of any further assistance, please contact Mr. Patrick Kainer at (512) 239-1947.

Sincerely,

A handwritten signature in cursive script, appearing to read "Eric Reese".

Eric Reese, Work Leader
Enforcement Division

cc: Ms. Alyssa Taylor, Manager, Air Section, Dallas/Fort Worth Regional Office, TCEQ
Mr. Doug Harris, Plant Engineer, Building Materials Corporation of America, 2600 Singleton Boulevard, Dallas, Texas 75212-3738

Mr. David Fuelleman
Page 2

bcc: Mr. Patrick Kainer, Coordinator, Enforcement Division, MC 149 A
Central Records, MC 213, Building E, 1st Floor, AIR Account No. DBo378S
Enforcement Division Reader File

AIR/DB0378/CO

Putnick



GAF ELK MATERIALS CORPORATION

2600 Singleton Boulevard, Dallas, TX 75212

Tel: 214-637-1060

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

September 29, 2010

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

Re: Agreed Order Certification
Building Materials Corporation of America, GAF- Dallas Plant; RN100788959
Docket No. 2008-0805-AIR-E; Enforcement Case No. 35904
Agreed Order Effective Date: February 8, 2009

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To Whom It May Concern:

Building Materials Corporation of America (a.k.a. GAF Materials) submits this certification as required by Agreed Order Docket Number 2008-0805-AIR-E (Attachment 1) which resolved certain deviations. Per Agreed Order Section IV. Ordering Provisions 3.d, GAF is required to obtain authorization to construct and operate a source of air emissions within 240 days after the effective date of the Agreed Order for the following:

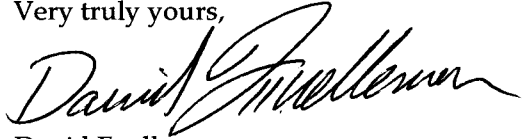
- Increase in particulate matter (PM) allowable emission limits from Emission Point Number (EPN) COOL3 (Line 3 Cooling Section); and
- Increase in sulfur dioxide (SO₂), nitrogen dioxide (NO_x), and carbon monoxide (CO) allowable emission limits from EPN 8 (Boiler and Thermal Oxidizer Vent).

Also pursuant to Ordering Provision 3.d. and the most recent extension granted by the Executive Director (Attachment 2), GAF must submit a certification by October 29, 2010.

GAF submitted a New Source Review (NSR) Permit Amendment Application to the TCEQ on December 18, 2008, requesting increase in allowable emission limits as noted above. TCEQ issued the amended NSR Permit No. 7711A on August 20, 2010. This amended NSR Permit incorporated requested increase in allowable emission rates for EPN COOL3 and EPN 8. Therefore, with this certification GAF satisfies its obligations under the Agreed Order. A copy of the amended NSR Permit and a certification page, notarized by a State of Texas Notary Public, are included in Attachments 3 and 4, respectively.

Please do not hesitate to contact me if you have any questions or require further information regarding this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "David Fuelleman". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

David Fuelleman
Plant Manager

cc: Ms. Alyssa Taylor, Manager, Air Section, Dallas/Fort Worth Regional Office, TCEQ
Mr. Rod Johnson, Attorney, Brown McCarroll L.L.P., 111 Congress Avenue, Suite 1400,
Austin, TX 78701-4043

ATTACHMENT 1 – SIGNED AGREED ORDER

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
BUILDING MATERIALS
CORPORATION OF AMERICA
RN100788959**

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**BEFORE THE

TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2008-0805-AIR-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Building Materials Corporation of America ("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 appear before the Commission and together stipulate that:

1. The Respondent owns and operates an asphalt felts and coatings manufacturing plant at 2600 Singleton Boulevard in Dallas, Dallas 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 Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about May 7, 2008.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Fifty Thousand Nine Hundred Twenty-Five Dollars (\$50,925) is assessed by the Commission in settlement of the violations alleged in Section II

("Allegations"). The Respondent has paid Twenty Thousand Three Hundred Seventy Dollars (\$20,370) of the administrative penalty and Ten Thousand One Hundred Eighty-Five Dollars (\$10,185) is deferred contingent upon the Respondent's 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 Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty. Twenty Thousand Three Hundred Seventy Dollars (\$20,370) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

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 of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the Respondent conducted a stack test on the line no. 1 cooling section exhaust [a total of three stacks – emission point number ("EPN") No. COOL1] on April 24, 2008.
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 Respondent has 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 owner and operator of the Plant, the Respondent is alleged to have:

1. Failed to comply with the permitted Maximum Allowable Emissions Rate Table ("MAERT") for the line 3 cooling section ("EPN No. COOL3") as determined during stack testing, in violation of 30 TEX. ADMIN. CODE § 116.115(b)(2)(F), Air Permit No. 7711A, Special Condition No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on January 25, 2008. Specifically, at EPN No. COOL3, the permitted allowable hourly particulate matter ("PM") emission rate is 6.00 pounds per hour ("lbs/hr"), and during the stack test conducted on May 16 through May 27, 2005, the actual hourly PM emission rate was 29.84 lbs./hr.
2. Failed to comply with the permitted MAERT for the thermal oxidizer stack ("EPN No. 8") as determined during stack testing, in violation of 30 TEX. ADMIN. CODE § 116.115(b)(2)(F), Air Permit No. 7711A, Special Condition No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b), as

documented during a record review conducted on January 25, 2008. Specifically, at EPN No. 8, the permitted allowable hourly sulfur dioxide ("SO₂") emission rate is 0.73 lbs/hr, and during the stack test conducted on October 30 and 31, 2006, the actual hourly rate for SO₂ was 38.49 lbs/hr, the permitted allowable hourly oxides of nitrogen ("NO_x") emission rate is 0.72 lbs/hr. and the actual hourly rate for NO_x was 2.15 lbs/hr, and the permitted allowable carbon monoxide ("CO") emission rate is 1.26 lbs/hr and the actual hourly rate for CO was 22.46 lbs/hr.

3. Failed to conduct stack testing on EPN No. COOL1, in violation of 30 TEX. ADMIN. CODE § 116.115(b)(2)(F), Air Permit No. 7711A, Special Condition No. 9, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on January 25, 2008. Specifically, Special Condition No. 9 requires that it be sampled 180 days after the issuance of the permit dated October 21, 2004, which was no later than April 19, 2005.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's 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: Building Materials Corporation of America, Docket No. 2008-0805-Air-E" to:

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

2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6, Twenty Thousand Three Hundred Seventy Dollars (\$20,370) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 60 days after the effective date of this Agreed Order, complete stack testing for EPN Nos. COOL3 for PM, and 8 for SO₂, NO_x, and CO; or
 - b. Within 60 days after the effective date of this Agreed Order, submit an administratively complete permit amendment application to increase allowable emission limits for PM

from EPN No. COOL3, and SO₂, NO_x, and CO from EPN No. 8, and comply with any subsequently issued requirements and timelines for stack testing for PM from EPN No. COOL3 and for SO₂, NO_x, and CO from EPN No. 8;

- c. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit application within 30 days after the date of such requests, or by any other deadline specified in writing; and
- d. Within 240 days after the effective date of this Agreed Order, submit written certification of the results of the stack testing for EPN Nos. COOL3 for PM and 8 for SO₂, NO_x, and CO, or that either authorization to construct and operate a source of air emissions has been obtained or that construction/operation has ceased until such time that appropriate authorization is obtained. The certification shall include detailed supporting documentation including receipts and/or other records to demonstrate compliance, be notarized by a State of Texas Notary Public, and 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 fine and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

Air Section, Manager
Dallas/Fort Worth Regional Office
Texas Commission on Environmental Quality
2309 Gravel Drive
Fort Worth, Texas 76118-6951

- 4. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is 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.
- 5. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days

after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed 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.
7. This Agreed 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 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.
8. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
9. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

For the Executive Director

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.

 19-Sept-08

Signature

9-19-08

Date

DAVID FUELLEMAN
Name (Printed or typed)
Authorized Representative of
BUILDING Materials Corporation of America

PLANT MANAGER
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.

ATTACHMENT 2 – EXTENSION LETTER

Bryan W. Shaw, Ph.D., *Chairman*
Buddy Garcia, *Commissioner*
Carlos Rubinstein, *Commissioner*
Mark R. Vickery, P.G., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

JUNE 16, 2010

Mr. David Fuelleman, Plant Manager
Building Materials Corporation of America
2600 Singleton Boulevard
Dallas, Texas 75212-3738

Re: Third Amended Schedule for Compliance with Ordering Provisions
Building Materials Corporation of America; RN100788959
Docket No. 2008-0805-AIR-E; Enforcement Case No. 35904
Agreed Order Effective Date: February 8, 2009

Dear Mr. Fuelleman:

We are in receipt of a letter dated May 12, 2010, from Mr. Rod Johnson, Attorney, Brown McCarroll L.L.P., which requested an amended schedule for completion of Ordering Provision No. 3.d of the above-referenced Agreed Order. The letter also provided specific reasons for anticipated delays with previous schedules submitted to the TCEQ.

Based upon the reviewed information, we approve an amended schedule as requested. The new deadline for compliance with Ordering Provision No. 3.d is October 29, 2010.

Thank you for your continuing efforts to achieve compliance. If you have any questions, please contact Ms. Allison Fischer of the Enforcement Division staff at 512-239-2574.

Sincerely,

A handwritten signature in blue ink that reads "Bryan Sinclair".

Bryan Sinclair, Director
Enforcement Division

cc: Ms. Alyssa Taylor, Manager, Air Section, Dallas/Fort Worth Regional Office, TCEQ
Mr. Rod Johnson, Attorney, Brown McCarroll L.L.P., 111 Congress Avenue, Suite 1400, Austin, Texas 78701-4043

ATTACHMENT 3 – AMENDED NSR PERMIT NO. 7711A

Bryan W. Shaw, Ph.D., *Chairman*
Buddy Garcia, *Commissioner*
Carlos Rubinstein, *Commissioner*
Mark R. Vickery, P.G., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

August 20, 2010

MR DAVID FUELLERMAN
PLANT MANAGER
BUILDING MATERIALS CORPORATION OF AMERICA
2600 SINGLETON BLVD
DALLAS TX 75212-3738

Re: Permit Amendment Application
Permit Number: 7711A
Asphalt Roofing Production Facility
Dallas, Dallas County
Regulated Entity Number: RN100788959
Customer Reference Number: CN602717464
Account Number: DB-0378-S

Dear Mr. Fuellerman:

This is in response to your letter received December 19, 2008 and your Form PI-1 (General Application for Air Preconstruction Permits and Amendments) concerning the proposed amendment to Permit Number 7711A. We understand that you propose to update emissions, authorized under your permit, as a result of recent stack testing on various emissions units located at the site. We further understand that you wish to correct permit representations for units that no longer exist, and you also wish to consolidate by incorporation into this permit Standard Permit Registration Number 81652, which will be voided upon approval of this permit amendment.

As indicated in Title 30 Texas Administrative Code § 116.116(b) and § 116.160 [30 TAC § 116.116(b) and § 116.160], and based on our review, Permit Number 7711A is hereby amended. This information will be incorporated into the existing permit file. Enclosed are revised special conditions pages and a maximum allowable emission rates table to replace those currently attached to your permit. We appreciate your careful review of the special conditions of the permit and assuring that all requirements are consistently met.

No planned maintenance, startup, and shutdown emissions have been reviewed or represented in this application, and none are authorized by this permit.

As of July 1, 2008, all analytical data generated by a mobile or stationary laboratory in support of compliance with air permits must be obtained from a NELAC (National Environmental Laboratory Accreditation Conference) accredited laboratory under the Texas Laboratory

Mr. David Fuellerman

Page 2

August 20, 2010

Re: Permit Number 7711A

Accreditation Program or meet one of several exemptions. Specific information concerning which laboratories must be accredited and which are exempt may be found in 30 TAC § 25.4 and § 25.6.

For additional information regarding the laboratory accreditation program and a list of accredited laboratories and their fields of accreditation, please see the following Web site:

http://www.tceq.state.tx.us/compliance/compliance_support/qa/env_lab_accreditation.html

For questions regarding the accreditation program, you may contact the Texas Laboratory Accreditation Program at (512) 239-3754 or by e-mail at labprgms@tceq.state.tx.us.

You may file a **motion to overturn** with the Chief Clerk. A motion to overturn is a request for the commission to review the executive director's decision. Any motion must explain why the commission should review the executive director's decision. According to 30 TAC § 50.139, an action by the executive director is not affected by a motion to overturn filed under this section unless expressly ordered by the commission.

A motion to overturn must be received by the Chief Clerk within 23 days after the date of this letter. An original and 11 copies of a motion must be filed with the Chief Clerk in person, or by mail to the Chief Clerk's address on the attached mailing list. On the same day the motion is transmitted to the Chief Clerk, please provide copies to the applicant, the executive director's attorney, and the Public Interest Counsel at the addresses listed on the attached mailing list. If a motion to overturn is not acted on by the commission within 45 days after the date of this letter, then the motion shall be deemed overruled.

You may also request **judicial review** of the executive director's approval. According to Texas Health and Safety Code § 382.032, a person affected by the executive director's approval must file a petition appealing the executive director's approval in Travis County district court within 30 days after the effective date of the approval. Even if you request judicial review, you still must exhaust your administrative remedies, which includes filing a motion to overturn in accordance with the previous paragraphs.

Your cooperation in this matter is appreciated. If you need further information or have any questions, please contact Mr. Javier Galván, P.E., at (512) 239-1319 or write to the Texas Commission on Environmental Quality, Office of Permitting and Registration, Air Permits Division, MC-163, P.O. Box 13087, Austin, Texas 78711-3087.

Mr. David Fuellerman

Page 3

August 20, 2010

Re: Permit Number 7711A

This action is taken under authority delegated by the Executive Director of the Texas Commission on Environmental Quality.

Sincerely,



Steve Hagle, P.E., Director
Air Permits Division
Office of Permitting and Registration
Texas Commission on Environmental Quality

SH/JG/aw

Enclosures

cc: Latha Kambham, Ph.D., Consultant, Trinity Consultants, Dallas
Ms. Christine M. Otto Chambers, Consultant, Trinity Consultants, Dallas
Section Manager, Air Pollution Control Program, City of Dallas Environmental and Health
Services, Dallas
Air Section Manager, Region 4 - Fort Worth

Project Number: 143272

SPECIAL CONDITIONS

Permit Number 7711A

EMISSION LIMITATIONS

1. This permit covers only those sources of emissions listed in the attached table entitled "Emission Sources - Maximum Allowable Emission Rates," and those sources are limited to the emission limits and other conditions specified in the attached table. (8/10)

FUEL SPECIFICATIONS

2. Fuel for the facilities shall be pipeline-quality, sweet natural gas. Use of any other fuel shall require prior written approval of the Executive Director of the Texas Commission on Environmental Quality (TCEQ). (8/10)
3. Upon request by the Executive Director of the TCEQ, the TCEQ Regional Director, or any local air pollution control program having jurisdiction, the holder of this permit shall provide a sample and/or an analysis of the fuel utilized in these facilities or shall allow air pollution control program representatives to obtain a sample for analysis. (8/10)

FEDERAL APPLICABILITY

4. These facilities shall comply with all applicable requirements of the U.S. Environmental Protection Agency (EPA) regulations on Standards of Performance for New Stationary Sources in Title 40 Code of Federal Regulations (40 CFR) Part 60 promulgated for Asphalt Processing and Asphalt Roofing Manufacture in Subpart UU, for Small Industrial-Commercial-Institutional Steam Generating Units in Subpart Dc, and with the General Provisions set forth in Subpart A. (8/10)
5. These facilities shall comply with all applicable requirements of the EPA regulations on National Emission Standards for Hazardous Air Pollutants for Area Sources in 40 CFR Part 63 promulgated for Asphalt Processing and Asphalt Roofing Manufacture, Subparts A and AAAAAAA. (8/10)

OPACITY/VISIBLE EMISSION LIMITATIONS

6. In accordance with the EPA Test Method (TM) 9 or equivalent, and except for those periods described in Title 30 Texas Administrative Code (30 TAC) §§ 101.201 and 101.211, opacity of emissions from the Coalescing Filter Mist Systems (Emission Point No. [EPN] CFL/34), the Electrostatic Precipitator (EPN CFL/34) when used as a

SPECIAL CONDITIONS

Permit Number 7711A

Page 2

back-up control device for the filter mist systems, all dust collector stacks, all process heater vents, and building vents shall not exceed 5 percent averaged over a six-minute period. (8/10)

7. In accordance with the U.S. EPA TM 9 or equivalent, and except for those periods described in 30 TAC §§ 101.201 and 101.211, opacity of emissions from any asphalt storage tank exhaust gases discharged into the atmosphere shall not exceed 0 percent averaged over a six-minute period, except for one consecutive 15-minute period in any 24-hour period when the transfer lines are being blown for clearing. The control device shall not be bypassed during this 15-minute period. Opacity of emissions from any blowing still shall not exceed 0 percent averaged over a six-minute period. Opacity of emissions from any storage silo and mineral handling facility shall not exceed 1 percent averaged over a six-minute period. (8/10)
8. No visible emissions from the asphalt processing and asphalt roofing manufacturing operations and facilities, roads, or travel areas shall leave the property. Visible emissions shall be determined by a standard of no visible emissions exceeding 30 seconds in duration in any six-minute period as determined using the U.S. EPA TM 22 or equivalent. If this condition is violated, additional controls or process changes may be required to limit visible particulate matter (PM) emissions. Stack emissions may leave the plant property provided that opacity restrictions are not violated. (8/10)

OPERATIONAL LIMITATIONS, WORK PRACTICES, AND PLANT DESIGN

9. The company has represented the following to comply with all TCEQ rules and regulations:
 - A. The permitted emission limits for all emission point numbers (EPN), with the exception of the Standby Boiler (EPN BLR 5), are based on 8,760 annual hours of operation. Operation of the Standby Boiler shall be limited to 480 hours per year. (8/10)
 - B. All filler and backing material shall be received and transferred within the building with no visible emissions leaving the building. (8/10)
 - C. The emissions from Stillyard Asphalt Storage Tank Nos. T-1, T-2, T-8, T-9, T-10, T-14, T-15, T-110, and T-120; from Blowing Stills T-13 and T-26; from truck and railcar loading and unloading operations; and from the self-seal asphalt storage tank shall be vented to the direct-flame incinerator. (8/10)

SPECIAL CONDITIONS

Permit Number 7711A

Page 3

- D. Upon issuance of the amended permit, the direct-flame incinerator shall be operated at an average incineration temperature of 1450°F measured immediately downstream of the incinerator, based on a one-hour averaging period, during normal operations. Normal operations are herein defined as any time period when asphalt blowing is occurring, and emissions from the blowing are vented to the direct-flame incinerator. The direct-flame incinerator shall be operated at a minimum incineration temperature of 1300°F during Standby Operating Conditions to assure compliance with the maximum allowable emission rates table (MAERT) limits for volatile organic compounds (VOC) from EPN 8/8A. Standby operating conditions are herein defined as when no process blowers are in operation on any blowing still venting to the direct-flame incinerator. (8/10)
- E. After issuance of the amended permit, the permit holder is allowed to conduct stack sampling of the direct-flame incinerator during normal operations at an average temperature lower than 1450°F to demonstrate compliance with the MAERT limits for VOC from EPN 8/8A. Upon demonstration of compliance with the MAERT limits for VOC, the permit holder shall submit a permit action to modify the temperature requirement of the direct-flame incinerator during Normal Operations. (8/10)
- F. The maximum allowable asphalt throughput rates are 32,063 pounds per hour for Line 1 and 53,438 pounds per hour for Line 3. (8/10)
- G. The maximum allowable production rates for both Line 1 and Line 3, combined, are 171 tons per hour and 1,498,000 tons per year of finished shingles. (8/10)
- 10. An opacity violation or an odor nuisance condition, as confirmed by the TCEQ or any local air pollution control program with jurisdiction, may be cause for additional controls. If the nuisance condition persists, subsequent stack sampling may also be required.
- 11. All in-plant roads and areas subject to road vehicle traffic shall be paved with a cohesive hard surface and cleaned, as necessary, to maintain compliance with the TCEQ rules and regulations. Unpaved work areas shall be sprayed with water and/or environmentally sensitive chemicals upon detection of visible PM emissions to maintain compliance with all TCEQ rules and regulations.
- 12. All stacks associated with the Line 1 Cooling Section (EPN COOL1) shall be no less than 64 feet measured from ground level. All stacks associated with the Line 3 Cooling Section (EPN COOL3) shall be no less than 73 feet measured from ground level. (8/10)

SPECIAL CONDITIONS

Permit Number 7711A

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13. There shall be no changes in representations unless the permit is altered or amended. (8/10)

CONTINUOUS DETERMINATION OF COMPLIANCE

14. Upon being informed by the TCEQ Executive Director that the staff has documented visible emissions that exceed the specified opacity limits, the holder of this permit may be required to conduct stack sampling analyses or other tests to prove satisfactory abatement or process equipment performance and demonstrate compliance with the PM and VOC allowable emissions specified in the MAERT. Sampling must be conducted in accordance with appropriate procedures of the TCEQ Sampling Procedures Manual and in accordance with applicable EPA CFR procedures. Any deviations from those procedures must be approved by the TCEQ Executive Director prior to sampling. (8/10)
15. The TCEQ Executive Director may require the permit holder to perform stack sampling or ambient air monitoring to determine the opacity, rate, composition, and/or concentration of the plant's emissions. The holder of this permit may request the TCEQ Executive Director to approve alternate sampling techniques or other means to determine the opacity, rates, composition, and/or concentration of emissions in accordance with 30 TAC § 101.8. (8/10)
16. All stack sampling shall be conducted within 60 days of being informed that testing is required, and it shall meet all requirements specified in the Sampling Requirements section of this permit's special conditions. (8/10)
17. For any asphalt storage tank and storage silo and mineral handling facility, visible emissions observations shall be made and recorded once per week. Note that to properly determine the presence of visible emissions, all sources must be in clear view of the observer. The observer shall be at least 15 feet, but not more than 0.25 mile, away from the emission source during the observation. The observer shall select a position where the sun is not directly in the observer's eyes. If the observations cannot be conducted due to weather conditions, the date, time, and specific weather conditions shall be recorded. When condensed water vapor is present within the plume, as it emerges from the emissions outlet, observations must be made beyond the point in the plume at which condensed water vapor is no longer visible. When water vapor within the plume condenses and becomes visible at a distance from the emissions outlet, the observation shall be evaluated at the outlet prior to condensation of water vapor. If visible emissions are observed, the permit holder shall report a deviation. As an alternative, the permit holder may determine the opacity consistent with Test Method 9, as soon as practicable, but no later than 24 hours after observing visible emissions. If the result of the Test Method 9 is opacity above the corresponding opacity limit, the permit holder shall report a deviation. (8/10)

SPECIAL CONDITIONS

Permit Number 7711A

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18. For any blowing still, visible emissions observations shall be made and recorded once per week. Note that to properly determine the presence of visible emissions, all sources must be in clear view of the observer. The observer shall be at least 15 feet, but not more than 0.25 mile, away from the emission source during the observation. The observer shall select a position where the sun is not directly in the observer's eyes. If the observations cannot be conducted due to weather conditions, the date, time, and specific weather conditions shall be recorded. When condensed water vapor is present within the plume, as it emerges from the emissions outlet, observations must be made beyond the point in the plume at which condensed water vapor is no longer visible. When water vapor within the plume condenses and becomes visible at a distance from the emissions outlet, the observation shall be evaluated at the outlet prior to condensation of water vapor. If visible emissions are observed, the permit holder shall report a deviation. As an alternative, the permit holder may determine the opacity consistent with Test Method 9, as soon as practicable, but no later than 24 hours after observing visible emissions. If a Test Method 9 is performed, the opacity limit is the corresponding opacity limit associated with the particulate matter standard in the underlying requirement. If there is no corresponding opacity limit in the underlying applicable requirement, the maximum opacity will be established using the most recent performance test. If the result of the Test Method 9 is opacity above the corresponding opacity limit (associated with the particulate matter standard in the underlying applicable requirement or as identified as a result of a previous performance test to establish the maximum opacity limit), the permit holder shall report a deviation. (8/10)
19. The temperature in the combustion chamber or immediately downstream of the combustion chamber of the direct-flame incinerator shall be measured and recorded four times per hour with an averaging period of one hour. The permit holder shall establish a minimum combustion temperature using the most recent performance test, manufacturer's recommendations, engineering calculations, and/or historical data. The monitoring instrumentation shall be maintained, calibrated, and operated in accordance with manufacturer's specifications or other written procedures. Any monitoring data below the minimum limit shall be considered and reported as a deviation. (8/10)

SAMPLING REQUIREMENTS

20. The holder of this permit is responsible for providing sampling and testing facilities and conducting the sampling and testing operations at his expense. Sampling ports and platforms shall be installed on the exhaust stack according to the specifications set forth in the attachment entitled "Chapter 2, Stack Sampling Facilities" prior to stack sampling. Alternate sampling facility designs may be submitted for approval by the TCEQ Executive Director.

SPECIAL CONDITIONS

Permit Number 7711A

Page 6

21. The plant shall operate at the maximum shingle production and raw material throughput rates and operating parameters, represented in the confidential file, during stack emissions testing being conducted for continuing compliance demonstrations. If the plant is unable to operate at the maximum rates during compliance testing, then the production/throughput rates or other parameters may be limited to the rates established during testing. If stack testing was not accomplished at the maximum production/throughput rates, then such testing may be required prior to actual operations at the maximum rates. (8/10)
22. A pretest meeting concerning any required stack sampling and/or ambient air monitoring shall be held with personnel from the appropriate TCEQ Regional Office before the required tests are performed. Air contaminants to be tested for and the test methods to be used shall be determined at this pretest meeting.

The TCEQ Regional Office shall be notified no less than 45 days prior to sampling to schedule a pretest meeting. The notice to the TCEQ Regional Office shall include:

- A. Date for pretest meeting;
- B. Date sampling will occur;
- C. Name of firm conducting sampling;
- D. Type of sampling equipment to be used; and
- E. Method or procedure to be used in sampling.

The purpose of the pretest meeting is to review the necessary sampling and testing procedures, to provide the proper data forms for recording pertinent data, and to review the format procedures for submitting the test results.

23. Air contaminants to be tested for may include (but are not limited to) PM, CO, SO₂, NO_x, and VOC.
24. A written proposed description of any deviation from sampling procedures specified in permit conditions or TCEQ or EPA sampling procedures shall be made available to the TCEQ prior to the pretest meeting. The TCEQ Regional Office shall approve or disapprove of any deviation from specified sampling procedures.
25. The sampling report shall include the following: (8/10)
 - A. Plant production and throughput rates during tests; and
 - B. Direct-flame incinerator operating temperature during tests.

SPECIAL CONDITIONS

Permit Number 7711A

Page 7

26. Copies of the final sampling report shall be submitted within 30 days after sampling is completed. Sampling reports shall comply with the provisions of Chapter 14 of the TCEQ Sampling Procedures Manual. The reports shall be distributed as follows: (8/10)

One copy to the TCEQ Dallas/Fort Worth Regional Office; and
One copy to each appropriate local air pollution control program.

27. Requests to waive testing for any pollutant specified in the above special conditions shall be submitted to the TCEQ Office of Permitting and Registration, Air Permits Division.

RECORDKEEPING REQUIREMENTS

28. In addition to the recordkeeping requirements specified in General Condition No. 7, 40 CFR Part 60, Subparts A, Dc, and UU, and 40 CFR Part 63, Subparts A and AAAAAAA, the following records shall be kept and maintained on-site for a rolling 60-month period: (8/10)

- A. Records of the exhaust gas temperature immediately downstream of the direct-flame incinerator to demonstrate compliance with 30 TAC § 115.126(1)(A)(i). These records shall be maintained on-site for at least five years;
- B. Records of either VOC concentration or mass emission rate of each vent gas stream for the Line 1 and Line 3 Cooling Sections at maximum actual operating conditions to demonstrate compliance with 30 TAC § 115.126(4). These records shall be maintained on-site for at least five years;
- C. Hourly asphalt throughput rates for Line 1 and for Line 3;
- D. Combined Line 1 and Line 3 hourly and annual production rates of finished shingles;
- E. Hours of operation for the Standby Boiler;
- F. Records of asphalt stored and used, that have the potential to emit Hazardous Air Pollutants [HAP], shall be kept in sufficient detail in order to allow all required emission rates to be fully and accurately calculated. Using this recorded data, a report shall be produced for the emission of HAPs (in tons per year) over the previous 12 consecutive months;
- G. Records of repairs and maintenance of all pollution abatement equipment;

SPECIAL CONDITIONS

Permit Number 7711A

Page 8

- H. Records of road cleaning, application of road dust control, or road maintenance for dust control; and
- I. All monitoring data and support information as specified in 30 TAC § 122.144.

Dated: August 20, 2010

EMISSION SOURCES - MAXIMUM ALLOWABLE EMISSION RATES

Permit Number 7711A

This table lists the maximum allowable emission rates and all sources of air contaminants on the applicant's property covered by this permit. The emission rates shown are those derived from information submitted as part of the application for permit and are the maximum rates allowed for these facilities. Any proposed increase in emission rates may require an application for a modification of the facilities covered by this permit.

AIR CONTAMINANTS DATA

Emission Point No. (1)	Source Name (2)	Air Contaminant Name (3)	Emission Rates	
			lb/hr	TPY.
STILLYARD OPERATION				
HTR3	T-1 Laminating Adhesive Bulk Storage Tank Heater Vent	NO _x	0.05	0.22
		SO ₂	0.01	0.01
		PM ₁₀	0.01	0.02
		CO	0.04	0.18
		VOC	0.01	0.01
HTR4	T-2 Laminating Adhesive Bulk Storage Tank Heater Vent	NO _x	0.05	0.22
		SO ₂	0.01	0.01
		PM ₁₀	0.01	0.02
		CO	0.04	0.18
		VOC	0.01	0.01
HTR5	Asphalt Heater for T-14 and T-15 Coating Asphalt Storage Tank and Coating Asphalt Loop Feed Tank	NO _x	0.10	0.43
		SO ₂	0.01	0.01
		PM ₁₀	0.01	0.03
		CO	0.08	0.36
		VOC	0.01	0.02
BLR5	Standby Boiler Vent	NO _x	3.73	0.90
		SO ₂	0.02	<0.01
		PM ₁₀	0.28	0.07
		CO	3.13	0.75
		VOC	0.20	0.05
8/8A	Direct-flame Incinerator Exhaust Stack/Incinerator Exhaust through Waste Heat Boiler Stack	NO _x	1.90	8.31
		SO ₂	29.35	128.55
		PM ₁₀	2.62	11.46
		CO	11.34	49.65
		VOC	0.09	0.37

EMISSION SOURCES - MAXIMUM ALLOWABLE EMISSION RATES

AIR CONTAMINANTS DATA

Emission Point No. (1)	Source Name (2)	Air Contaminant Name (3)	Emission Rates	
			lb/hr	TPY
WHBLR1	Waste Heat Recovery Boiler, Natural Gas Burner Side	NO _x	0.47	2.06
		SO ₂	0.01	0.04
		PM ₁₀	0.11	0.48
		CO	1.24	5.43
		VOC	0.08	0.35
COMMON TO LINE 1 AND LINE 3				
CFL/34	Coalescing Filter Mist Elimination Systems Stack (to control emissions from the Line 1 and Line 3 Asphalt Coaters) with ESP as backup	PM ₁₀	0.63	2.76
		VOC	5.76	25.23
LINE 1 OPERATION				
1-1	Line 1 Stabilizer Storage and Heater Baghouse Stack	PM ₁₀	0.23	1.01
1-3	Line 1 Stabilizer Use Bin Baghouse Stack	PM ₁₀	0.03	0.13
1-4	Line 1 Surfacing Section Dust Collector No. 1 Stack	PM ₁₀	0.59	2.58
1-5	Line 1 Surfacing Section Dust Collector No. 2 Stack	PM ₁₀	0.59	2.58
1-6	Line 1 Surfacing Section Dust Collector No. 3 Stack	PM ₁₀	0.59	2.58
COOL1 (total 3 stks)	Line 1 Cooling Section	PM ₁₀	8.52	37.30
		VOC	1.65	7.23

EMISSION SOURCES - MAXIMUM ALLOWABLE EMISSION RATES

AIR CONTAMINANTS DATA

Emission Point No. (1)	Source Name (2)	Air Contaminant Name (3)	Emission Rates	
			lb/hr	TPY
LINE 3 OPERATION				
25	Sand Application Baghouse	PM ₁₀	1.50	6.57
26A	Stabilizer Storage Baghouse A	PM ₁₀	0.15	0.70
26B	Stabilizer Storage Baghouse B	PM ₁₀	0.29	1.26
27	Stabilizer Heater Baghouse	PM ₁₀	0.09	0.40
28	Asphalt Heater	NO _x	0.59	2.60
		SO ₂	<0.01	0.02
		PM ₁₀	0.04	0.20
		CO	0.50	2.20
		VOC	0.03	0.10
FUG1	Plant-wide Fugitive Emissions (4)	PM ₁₀	0.91	3.97
		VOC	0.43	1.88
COOL3 (total 3 stks)	Line 3 Cooling Section	PM ₁₀	6.74	29.52
		VOC	2.76	12.09
HTR6	Line 3 Stabilizer Thermal Fluid Heater Vent	NO _x	0.60	2.58
		SO ₂	0.01	0.02
		PM ₁₀	0.05	0.20
		CO	0.49	2.16
		VOC	0.03	0.14
All sources (site-wide)	Various	Single HAP	--	<10
		Aggregate HAP	--	<25

EMISSION SOURCES - MAXIMUM ALLOWABLE EMISSION RATES

- (1) Emission point identification - either specific equipment designation or emission point number from a plot plan.
- (2) Specific point source names. For fugitive sources, use an area name or fugitive source name.
- (3)
 - NO_x - total oxides of nitrogen
 - SO₂ - sulfur dioxide
 - PM₁₀ - particulate matter equal to or less than 10 microns in diameter, including PM_{2.5}
 - PM_{2.5} - particulate matter equal to or less than 2.5 microns in diameter
 - CO - carbon monoxide
 - VOC - volatile organic compounds as defined in Title 30 Texas Administrative Code § 101.1
 - HAP - hazardous air pollutant as listed in § 112(b) of the Federal Clean Air Act or Title 40 Code of Federal Regulations Part 63, Subpart C
- (4) Fugitive emissions are an estimate only.

Dated: August 20, 2010

ATTACHMENT 4 – CERTIFICATION STATEMENT

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 fine and imprisonment for knowing violations.

David Fuelleman

Signature

29-Sept-2010

Date

David Fuelleman

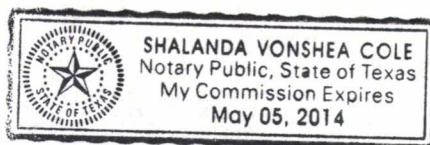
Plant Manager

Name (Printed or typed)
Authorized Representative of
Building Materials Corporation of America

Title

Shalanda V. Cole

Notary Public



My commission expires on: May 5, 2014



GAF ELK MATERIALS CORPORATION

2600 Singleton Boulevard, Dallas, TX 75212

Tel: 214-637-1060

September 27, 2010

Executive Director
Texas Commission on Environmental Quality
c/o Alyssa Taylor
Air Section Manager – Dallas/Fort Worth Regional Office
2309 Gravel Drive
Fort Worth, Texas 76118

RECEIVED

OCT 07 2010

TCEQ
CENTRAL FILE ROOM

RE: *Semi-Annual Deviation Report*
Permit No. O-2771
Building Materials Corporation of America, GAF- Dallas Plant
Customer Reference Number CN602717464
Regulated Entity Reference Number RN100788959
TCEQ Account Number – DB-0378-S

Dear Ms. Taylor:

Building Materials Corporation of America (a.k.a. GAF Materials) operates under Federal Operating Permit No. O-2771, issued on March 9, 2006. Enclosed please find the Semi-Annual Deviation Report and Certification by Responsible Official (OP-CRO1) forms, as required by the Title 30 Texas Administrative Code Chapter 122 (30 TAC Chapter 122). This certification period extends from March 9, 2010 to September 9, 2010.

On April 6, 2010, GAF submitted an Annual Compliance Certification Report. As set forth in the September 25, 2008 Voluntary Disclosure of Violations and Discrepancies letter, many of the deviations reported in April 2010 were discovered pursuant to a scheduled Environmental Audit initiated on July 31, 2008. Several of the deviations identified were resolved in an Agreed Order dated September 19, 2008 and more recently in a New Source Review (NSR) Permit Amendment Application submitted on December 18, 2008, which was issued by the TCEQ on August 20, 2010. As such, GAF would like to provide a status update for the deviations that are impacted by the approval of the NSR Amendment Application and Modeling Analysis. The following provides a status update for each deviation.

- Per the General Terms and Conditions of GAF's Title V Operating Permit,

The permit holder shall comply with 30 TAC Chapter 116 by obtaining a New Source Review authorization prior to new construction or modification of emission units located in the area covered by this permit.

- Emissions from Tanks T-1 and T-2 Laminating Adhesive Tanks are routed to the Thermal Oxidizer (EPN 8). This varies from the current NSR Permit noting the tanks route to the CECO Filter Vent (EPN CECO1).

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SEP 28 2010

DFW REGION-4

- Representation of EPN 8 (Boiler and Thermal Oxidizer Vent Controlling Tanks T-8, T-9, T-10, T-14, T-15, T-110, T-120, and Blowstills T-13 and T-26) varies from the current NSR permit. The Waste Heat Boiler and Thermal Oxidizer are listed in the permit as exhausting to one emission point (EPN 8). However, when heat recovery occurs, a damper is used to direct the thermal oxidizer exhaust directly from the thermal oxidizer through the waste heat boiler. The emissions are then exhausted from a separate waste heat boiler stack. This stack is not listed in the current NSR permit. The Waste Heat Boiler has two separate sides: the Waste Heat Recovery Side and the Natural Gas Burner Side. A separate release point was noted during the audit for the natural gas burner side. Although the permitting of this burner was addressed, this stack is not listed in the current NSR permit (emits products of natural gas combustion only). This error does not impact overall emission values since EPN 8 was originally permitted to account for emissions from both of the emission release points.
- Source parameters and building parameters vary from the representation presented on the Table 1(a) of the May 2004 Emissions Air Modeling Report.

A NSR permit amendment application was submitted to the TCEQ on December 18, 2008 requesting appropriate changes to correct the above-mentioned deviations as stipulated in the September 25, 2008 Audit Disclosure Letter and October 8, 2008 Semi-Annual Deviation Report, March 23, 2009 Annual Compliance Certification Report and Semi-Annual Deviation Report, October 2, 2009 Semi-Annual Deviation Report, and April 6, 2010 Annual Compliance Certification Report. In addition, a Title V permit revision application was submitted to the TCEQ on July 21, 2009 requesting appropriate changes to incorporate the above-mentioned changes.

An amended NSR Permit, incorporating the requested changes to correct the above-mentioned deviations was issued on August 20, 2010. In addition, Draft Title V Permit Revision Approval and Notification of Public Announcement was issued by the TCEQ on July 15, 2010. The public announcement period ended on August 19, 2010 and the U.S. Environmental Protection Agency (EPA) review period ended on September 3, 2010. Therefore, this deviation is considered corrected.

- Per Special Condition 7.A. of GAF's Title V Operating Permit, New Source Review Requirements,

Are incorporated by reference into this permit as applicable requirements

The following deviations were identified for this permit condition:

On December 29, 2006, a stack testing report indicated the pound per hour (lb/hr) carbon monoxide (CO), oxides of nitrogen (NO_x), and sulfur dioxide (SO₂) maximum allowable emission rates for the Boiler and Thermal Oxidizer Vent (EPN 8) were exceeded. These deviations were identified in the Semi-Annual Deviation Report dated April 9, 2008 and listed in the October 8, 2008 Semi-Annual Deviation Report since the item was not corrected at that time. As part the corrective action, stack testing was conducted in April 2008, which confirmed the exceedances for CO, NO_x, and SO₂. This issue was addressed

in the Agreed Order dated September 19, 2008 and GAF submitted a permit amendment application on December 18, 2008 requesting an increase in permit allowables.

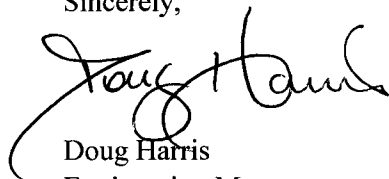
- In June 2005, a stack testing report indicated the pound per hour (lb/hr) PM maximum allowable emission rate for the Line No. 3 Cooling Section (EPN COOL3) was exceeded. This deviation was notified in the Semi-Annual Deviation Report dated April 9, 2008 and listed in the October 8, 2008 Semi-Annual Deviation Report since the item was not corrected at that time. As part the corrective action, stack testing was conducted in April 2008, which confirmed the exceedance of PM. This issue was addressed in the Agreed Order dated September 19, 2008 and GAF submitted a permit amendment application on December 18, 2008 requesting an increase in permit allowables.
- Per NSR Permit Number 7711A dated October 21, 2004, within 180 days after issuance of this permit, stack testing for Line No. 1 Cooling Section (EPN COOL1) shall occur to demonstrate compliance with the allowable emissions set forth in this permit. Permit 7711A established a particulate matter (PM) and volatile organic compound (VOC) permit limit for the Line No. 1 Cooling Section. Stack testing was conducted in April 2008, which showed an exceedance of the maximum allowable emission rate for PM₁₀ (lb/hr). This deviation was listed in the September 25, 2008 Audit Disclosure Letter and October 8, 2008 Semi-Annual Deviation Report. GAF submitted a permit amendment application on December 18, 2008 requesting an increase in permit allowables.

An amended NSR Permit incorporating the requested increase in permit allowables was issued on August 20, 2010. Therefore, these deviations are considered corrected.

The deviation report for the March 9, 2010 to September 9, 2010 semi-annual reporting period is provided in Attachment 1. The certification by Responsible Official (RO) (Form OP-CRO1) is provided in Attachment 2.

If you have any questions or comments, please call me at (214) 637-8909.

Sincerely,



Doug Harris
Engineering Manager

Attachments

cc: Mr. Tom Diggs, U.S. EPA Regional Office Air Branch Chief
Mr. David Fuelleman, GAF
Mr. Fred Bright, GAF

**Texas Commission on Environmental Quality
Federal Operating Permit Deviation Report Form
Form Dev Rep (Part 1)**

AIR CO/RN 100788959 /RP

Permit Holder Name		Building Materials Corporation of America				Customer Number CN	602717464
Area Name		Dallas Plant				Account Number (XX-XXXX-XX)	DB-0378-S
Report Period Start Date	3/9/2010	Report Period End Date	9/9/2010	Operating Permit Number	O-2771	Report Submittal Date	9/27/2010

Operating Permit Requirement for Which Deviations are Being Reported																	
Dev Item No.	Unit ID	Group ID	Term & Condition No.	Pollutant	Regulatory Requirement Citation	Type of Requirement	SOP or GOP Index Number	Monitoring Method	Monitoring Frequency	STEERS Incident No	Deviation Period				No. of Dev	Cause of Deviation	Corrective Action Taken to Remedy or Mitigate Deviation Situation
											Start		End				
											Date	Time	Date	Time			
1	T-1	N/A	General	VOC	30 TAC 116.110(a)	Report	N/A	N/A	N/A	N/A	3/9/2010		8/20/2010		1	Emissions from the tank are routed to EPN 8 (beginning 02/18/2008), not to EPN CECO1 (as represented in NSR Permit). Did not obtain permit authorization.	A NSR permit amendment application was submitted on December 18, 2008, and an amended NSR Permit was issued by the TCEQ on August 20, 2010. Therefore, this deviation is considered corrected.
2	T-1	N/A	General	PM10	30 TAC 116.110(a)	Report	N/A	N/A	N/A	N/A	3/9/2010		8/20/2010		1	Emissions from the tank are routed to EPN 8 (beginning 02/18/2008), not to EPN CECO1 (as represented in NSR Permit). Did not obtain permit authorization.	A NSR permit amendment application was submitted on December 18, 2008, and an amended NSR Permit was issued by the TCEQ on August 20, 2010. Therefore, this deviation is considered corrected.
3	T-2	N/A	General	VOC	30 TAC 116.110(a)	Report	N/A	N/A	N/A	N/A	3/9/2010		8/20/2010		1	Emissions from the tank are routed to EPN 8 (beginning 02/18/2008), not to EPN CECO1 (as represented in NSR Permit). Did not obtain permit authorization.	A NSR permit amendment application was submitted on December 18, 2008, and an amended NSR Permit was issued by the TCEQ on August 20, 2010. Therefore, this deviation is considered corrected.
4	T-2	N/A	General	PM10	30 TAC 116.110(a)	Report	N/A	N/A	N/A	N/A	3/9/2010		8/20/2010		1	Emissions from the tank are routed to EPN 8 (beginning 02/18/2008), not to EPN CECO1 (as represented in NSR Permit). Did not obtain permit authorization.	A NSR permit amendment application was submitted on December 18, 2008, and an amended NSR Permit was issued by the TCEQ on August 20, 2010. Therefore, this deviation is considered corrected.
5	8	N/A	General		31 TAC 116.116(a)	Report	N/A	N/A	N/A	N/A	3/9/2010		8/20/2010		1	Representation of EPN 8 varies from the current NSR Permit. This EPN was modified in November 2006.	A NSR permit amendment application was submitted on December 18, 2008, and an amended NSR Permit was issued by the TCEQ on August 20, 2010. Therefore, this deviation is considered corrected.
6	Facility Wide	N/A	General		31 TAC 116.116(a)	Report	N/A	N/A	N/A	N/A	3/9/2010		8/20/2010		1	Source parameters and building parameters vary from the representation presented in the May 2004 Emissions Air Modeling Report dated May 13, 2004.	Site-wide modeling was approved by the TCEQ and an amended NSR Permit was issued on August 20, 2010. Therefore, this deviation is considered corrected.
7	8	N/A	7.A.	CO	30 TAC 115(b)(2)(F)	Standard	N/A	N/A	Hourly	N/A	3/9/2010		8/20/2010		1	Per stack test conducted on December 29, 2006, this unit showed exceedance of the MAERT CO lb/hr emission limit.	A NSR permit amendment application was submitted on December 18, 2008, and an amended NSR Permit incorporating the requested increase in permit allowables was issued by the TCEQ on August 20, 2010. Therefore, this deviation is considered corrected.
8	8	N/A	7.A.	NOX	30 TAC 115(b)(2)(F)	Standard	N/A	N/A	Hourly	N/A	3/9/2010		8/20/2010		1	Per stack test conducted on December 29, 2006, this unit showed exceedance of the MAERT NO _x lb/hr emission limit.	A NSR permit amendment application was submitted on December 18, 2008, and an amended NSR Permit incorporating the requested increase in permit allowables was issued by the TCEQ on August 20, 2010. Therefore, this deviation is considered corrected.

Texas Commission on Environmental Quality
Federal Operating Permit Deviation Report Form
Form Dev Rep (Part 1)

AIR CO/RN 100788959 /RP

Permit Holder Name		Building Materials Corporation of America				Customer Number CN	602717464
Area Name		Dallas Plant				Account Number (XX-XXXX-XX)	DB-0378-S
Report Period Start Date	3/9/2010	Report Period End Date	9/9/2010	Operating Permit Number	O-2771	Report Submittal Date	9/27/2010

Operating Permit Requirement for Which Deviations are Being Reported																	
Dev Item No.	Unit ID	Group ID	Term & Condition No.	Pollutant	Regulatory Requirement Citation	Type of Requirement	SOP or GOP Index Number	Monitoring Method	Monitoring Frequency	STEERS Incident No	Deviation Period				No. of Dev	Cause of Deviation	Corrective Action Taken to Remedy or Mitigate Deviation Situation
											Start		End				
											Date	Time	Date	Time			
9	8	N/A	7.A.	SO2	30 TAC 115(b)(2)(F)	Standard	N/A	N/A	Hourly	N/A	3/9/2010		8/20/2010		1	Per stack test conducted on December 29, 2006, this unit showed exceedance of the MAERT SO ₂ lb/hr emission limit.	A NSR permit amendment application was submitted on December 18, 2008, and an amended NSR Permit incorporating the requested increase in permit allowables was issued by the TCEQ on August 20, 2010. Therefore, this deviation is considered corrected.
10	COOL3	N/A	7.A.	PM10	30 TAC 115(b)(2)(F)	Standard	N/A	N/A	Hourly	N/A	3/9/2010		8/20/2010		1	Per stack test conducted on July 26, 2005, this unit showed exceedance of the MAERT PM ₁₀ lb/hr emission limit.	A NSR permit amendment application was submitted on December 18, 2008, and an amended NSR Permit incorporating the requested increase in permit allowables was issued by the TCEQ on August 20, 2010. Therefore, this deviation is considered corrected.
11	COOL1	N/A	7.A.	PM10	30 TAC 115(b)(2)(F)	Standard	N/A	N/A	Hourly	N/A	3/9/2010		8/20/2010		1	Stack testing report showed exceedance of the MAERT PM ₁₀ lb/hr emission limit.	A NSR permit amendment application was submitted on December 18, 2008, and an amended NSR Permit incorporating the requested increase in permit allowables was issued by the TCEQ on August 20, 2010. Therefore, this deviation is considered corrected.

Total Deviations:	11
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Is there a Part 3 Miscellaneous Monitoring/Credible Evidence from supporting this deviation report? No



Form OP-CRO1
Certification by Responsible Official
Federal Operating Permit Program

All initial permit application, revision, renewal, and reopening submittals requiring certification must be addressed using this form. Updates to site operating permit (SOP) and temporary operating permit (TOP) applications, other than public notice verification materials, must be certified prior to authorization of public notice or start of public announcement. Updates to general operating permit (GOP) applications must be certified prior to receiving an authorization to operate under a GOP.

I. IDENTIFYING INFORMATION			
A. RN:	100788959	B. CN:	602717464
C. Account No.:		DB-0378-S	
D. Permit No.:	O-2771	E. Project No.:	
F. Area Name: Dallas Plant			
G. Company Name: Building Materials Corporation of America			
II. CERTIFICATION TYPE <i>(Please mark the appropriate box)</i>			
A. <input checked="" type="checkbox"/> Responsible Official:		B. <input type="checkbox"/> Duly Authorized Representative:	
III. SUBMITTAL TYPE <i>(Place an "X" in the appropriate box) (Only one response can be accepted per form)</i>			
<input type="checkbox"/> SOP/TOP Initial Permit Application		<input type="checkbox"/> Update to Permit Application	
<input type="checkbox"/> GOP Initial Permit Application		<input type="checkbox"/> Permit Revision, Renewal, or Reopening	
<input checked="" type="checkbox"/> Other:		Semi-Annual Title V Operating Permit Deviation Report Form	
IV. CERTIFICATION OF TRUTH			
This certification does not extend to information which is designated by the TCEQ as information for reference only.			
I, <u>David Fuelleman</u> , certify that I am the <u>RO</u> for this application <i>(Certifier Name printed or typed) (RO or DAR)</i>			
and that, based on information and belief formed after reasonable inquiry, the statements and information dated during the time period in Section IV.A below, or on the specific date(s) in Section IV.B below, are true, accurate, and complete:			
<i>Note: Enter EITHER a Time Period OR Specific Date(s) for each certification. This section must be completed. The certification is not valid without documentation date(s).</i>			
A. Time Period: From _____ to _____ <div style="text-align: center;"><i>Start Date* End Date*</i></div>			
OR			
B. Specific Dates: <u>09/27/2010</u> <div style="text-align: center;"><i>Date 1* Date 2* Date 3* Date 4* Date 5* Date 6* Date 7* Date 8*</i></div>			
<i>*The Time Period option may only be used when the "Submittal Type" is 'Update to Permit Application' and there are multiple uncertified submittals; or a submittal package has multiple dates recorded in the documentation. Do not use the Time Period option if the "Submittal Type" is 'Other.'</i>			
Signature: <u>David Fuelleman</u>		Signature Date: <u>27-Sept-2010</u>	
Title: <u>Plant Manager</u>			

AIRCO-DB0378S/RN100788959-C0

City of Dallas, Air Pollution Control Program Investigation Report

BUILDING MATERIALS CORPORATION OF AMERICA
CN602717464

GAF MATERIALS

RN100788959

Investigation # 841871

Investigator: BRIAN CUNNINGHAM

Incident #

Site Classification

MAJOR SOURCE

Conducted: 07/15/2010 -- 07/15/2010

SIC Code: 2952

NAIC Code: 324122

Program(s): AIR OPERATING PERMITS

RECEIVED

DEC 07 2010

TCEQ
CENTRAL FILE ROOM

Investigation Type : Compliance Invest File Review

Location : 2600 Singleton Blvd

Additional ID(s) : DB0378S
2771

Address: 2600 SINGLETON BLVD;
DALLAS, TX 75212

Activity Type: CITY OF DALLAS LOCAL PROGRAM
OPCC - Office Permit Compliance Certification

Principal(s) :

Role

Name

RESPONDENT

BUILDING MATERIALS CORPORATION OF AMERICA

Contact(s) :

Role

Title

Name

Phone

Regulated Entity Mail Contact

ENGINEERING MANAGER MR DOUG HARRIS

Work (214) 637-1060

Other Staff Member(s) :

Role

Name

Supervisor
QA Reviewer

JONI KEACH
JONI KEACH

RECEIVED

AUG 04 2010

DFW REGION-4

Associated Check List

Checklist Name

Unit Name

AIR ANNUAL COMPLIANCE CERTIFICATION REVIEW GAF
- OPCC

Investigation Comments :

INTRODUCTION

On 7/15/10 a Title V Office Permit Compliance Certification (OPCC) was conducted on GAF Materials Corporation by Brian Cunningham, Investigator for the Dallas Local Program. The reason for this file review was to determine the compliance status of GAF with applicable Texas Commission on Environmental Quality and federal regulations. GAF is located at 2600 Singleton Blvd, Dallas, Texas, 75212. Mr. Doug Harris, Plant Engineer for GAF was the regulated entity mail contact for this investigation (See Attachment 2).

DAILY NARRATIVE

The facility operates under Federal Operating Permit #O 02771 which was initially issued on 3/9/06.

This investigation covers the certification period 3/9/09 to 3/8/10. GAF submits compliance certification reports annually and deviation reports semi-annually (9/9/09 to 3/8/10). Form OP-CR01 Certification and Deviation Report form were signed and dated 4/6/10. Mr. David Fulleman was the designated Responsible Official for the facility. GAF submitted 12 deviations during the Certification Period (See Attachment 1). No violations were noted during this records review.

EXIT INTERVIEW

Mr. Harris was informed via telephone that no violations were noted.

GENERAL FACILITY AND PROCESS INFORMATION

GAF Materials manufactures roofing shingles. GAF has been at its present location for over 20 years, but a roofing facility has been at this site since the 1940's. The facility has 210 employees; the plant operates three shifts per day, 24 hours per day 7 days per week.

Line #1 makes conventional shingles. Line #3 makes laminate shingles. Large rolls/webs of fiberglass are fed into both shingle lines. Both surfaces of the fiberglass are coated with an asphalt and limestone mixture. The mixture is piped in from outdoor heated storage silos. After coating, a controlled layer of granules is dropped and embedded into the upper surface of the mat. The mat is flipped and a thin layer of sand is applied to the lower surface. The granules are received from hopper cars and bottom-loaded to silos via a bucket elevator. The granules are conveyed into the processing equipment. Fifteen silos contain granules and one is reserved for sand for Line #3. The silos are not equipped with dust collectors but the granules don't pose a particulate issue. Two outdoor bins hold non-colored, headlap (unexposed area of shingle) granules. Two roof-mounted, pulse air baghouses are located here; one unit for the 120 ton filler silo and the other for the filler use bin. Filler is a cheaper form of the limestone material. The filler is first off-loaded from a truck into a 120 ton, Hollow-Flayed filler silo.

The material is transferred to a heater where it is heated to 300-400F. The material is then transferred to a holding bin. The limestone and asphalt are mixed and moved by a paddle mixer and screw conveyor to the coating unit. Line #3 is similar in operation to Line #1, except for a few differences in equipment including that the granules are stored in nineteen silos and the sand in one. Two 80 ton silos contain the filler material which is entered straight into the process.

The laminated shingles involve the following: The lamination occurs after the cooling is done with self-seal asphalt based dots, heat and pressure. A second layer is added to approximately half of the shingle to create a textured appearance. After coating, the web is water cooled and cut into sheets or shingles, stacked and packaged. Where the roll of dry un-woven fiberglass mat first feeds into the system, a negative air and dry filter system captures any loose fibers. Three dust collectors with approximately 144 bags each capture indoor plant emissions. The asphalt is received in bulk by truck or train. The material is initially received stored in two upright tanks, transferred into a holding tank, then conveyed into smaller tanks. All tanks or stills are jacketed and heated with steam coils to keep the asphalt hot. If cooling is necessary, blow still #13 is cooled internally, and blow still #26 is cooled externally with water. A total of nine tanks are used for storage. Other tanks are on-site but not in use, although functional. The following is the capacity of all the storage tanks, if full:

T-120	250,000 gallons
T-110	250,000 gallons
T-8	215,000 gallons
T-14	50,000 gallons
T-9	20,000 gallons
T-10	27,000 gallons
T-15	120,000 gallons

Two horizontal tanks 18,000 gallons

The facility has 2 boilers. Boiler #1 has a rating of 15mmBtu and Boiler #2 has a rating of 10 mmBtu. An electrostatic precipitator is the VOC and PM control device for Lines #1 and #3. A knockout tank takes emissions from the asphalt blowing stills and routes them to a thermal

oxidizer, which is set at 1400 degrees Fahrenheit and has a continuous monitoring system

BACKGROUND

Compliance history rating/performance classification for regulated entity: AVG - 6.78

Compliance history rating/performance classification for customer: AVG - 4.05

Current Enforcement Actions: None

Agreed Orders, Court Orders, & Other Compliance Agreements: See Attached Central Registry Report (Attachment 3)

Complaints: 08/13/2007; Inv #269423 - No violations alleged

Prior Enforcement Issues: See Attached Central Registry Report (Attachment 3)

ADDITIONAL INFORMATION

Conclusions and Recommendations

Conduct regular surveillance and yearly inspections on this site. The facility will receive a general compliance letter.

Additional Issues

None

ATTACHMENTS

1. Form OP-CR01 Compliance Certification and Deviation Report Forms

2. Source Management Information

3. Central Registry Report

No Violations Associated to this Investigation

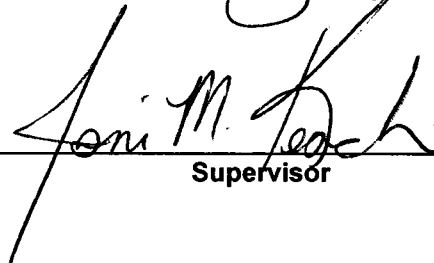
Signed


Environmental Investigator

Date

7/27/10

Signed


Supervisor

Date

7/28/10

Attachments: (in order of final report submittal)

☐ Enforcement Action Request (EAR)

☒ Letter to Facility (specify type) : GCL

☐ Investigation Report

☐ Sample Analysis Results

☐ Manifests

☐ NOR

☐ Maps, Plans, Sketches

☐ Photographs

☐ Correspondence from the facility

☒ Other (specify) :

OP-CRO1.; SMK

CENTRAL Registry report

Attachment 1

3 Pages

DB0378S RN100788959

Building Materials Corporation of America

GAF Materials – Dallas

July 15, 2010



Form OP-CRO1
Certification by Responsible Official
Federal Operating Permit Program

All initial permit application, revision, renewal, and reopening submittals requiring certification must be addressed using this form. Updates to site operating permit (SOP) and temporary operating permit (TOP) applications, other than public notice verification materials, must be certified prior to authorization of public notice or start of public announcement. Updates to general operating permit (GOP) applications must be certified prior to receiving an authorization to operate under a GOP.

I. IDENTIFYING INFORMATION			
A. RN:	100788959	B. CN:	602717464
C. Account No.:	DB-0378-S		
D. Permit No.:	O-2771	E. Project No.:	
F. Area Name:	Dallas Plant		
G. Company Name:	Building Materials Corporation of America		
II. CERTIFICATION TYPE (Please mark the appropriate box)			
A. <input checked="" type="checkbox"/> Responsible Official:		B. <input type="checkbox"/> Duly Authorized Representative:	
III. SUBMITTAL TYPE (Place an "X" in the appropriate box) (Only one response can be accepted per form)			
<input type="checkbox"/> SOP/TOP Initial Permit Application		<input type="checkbox"/> Update to Permit Application	
<input type="checkbox"/> GOP Initial Permit Application		<input type="checkbox"/> Permit Revision, Renewal, or Reopening	
<input checked="" type="checkbox"/> Other:		Annual Compliance Certification and Semi-Annual Texas Operating Permit Deviation Report Form	
IV. CERTIFICATION OF TRUTH			
This certification does not extend to information which is designated by the TCEQ as information for reference only.			
I, <u>David Fuelleman</u> , certify that I am the <u>RO</u> for this application (Certifier Name printed or typed) (RO or DAR)			
and that, based on information and belief formed after reasonable inquiry, the statements and information dated during the time period in Section IV.A below, or on the specific date(s) in Section IV.B below, are true, accurate, and complete:			
<i>Note: Enter EITHER a Time Period OR Specific Date(s) for each certification. This section must be completed. The certification is not valid without documentation date(s).</i>			
A. Time Period: From _____ to _____ Start Date* End Date*			
OR			
B. Specific Dates: <u>04/06/2010</u> Date 1* Date 2* Date 3* Date 4* Date 5* Date 6* Date 7* Date 8*			
<small>*The Time Period option may only be used when the "Submittal Type" is 'Update to Permit Application' and there are multiple uncertified submittals; or a submittal package has multiple dates recorded in the documentation. Do not use the Time Period option if the "Submittal Type" is 'Other.'</small>			
Signature: <u>David Fuelleman</u>		Signature Date: <u>6-April-2010</u>	
Title: <u>Plant Manager</u>			

**Texas Commission on Environmental Quality
Federal Operating Permit Deviation Report Form
Form Dev Rep (Part 1)**

Permit Holder Name		Building Materials Corporation of America		Customer Number CN		602717464	
Area Name		Dallas Plant		Account Number (XX-XXXX-XX)		DB-0378-S	
Report Period Start Date	9/9/2009	Report Period End Date	3/9/2010	Operating Permit Number	O-2771	Report Submittal Date	4/6/2010

AIR CO/RN 100788959 /RP

Operating Permit Requirement for Which Deviations are Being Reported																	
Dev Item No.	Unit ID	Group ID	Term & Condition No.	Pollutant	Regulatory Requirement Citation	Type of Requirement	SOP or GOP Index Number	Monitoring Method	Monitoring Frequency	STEERS Incident No	Deviation Period				No. of Dev	Cause of Deviation	Corrective Action Taken to Remedy or Mitigate Deviation Situation
											Start		End				
											Date	Time	Date	Time			
1	T-1	N/A	General	VOC	30 TAC 116.110(a)	Report	N/A	N/A	N/A	N/A	9/9/2009		Ongoing		1	Emissions from the tank are routed to EPN 8 (beginning 02/18/2008), not to EPN CECO1 (as represented in NSR Permit). Did not obtain permit authorization.	A NSR permit amendment application was submitted on December 18, 2008, and is currently under review by the TCEQ.
2	T-1	N/A	General	PM10	30 TAC 116.110(a)	Report	N/A	N/A	N/A	N/A	9/9/2009		Ongoing		1	Emissions from the tank are routed to EPN 8 (beginning 02/18/2008), not to EPN CECO1 (as represented in NSR Permit). Did not obtain permit authorization.	A NSR permit amendment application was submitted on December 18, 2008, and is currently under review by the TCEQ.
3	T-2	N/A	General	VOC	30 TAC 116.110(a)	Report	N/A	N/A	N/A	N/A	9/9/2009		Ongoing		1	Emissions from the tank are routed to EPN 8 (beginning 02/18/2008), not to EPN CECO1 (as represented in NSR Permit). Did not obtain permit authorization.	A NSR permit amendment application was submitted on December 18, 2008, and is currently under review by the TCEQ.
4	T-2	N/A	General	PM10	30 TAC 116.110(a)	Report	N/A	N/A	N/A	N/A	9/9/2009		Ongoing		1	Emissions from the tank are routed to EPN 8 (beginning 02/18/2008), not to EPN CECO1 (as represented in NSR Permit). Did not obtain permit authorization.	A NSR permit amendment application was submitted on December 18, 2008, and is currently under review by the TCEQ.
5	8	N/A	General		31 TAC 116.116(a)	Report	N/A	N/A	N/A	N/A	9/9/2009		Ongoing		1	Representation of EPN 8 varies from the current NSR Permit. This EPN was modified in November 2006.	A NSR permit amendment application was submitted on December 18, 2008, and is currently under review by the TCEQ.
6	Facility Wide	N/A	General		31 TAC 116.116(a)	Report	N/A	N/A	N/A	N/A	9/9/2009		Ongoing		1	Source parameters and building parameters vary from the representation presented in the May 2004 Emissions Air Modeling Report dated May 13, 2004.	Site-wide modeling is pending approval of emission rates in the permit amendment application submitted on December 18, 2008 by the TCEQ Permit Engineer.
7	8	N/A	2.E.		30 TAC 101.10(c)	Report	N/A	N/A	N/A	N/A	9/9/2009		3/31/2009		1	2006 and 2007 EIQs did not account for the November 2006 stack testing results for EPN8.	Revised EIQs for 2006 and 2007 were submitted the TCEQ on March 31, 2009. Therefore, this deviation is considered corrected.
8	8	N/A	7.A.	CO	30 TAC 115(b)(2)(F)	Standard	N/A	N/A	Hourly	N/A	9/9/2009		Ongoing		1	Per stack test conducted on December 29, 2006, this unit showed exceedance of the MAERT CO lb/hr emission limit.	A NSR permit amendment application was submitted on December 18, 2008, and is currently under review by the TCEQ.
9	8	N/A	7.A.	NOX	30 TAC 115(b)(2)(F)	Standard	N/A	N/A	Hourly	N/A	9/9/2009		Ongoing		1	Per stack test conducted on December 29, 2006, this unit showed exceedance of the MAERT NO _x lb/hr emission limit.	A NSR permit amendment application was submitted on December 18, 2008, and is currently under review by the TCEQ.
10	8	N/A	7.A.	SO2	30 TAC 115(b)(2)(F)	Standard	N/A	N/A	Hourly	N/A	9/9/2009		Ongoing		1	Per stack test conducted on December 29, 2006, this unit showed exceedance of the MAERT SO ₂ lb/hr emission limit.	A NSR permit amendment application was submitted on December 18, 2008, and is currently under review by the TCEQ.
11	COOL3	N/A	7.A.	PM10	30 TAC 115(b)(2)(F)	Standard	N/A	N/A	Hourly	N/A	9/9/2009		Ongoing		1	Per stack test conducted on July 26, 2005, this unit showed exceedance of the MAERT PM ₁₀ lb/hr emission limit.	A NSR permit amendment application was submitted on December 18, 2008, and is currently under review by the TCEQ.
12	COOL1	N/A	7.A.	PM10	30 TAC 115(b)(2)(F)	Standard	N/A	N/A	Hourly	N/A	9/9/2009		Ongoing		1	Stack testing report showed exceedance of the MAERT PM ₁₀ lb/hr emission limit.	A NSR permit amendment application was submitted on December 18, 2008, and is currently under review by the TCEQ.

Total Deviations:	12
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Is there a Part 3 Miscellaneous Monitoring/Credible Evidence from supporting this deviation report? No

Building Materials Corporation of America
GAF Materials Corporation
Dallas Facility

AIR CO/RN 100788959 /RP

Permit Holder Name		Building Materials Corporation of America			Customer Number CN		602717464
Area Name		Dallas Plant			Account Number (XX-XXXX-XX)		DB-0378-S
Report Period Start Date	9/9/2009	Report Period End Date	3/9/2010	Operating Permit Number	O-2771	Report Submittal Date	4/6/2010

[illegible]

Total Deviations:	0
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Is there a Part 3 Miscellaneous Monitoring/Credible Evidence from supporting this deviation report? No

Attachment 2

1 Page

DB0378S RN100788959

Building Materials Corporation of America

GAF Materials – Dallas

July 15, 2010

SOURCE MANAGEMENT INFORMATION

Account No.	DB0378S	County	Dallas	Operating Permit No.	O-02771
Reference No.	RN100788959				
Customer No.	CN602717464				
Company Name	Building Materials Corporation of America				
Facility Name	GAF Materials Corporation				
Street Location	2600 Singleton Rd				
Mailing Address				Mail Code/Stop	
City	Dallas	State	TX	Zip Code	75212
Principle Business	Asphalt Shingle and coatings manufacture	Primary SIC	2951	Secondary	2952
Required Safety Equipment	Safety glasses, hard hat, hearing protection, safety shoes				
Certifications Required (e.g., H ₂ S, VE)	none				
Contacts					
Plant Manager	David Fuelleman	Phone	214/637-8909	Fax	
Plant Contact	Doug Harris	Phone	214/637-8909	Fax	
Title	Plant Engineer	email	[REDACTED]		
Add'l Contact		Phone		Fax	
Title		email			
Parent Corporation or Company					
Contact Name		Phone		Fax	
Title		email			
Corporation Name					
Mailing Address				Mail Code/Stop	
City		State		Zip Code	
Annual Investigation	Investigation Dates		7/15/10		
Investigator	Brian Cunningham			Photos/Video?	No
Person Notified of Inspection	NA			Notification Date	
Person Granting Entrance	NA - File Review				
Pollution Prevention Reviewed	Yes		No		
Does the facility have a Risk Management Plan?	Yes		No		

Attachment 3

2 Pages

DB0378S RN100788959

Building Materials Corporation of America

GAF Materials – Dallas

July 15, 2010


[Main Query Page](#) [Program Area Search](#)

Compliance History

RE Name:	GAF MATERIALS		RN:	RN100788959	
Classification:	AVERAGE	Rating:	6.78	Publication Date:	Oct 1, 2009
Customer Name	Building Materials Corporation of America		CN:	CN602717464	
Classification:	AVERAGE	Rating:	4.05	Publication Date:	Oct 1, 2009
Repeat Violator Ind:	NO				

Compliance History Start: 08/31/2009

End: 09/01/2004

1-3 of 3 Enforcement Action Records

Enforcement Actions

Type	Effective Date	Citation/Requirement Provision	Abb. Description	Violation Classification (Trk No)
ADMINORDER	Feb 8, 09	30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F) ; 5C THC Chapter 382, SubChapter A 382.085(b) ; PERMIT SC 9	Failed to conduct stack testing on EPN COOL1. Specifically, Special Condition No. 9 requires that it be sampled 180 days after the issuance of the permit dated October 21, 2004, which was no later than April 19, 2005.	MODERATE (218808)
ADMINORDER	Feb 8, 09	30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F) ; 5C THSC Chapter 382 382.085(b) ; PERMIT Sp. Cond. 1	Failed to comply with the permitted MAERT for the thermal oxidizer stack ("EPN 8") as determined during stack testing.	MINOR (353482)
ADMINORDER	Feb 8, 09	30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F) ; 5C THC Chapter 382, SubChapter A 382.085(b) ; PERMIT 7711A Special Condition 1	Failed to comply with the permitted Maximum Allowable Emissions Rate Table ("MAERT") for the line 3 cooling section ("EPN No. COOL3") as determined during stack testing.	MODERATE (218795)

0 convictions returned

Criminal Convictions

Conviction Date	Number of		Violations		
	Felonies	Misdemeanors	Citation/Requirement Provision	Abb. Description	Classification (Trk No)

0 events returned

Chronic Excessive Emissions Events

Start Date	Status Code	Status Date	Track Number
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1-15 of 15 Investigation Records

Investigations

Investigation Start Date	Type	Investigation Status Date
Nov 12, 2004	Compliance Investigation	Nov 29, 2004
May 17, 2005	Compliance Investigation	Jun 15, 2005
Sep 19, 2005	Compliance Invest File Review	Nov 8, 2005
Apr 26, 2006	Compliance Investigation	May 22, 2006
Aug 8, 2006	Compliance Investigation	Aug 15, 2006
Aug 15, 2006	Compliance Investigation	Sep 27, 2006
Oct 31, 2006	Compliance Investigation	Nov 29, 2006
Nov 1, 2006	Compliance Investigation	Nov 29, 2006
Jan 19, 2007	Compliance Invest File Review	Jan 29, 2007
Jul 12, 2007	Compliance Investigation	Aug 21, 2007
Jan 25, 2008	Compliance Invest File Review	Apr 3, 2008
Jan 25, 2008	Compliance Invest File Review	May 1, 2008
Apr 8, 2008	Compliance Investigation	May 15, 2008
Apr 16, 2009	Compliance Invest File Review	Apr 20, 2009
Jun 23, 2009	Compliance Investigation	Jun 30, 2009

1-5 of 5 Notice of Violation Records

Notice of Violations

NOV Date	Status Code	Citation	Allegation	Classification (Trk No)	Self-Report
Nov 8, 2005	URESOSCHED	30 TAC Chapter 116, SubChapter B 116.115(b) (2)(F) ; 5C THC Chapter 382, SubChapter A 382.085(b) ; PERMIT 7711A Special Condition 1	Failed to comply with the permitted Maximum Allowable Emissions Rate Table ("MAERT") for the line 3 cooling section ("EPN No. COOL3") as determined during stack testing.	MODERATE (218795)	NO
Nov 8, 2005	RESOLVED	30 TAC Chapter 116, SubChapter B 116.115(b) (2)(F) ; 5C THC Chapter 382, SubChapter A 382.085(b) ; PERMIT SC 9	Failed to conduct stack testing on EPN COOL1. Specifically, Special Condition No. 9 requires that it be sampled 180 days after the issuance of the permit dated October 21, 2004, which was no later than April 19, 2005.	MODERATE (218808)	NO
Jun 30, 2009	RESOLVED	30 TAC Chapter 116, SubChapter B 116.110 (a) ; 5C THSC Chapter 382 382.0518(a) ; 5C THSC Chapter 382 382.085(b)	Failure to obtain authorization before any modification of any existing facility which may emit air contaminants into the air.	MODERATE (368953)	NO
Jun 30, 2009	RESOLVED	30 TAC Chapter 116, SubChapter B 116.116(a) (1)	Failure to have correct representations with regard to construction plans and operation procedures reflected in the NSR permit.	MODERATE (368955)	NO
Jun 30, 2009	RESOLVED	40 CFR Chapter 60, SubChapter C, PT 60, SubPT Dc 60.48c(g)	Failure to record daily fuel consumption for the facility.	MODERATE (368956)	NO

1-1 of 1 Environmental Audit Records

Environmental Audits

Notice of Audit Date	Disclosure Of Violation			
	DOV Date	Violations		
		Classification	Citation/Requirement Provision	Abbv. Description
Jul 31, 2008				

0 systems returned

Environmental Management Systems

Type	Tier	Certification Date	Implementation Date
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0 assessments returned

Voluntary On-Site Compliance Assessments

Start Date	Status Code	Status Date
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0 programs returned

Voluntary Pollution Reduction Programs

Name	Level	Start Date of Participation
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0 early compliance actions returned

Early Compliance

Date	Description
------	-------------

[Central Registry Glossary](#)
[Central Registry Help](#)
[Map of Regional Planning Areas](#)
[Migrated Systems](#)
For questions or comments regarding this T-Net page contact: [Central Registry](#)

This page was last modified: April 6, 2010



July 28, 2010

Mr. Doug Harris
GAF Building Corp.
2600 Singleton Blvd.
Dallas, Texas 75212

Re: Title V Office Permit Compliance Certification Investigation at GAF Building Corp., 2600 Singleton Blvd., Dallas, (Dallas County), Texas, TCEQ Account Numbers: RN100788959, CN602717464

Dear Mr. Harris:

On July 15, 2010, Brian Cunningham with the City of Dallas Air Pollution Control Program conducted an investigation of the above-referenced property to evaluate compliance with applicable requirements for air pollution. No violations were documented during the investigation.

The City of Dallas Air Pollution Control Program and Texas Commission on Environmental Quality (TCEQ) appreciates your assistance in this matter and your compliance efforts to ensure protection of the State's environment. If you or members of your staff have any questions regarding these matters, please feel free to contact Mr. Cunningham at 214-948-4435.

Sincerely,

Joni M. Keach, R.S., Supervisor
Air Pollution Control Program
Public Works and Transportation Department

Bryan W. Shaw, Ph.D., *Chairman*
Buddy Garcia, *Commissioner*
Carlos Rubinstein, *Commissioner*
Mark R. Vickery, P.G., *Executive Director*



AIR/DB - 0378-S/CO

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

JUNE 16, 2010

Mr. David Fuelleman, Plant Manager
Building Materials Corporation of America
2600 Singleton Boulevard
Dallas, Texas 75212-3738

Re: Third Amended Schedule for Compliance with Ordering Provisions
Building Materials Corporation of America; RN100788959
Docket No. 2008-0805-AIR-E; Enforcement Case No. 35904
Agreed Order Effective Date: February 8, 2009

Dear Mr. Fuelleman:

We are in receipt of a letter dated May 12, 2010, from Mr. Rod Johnson, Attorney, Brown McCarroll L.L.P., which requested an amended schedule for completion of Ordering Provision No. 3.d of the above-referenced Agreed Order. The letter also provided specific reasons for anticipated delays with previous schedules submitted to the TCEQ.

Based upon the reviewed information, we approve an amended schedule as requested. The new deadline for compliance with Ordering Provision No. 3.d is October 29, 2010.

Thank you for your continuing efforts to achieve compliance. If you have any questions, please contact Ms. Allison Fischer of the Enforcement Division staff at 512-239-2574.

Sincerely,

A handwritten signature in cursive script that reads "Bryan Sinclair".

Bryan Sinclair, Director
Enforcement Division

cc: Ms. Alyssa Taylor, Manager, Air Section, Dallas/Fort Worth Regional Office, TCEQ
Mr. Rod Johnson, Attorney, Brown McCarroll L.L.P., 111 Congress Avenue, Suite 1400, Austin, Texas 78701-4043

RECEIVED
JUN 28 2010
TCEQ
CENTRAL FILE ROOM

Mr. David Fuelleman
Page 2

bcc: Ms. Allison Fischer, Coordinator, Enforcement Division, MC 149A
Central Records, MC 213, Building E, 1st Floor, Air Account No. DB0378S
Enforcement Division Reader File

Brown | McCarroll
L.L.P.

111 Congress Avenue, Suite 1400, Austin, Texas 78701-4043
512-472-5456 fax 512-479-1101
direct (512) 479-1125 [REDACTED]

R/DB 0385/CW

May 12, 2010

RECEIVED
MAY 13 2010
ENFORCEMENT DIVISION

Ms. Norma Salinas
Order Compliance Team
Texas Commission on Environmental Quality
MC 149A
P.O. Box 13087
Austin, Texas 78711-3087

Re: Request for Third Extension of Agreed Order Deadline;
TCEQ Docket No. 2008-0805-AIR-E

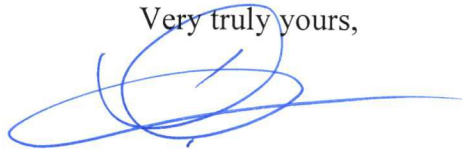
Dear Ms. Salinas:

Building Materials Corporation of America (BMCA) requests a third extension of the deadline in ordering provision 3.d. in the above-referenced Agreed Order. On December 28, 2009, TCEQ granted a second extension of the deadline until July 29, 2010.

Based on conversations with TCEQ Air Permits Division staff, a further extension of three (3) months on ordering provision 3.d is necessary due to a potential hearing request. BMCA will, of course, try to obtain the permit amendment sooner, but BMCA continues to reserve the right to request additional extensions as conditions warrant.

BMCA will reply promptly to any requests for additional information you may have and looks forward to TCEQ's favorable determination on this request.

Very truly yours,



Rod Johnson

cc: Suzanne Walrath, TCEQ
Javier Galvan, TCEQ
Doug Harris, GAF Materials Corporation

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JUN 22 2010
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CENTRAL FILE ROOM

Brown | M^cCarroll

L.L.P.

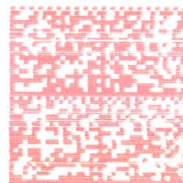
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MAY 13 2010

TCEQ MAIL CENTER
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RECEIVED
MAY 13 2010
ENFORCEMENT DIVISION

Ms. Norma Salinas
Order Compliance Team
Texas Commission on Environmental Quality
MC 149A
P.O. Box 13087
Austin, Texas 78711-3087

78711-3087



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05/12/2010

Mailed From 78701
US POSTAGE



GAF ELK MATERIALS CORPORATION

2600 Singleton Boulevard, Dallas, TX 75212

Tel: 214-637-1060

April 06, 2010

Executive Director
Texas Commission on Environmental Quality
c/o Alyssa Taylor
Air Section Manager – Dallas/Fort Worth Regional Office
2309 Gravel Drive
Fort Worth, Texas 76118

RE: Title V Permit Annual Compliance Certification
Permit No. O-2771
Building Materials Corporation of America, GAF- Dallas Plant
Customer Reference Number CN602717464
Regulated Entity Reference Number RN100788959
TCEQ Account Number – DB-0378-S

RECEIVED
APR 13 2010
TCEQ
CENTRAL FILE ROOM

Dear Ms. Taylor:

Building Materials Corporation of America (a.k.a. GAF Materials) operates under Federal Operating Permit No. O-2771, issued on March 9, 2006. Enclosed please find the Permit Compliance Certification (PCC), Deviation Report, and Certification by Responsible Official (OP-CRO1) forms, as required by the Title 30 Texas Administrative Code Chapter 122 (30 TAC Chapter 122). This certification period extends from March 9, 2009 to March 9, 2010.

On October 2, 2009, GAF submitted a Semi-Annual Deviation Report. As set forth in the September 25, 2008 Voluntary Disclosure of Violations and Discrepancies letter, many of the deviations reported in October 2009 were discovered pursuant to a scheduled Environmental Audit initiated on July 31, 2008. Several of the deviations identified were resolved in an Agreed Order dated September 19, 2008 and more recently in a New Source Review (NSR) Permit Amendment Application submitted on December 18, 2008, which is currently under review by the TCEQ. As such, GAF would like to provide a status update for the deviations that are impacted by the approval of the NSR Amendment Application and Modeling Analysis that are still on-going. The following provides a status update for each deviation.

- Per the General Terms and Conditions of GAF's Title V Operating Permit,

The permit holder shall comply with 30 TAC Chapter 116 by obtaining a New Source Review authorization prior to new construction or modification of emission units located in the area covered by this permit.

- Emissions from Tanks T-1 and T-2 Laminating Adhesive Tanks are routed to the Thermal Oxidizer (EPN 8). This varies from the current NSR Permit noting the tanks route to the CECO Filter Vent (EPN CECO1).

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APR 08 2010
DFW REGION-4

- Representation of EPN 8 (Boiler and Thermal Oxidizer Vent Controlling Tanks T-8, T-9, T-10, T-14, T-15, T-110, T-120, and Blowstills T-13 and T-26) varies from the current NSR permit. The Waste Heat Boiler and Thermal Oxidizer are listed in the permit as exhausting to one emission point (EPN 8). However, when heat recovery occurs, a damper is used to direct the thermal oxidizer exhaust directly from the thermal oxidizer through the waste heat boiler. The emissions are then exhausted from a separate waste heat boiler stack. This stack is not listed in the current NSR permit. The Waste Heat Boiler has two separate sides: the Waste Heat Recovery Side and the Natural Gas Burner Side. A separate release point was noted during the audit for the natural gas burner side. Although the permitting of this burner was addressed, this stack is not listed in the current NSR permit (emits products of natural gas combustion only). This error does not impact overall emission values since EPN 8 was originally permitted to account for emissions from both of the emission release points.
- Source parameters and building parameters vary from the representation presented on the Table 1(a) of the May 2004 Emissions Air Modeling Report.

A NSR permit amendment application was submitted to the TCEQ on December 18, 2008 requesting appropriate changes to correct the above-mentioned deviations as stipulated in the September 25, 2008 Audit Disclosure Letter and October 8, 2008 Semi-Annual Deviation Report, March 23, 2009 Annual Compliance Certification Report and Semi-Annual Deviation Report, and October 2, 2009 Semi-Annual Deviation Report. In addition, a Title V permit revision application was submitted to the TCEQ on July 21, 2009 requesting appropriate changes to incorporate the above-mentioned changes.

- Per Special Condition 2.E. of GAF's Title V Operating Permit,

The permit holder shall comply with Title 30 TAC 101.10 (relating to Emissions Inventory Requirements)

GAF conducted stack testing for EPN 8 in November 2006. These emission rates from this stack testing were not utilized in determining the actual emissions from EPN 8 for the 2006 and 2007 Emission Inventory Questionnaires (EIQ) submittals. As noted in the Voluntary Disclosure of Violations and Discrepancies letter dated September 25, 2008 and the October 8, 2008 Semi-Annual Deviation Report, March 23, 2009 Annual Compliance Certification Report and Semi-Annual Deviation Report, and October 2, 2009 Semi-Annual Deviation Report, GAF submitted revised EIQs for 2006 and 2007 utilizing the November 2006 stack test results for EPN 8 on March 31, 2009. Therefore, this deviation is considered corrected.

- Per Special Condition 7.A. of GAF's Title V Operating Permit, New Source Review Requirements,

Are incorporated by reference into this permit as applicable requirements

The following deviations were identified for this permit condition:

- On December 29, 2006, a stack testing report indicated the pound per hour (lb/hr) carbon monoxide (CO), oxides of nitrogen (NO_x), and sulfur dioxide (SO₂) maximum allowable emission rates for the Boiler and Thermal Oxidizer Vent (EPN 8) were exceeded. These

deviations were identified in the Semi-Annual Deviation Report dated April 9, 2008 and listed in the October 8, 2008 Semi-Annual Deviation Report since the item was not corrected at that time. As part the corrective action, stack testing was conducted in April 2008, which confirmed the exceedances for CO, NO_x, and SO₂. This issue was addressed in the Agreed Order dated September 19, 2008 and GAF submitted a permit amendment application on December 18, 2008 requesting an increase in permit allowables.

- In June 2005, a stack testing report indicated the pound per hour (lb/hr) PM maximum allowable emission rate for the Line No. 3 Cooling Section (EPN COOL3) was exceeded. This deviation was notified in the Semi-Annual Deviation Report dated April 9, 2008 and listed in the October 8, 2008 Semi-Annual Deviation Report since the item was not corrected at that time. As part the corrective action, stack testing was conducted in April 2008, which confirmed the exceedance of PM. This issue was addressed in the Agreed Order dated September 19, 2008 and GAF submitted a permit amendment application on December 18, 2008 requesting an increase in permit allowables.
- Per NSR Permit Number 7711A dated October 21, 2004, within 180 days after issuance of this permit, stack testing for Line No. 1 Cooling Section (EPN COOL1) shall occur to demonstrate compliance with the allowable emissions set forth in this permit. Permit 7711A established a particulate matter (PM) and volatile organic compound (VOC) permit limit for the Line No. 1 Cooling Section. Stack testing was conducted in April 2008, which showed an exceedance of the maximum allowable emission rate for PM₁₀ (lb/hr). This deviation was listed in the September 25, 2008 Audit Disclosure Letter and October 8, 2008 Semi-Annual Deviation Report. GAF submitted a permit amendment application on December 18, 2008 requesting an increase in permit allowables.

The compliance certification for the annual reporting period from March 9, 2009 to March 9, 2010 is provided in Attachment 1. The deviation report for the September 9, 2009 to March 9, 2010 semi-annual reporting period is provided in Attachment 2. The certification by Responsible Official (RO) (Form OP-CRO1) is provided in Attachment 3.

If you have any questions or comments, please call me at (214) 637-8909.

Sincerely,



Doug Harris
Engineering Manager

Attachments

cc: Mr. Tom Diggs, U.S. EPA Regional Office Air Branch Chief
Mr. David Fuelleman, GAF
Mr. Fred Bright, GAF

ATTACHMENT 1



Texas Commission on Environmental Quality
Federal Operating Permit Form
Permit Compliance Certification - PCC (Part 1)

AIR CO/RN 100788959 /RP

Permit Holder Name	Building Materials Corporation of America
Area Name	Dallas Plant
Operating Permit Number	0 2772
Certification Period Start Date	Mar 9, 2009

Customer Number /CN	CN 602717464
Account Number	DB-0378-S
Report Submittal Date	Apr 6, 2010
End Date	Mar 9, 2010

I. Certification of Continuous Compliance with Permit Terms and Conditions

(Indicate response by placing a 'x' in the appropriate column for each of the following questions)

Response:

With the possible exception of those permit terms and conditions identified in the 'Summary of Deviations' found using, at a minimum, but not limited to, the continuous or intermittent compliance method data from monitoring, recordkeeping, reporting, or testing required by the permit and any other credible evidence or information, was the permit holder in continuous compliance with all the terms and conditions of the permit over the Certification Period?

☒ Yes ☐ No

II. Summary of Deviations

(Indicate response by placing a 'x' in the appropriate column for each of the following questions)

Response:

A. Were there any deviations from any permit requirements during the Certification Period that have *previously* been reported to the agency?

If the answer to this question is 'Yes', please complete and attach Part 2 to this submittal.

Important Note: If previously submitted reports did not contain specific information on monitoring methods, frequency and the total number of deviations experienced over the entire certification period, then use form DevRep to provide that information.

☒ Yes ☐ No

B. Were there any deviations from any terms or conditions of the permit during the Certification Period that are *currently* being submitted to the agency?

If the answer to this questions is 'Yes', please include the relevant reports along with this page.

☐ Yes ☒ No



Texas Commission on Environmental Quality
Federal Operating Permit Form
Permit Compliance Certification - PCC (Part 2)

AIR CO/RN 100788959 /RP

Permit Holder Name	Building Materials Corporation of America
Area Name	Dallas Plant
Operating Permit Number	0 2772
Certification Period Start Date	Mar 9, 2009

Customer Number /CN	CN 602717464
Account Number	DB-0378-S
Report Submittal Date	Apr 6, 2010
End Date	Mar 9, 2010

Identification of Deviation Reports Submitted During the Certification Period
(Note: All reports must be certified to truth, accuracy, and completeness by the Responsible Official)

Report Date	Report Description (Name of Unit, Name of Rule, Driver for Report, etc.)	Report Submitted To	Report Previously Certified?
Oct 2, 2009	Six-Month Deviation Report	TCEQ	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No



Texas Commission on Environmental Quality
Federal Operating Permit Form
PCC - Monitoring Options Selected (Part 3)

AIR CO/RN /RP

Permit Holder Name	<input type="text"/>
Area Name	<input type="text"/>
Operating Permit Number	0 <input type="text"/>
Certification Period Start Date	<input type="text"/>

Customer Number	CN <input type="text"/>
Account Number	<input type="text"/>
Report Submittal Date	<input type="text"/>
End Date	<input type="text"/>

ID Number		Regulatory Requirement (Rule or Permit No. and Prov.)	Pollutant Monitored	SOP or GOP Index Number	Monitoring Option Used	Date		Description/Comments
Unit ID	Group ID GRPXXXXXX				Specification Citation	Begin	End	
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
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ATTACHMENT 2

**Texas Commission on Environmental Quality
Federal Operating Permit Deviation Report Form
Form Dev Rep (Part 1)**

AIR CO/RN 100788959 /RP

Permit Holder Name		Building Materials Corporation of America			Customer Number CN		602717464
Area Name		Dallas Plant			Account Number (XX-XXXX-XX)		DB-0378-S
Report Period Start Date	9/9/2009	Report Period End Date	3/9/2010	Operating Permit Number	O-2771	Report Submittal Date	4/6/2010

Operating Permit Requirement for Which Deviations are Being Reported																	
Dev Item No.	Unit ID	Group ID	Term & Condition No.	Pollutant	Regulatory Requirement Citation	Type of Requirement	SOP or GOP Index Number	Monitoring Method	Monitoring Frequency	STEERS Incident No	Deviation Period				No. of Dev	Cause of Deviation	Corrective Action Taken to Remedy or Mitigate Deviation Situation
											Start		End				
											Date	Time	Date	Time			
1	T-1	N/A	General	VOC	30 TAC 116.110(a)	Report	N/A	N/A	N/A	N/A	9/9/2009		Ongoing		1	Emissions from the tank are routed to EPN 8 (beginning 02/18/2008), not to EPN CECO1 (as represented in NSR Permit). Did not obtain permit authorization.	A NSR permit amendment application was submitted on December 18, 2008, and is currently under review by the TCEQ.
2	T-1	N/A	General	PM10	30 TAC 116.110(a)	Report	N/A	N/A	N/A	N/A	9/9/2009		Ongoing		1	Emissions from the tank are routed to EPN 8 (beginning 02/18/2008), not to EPN CECO1 (as represented in NSR Permit). Did not obtain permit authorization.	A NSR permit amendment application was submitted on December 18, 2008, and is currently under review by the TCEQ.
3	T-2	N/A	General	VOC	30 TAC 116.110(a)	Report	N/A	N/A	N/A	N/A	9/9/2009		Ongoing		1	Emissions from the tank are routed to EPN 8 (beginning 02/18/2008), not to EPN CECO1 (as represented in NSR Permit). Did not obtain permit authorization.	A NSR permit amendment application was submitted on December 18, 2008, and is currently under review by the TCEQ.
4	T-2	N/A	General	PM10	30 TAC 116.110(a)	Report	N/A	N/A	N/A	N/A	9/9/2009		Ongoing		1	Emissions from the tank are routed to EPN 8 (beginning 02/18/2008), not to EPN CECO1 (as represented in NSR Permit). Did not obtain permit authorization.	A NSR permit amendment application was submitted on December 18, 2008, and is currently under review by the TCEQ.
5	8	N/A	General		31 TAC 116.116(a)	Report	N/A	N/A	N/A	N/A	9/9/2009		Ongoing		1	Representation of EPN 8 varies from the current NSR Permit. This EPN was modified in November 2006.	A NSR permit amendment application was submitted on December 18, 2008, and is currently under review by the TCEQ.
6	Facility Wide	N/A	General		31 TAC 116.116(a)	Report	N/A	N/A	N/A	N/A	9/9/2009		Ongoing		1	Source parameters and building parameters vary from the representation presented in the May 2004 Emissions Air Modeling Report dated May 13, 2004.	Site-wide modeling is pending approval of emission rates in the permit amendment application submitted on December 18, 2008 by the TCEQ Permit Engineer.
7	8	N/A	2.E.		30 TAC 101.10(c)	Report	N/A	N/A	N/A	N/A	9/9/2009		3/31/2009		1	2006 and 2007 EIQs did not account for the November 2006 stack testing results for EPN8.	Revised EIQs for 2006 and 2007 were submitted the TCEQ on March 31, 2009. Therefore, this deviation is considered corrected.
8	8	N/A	7.A.	CO	30 TAC 115(b)(2)(F)	Standard	N/A	N/A	Hourly	N/A	9/9/2009		Ongoing		1	Per stack test conducted on December 29, 2006, this unit showed exceedance of the MAERT CO lb/hr emission limit.	A NSR permit amendment application was submitted on December 18, 2008, and is currently under review by the TCEQ.
9	8	N/A	7.A.	NOX	30 TAC 115(b)(2)(F)	Standard	N/A	N/A	Hourly	N/A	9/9/2009		Ongoing		1	Per stack test conducted on December 29, 2006, this unit showed exceedance of the MAERT NO _x lb/hr emission limit.	A NSR permit amendment application was submitted on December 18, 2008, and is currently under review by the TCEQ.
10	8	N/A	7.A.	SO2	30 TAC 115(b)(2)(F)	Standard	N/A	N/A	Hourly	N/A	9/9/2009		Ongoing		1	Per stack test conducted on December 29, 2006, this unit showed exceedance of the MAERT SO ₂ lb/hr emission limit.	A NSR permit amendment application was submitted on December 18, 2008, and is currently under review by the TCEQ.
11	COOL3	N/A	7.A.	PM10	30 TAC 115(b)(2)(F)	Standard	N/A	N/A	Hourly	N/A	9/9/2009		Ongoing		1	Per stack test conducted on July 26, 2005, this unit showed exceedance of the MAERT PM ₁₀ lb/hr emission limit.	A NSR permit amendment application was submitted on December 18, 2008, and is currently under review by the TCEQ.
12	COOL1	N/A	7.A.	PM10	30 TAC 115(b)(2)(F)	Standard	N/A	N/A	Hourly	N/A	9/9/2009		Ongoing		1	Stack testing report showed exceedance of the MAERT PM ₁₀ lb/hr emission limit.	A NSR permit amendment application was submitted on December 18, 2008, and is currently under review by the TCEQ.

Total Deviations:	12
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Is there a Part 3 Miscellaneous Monitoring/Credible Evidence from supporting this deviation report? No

AIR CO/RN 100788959 /RP

Permit Holder Name		Building Materials Corporation of America				Customer Number CN		602717464	
Area Name		Dallas Plant				Account Number (XX-XXXX-XX)		DB-0378-S	
Report Period Start Date	9/9/2009	Report Period End Date	3/9/2010	Operating Permit Number	O-2771	Report Submittal Date	4/6/2010		

[illegible]

Total Deviations:	0
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Is there a Part 3 Miscellaneous Monitoring/Credible Evidence from supporting this deviation report? No

ATTACHMENT 3



Form OP-CRO1
Certification by Responsible Official
Federal Operating Permit Program

All initial permit application, revision, renewal, and reopening submittals requiring certification must be addressed using this form. Updates to site operating permit (SOP) and temporary operating permit (TOP) applications, other than public notice verification materials, must be certified prior to authorization of public notice or start of public announcement. Updates to general operating permit (GOP) applications must be certified prior to receiving an authorization to operate under a GOP.

I. IDENTIFYING INFORMATION			
A. RN:	100788959	B. CN:	602717464
C. Account No.:		DB-0378-S	
D. Permit No.:	O-2771	E. Project No.:	
F. Area Name:	Dallas Plant		
G. Company Name:	Building Materials Corporation of America		
II. CERTIFICATION TYPE <i>(Please mark the appropriate box)</i>			
A. <input checked="" type="checkbox"/> Responsible Official:		B. <input type="checkbox"/> Duly Authorized Representative:	
III. SUBMITTAL TYPE <i>(Place an "X" in the appropriate box) (Only one response can be accepted per form)</i>			
<input type="checkbox"/> SOP/TOP Initial Permit Application		<input type="checkbox"/> Update to Permit Application	
<input type="checkbox"/> GOP Initial Permit Application		<input type="checkbox"/> Permit Revision, Renewal, or Reopening	
<input checked="" type="checkbox"/> Other:		Annual Compliance Certification and Semi-Annual Texas Operating Permit Deviation Report Form	
IV. CERTIFICATION OF TRUTH			
This certification does not extend to information which is designated by the TCEQ as information for reference only.			
I, <u>David Fuelleman</u> , certify that I am the <u>RO</u> for this application <i>(Certifier Name printed or typed)</i> <i>(RO or DAR)</i>			
and that, based on information and belief formed after reasonable inquiry, the statements and information dated during the time period in Section IV.A below, or on the specific date(s) in Section IV.B below, are true, accurate, and complete:			
<i>Note: Enter EITHER a Time Period OR Specific Date(s) for each certification. This section must be completed. The certification is not valid without documentation date(s).</i>			
A. Time Period: From _____ to _____ <i>Start Date*</i> <i>End Date*</i>			
OR			
B. Specific Dates: <u>04/06/2010</u>			
<div style="display: flex; justify-content: space-between;"><i>Date 1*</i><i>Date 2*</i><i>Date 3*</i><i>Date 4*</i><i>Date 5*</i><i>Date 6*</i><i>Date 7*</i><i>Date 8*</i></div>			
<small>*The Time Period option may only be used when the "Submittal Type" is 'Update to Permit Application' and there are multiple uncertified submittals; or a submittal package has multiple dates recorded in the documentation. Do not use the Time Period option if the "Submittal Type" is 'Other.'</small>			
Signature: <u>David Fuelleman</u>		Signature Date: <u>6-April-2010</u>	
Title: <u>Plant Manager</u>			

AIRCO-DB0378S/RN100788959-CO

City of Dallas, Air Pollution Control Program Investigation Report

**BUILDING MATERIALS CORPORATION OF AMERICA
CN602717464**

GAF MATERIALS

RN100788959

Investigation # 795221

Incident #

Investigator: BRIAN CUNNINGHAM

Site Classification

MAJOR SOURCE

Conducted: 02/09/2010 -- 02/09/2010

SIC Code: 2952

NAIC Code: 324122

Program(s): AIR NEW SOURCE
PERMITS

Investigation Type : Compliance Invest File Review

Location : 2600 Singleton Blvd

Additional ID(s) : DB0378S
2771

Address: ; ,

Activity Type : CITY OF DALLAS LOCAL PROGRAM
PMPRCH116 - Chapter 116 Permit Provision Review

Principal(s) :

Role

Name

RESPONDENT

BUILDING MATERIALS CORPORATION OF AMERICA

Contact(s) :

Role

Title

Name

Phone

Other Staff Member(s) :

Role

Name

Supervisor

JONI KEACH

Associated Check List

Checklist Name

AIR PERMIT REQUEST FOR COMMENTS

Unit Name

GAF Materials

Investigation Comments :

INTRODUCTION

On 1/19/10 the City of Dallas Local Air Program received a Request for Comments- Draft Conditions for GAF Materials Corporation located at 2600 Singleton Blvd, Dallas TX. The purpose of this review was to assess the draft permit application for two new baghouses to control particulate emissions from the Line 3 filler (asphalt stabilizer) during product transfer operations. On 2/9/10 Brian Cunningham, Investigator for the Dallas Local Program, reviewed the draft conditions and the permit application submitted by GAF.

Daily Narrative: Currently at GAF bulk stabilizer is received by truck or railcar into storage silos. When used in product manufacture the stabilizer is routed to a stabilizer heater where it is mixed with blown coating asphalt. With this project GAF wishes to enclose the stabilizer carrying operations with two new bag houses prior to sending the heated stabilizer to the asphalt mixer.

RECEIVED
DEC 03 2010
TCEQ
CENTRAL FILE ROOM

RECEIVED
APR 05 2010
DFW REGION-4

Exit Interview: NA

GENERAL FACILITY AND PROCESS INFORMATION

GAF Materials manufactures roofing shingles. GAF has been at its present location for over 20 years, but a roofing facility has been at this site since the 1940's. The facility has approximately 200 employees. The plant operates three shifts per day, 24 hours per day 7 days per week. Line #1 makes conventional shingles. Line #3 makes laminate shingles. Large rolls/webs of fiberglass are fed into both shingle lines. Both surfaces of the fiberglass are coated with an asphalt and limestone mixture. The mixture is piped in from outdoor heated storage silos. After coating, a controlled layer of granules is dropped and embedded into the upper surface of the mat. The mat is flipped and a thin layer of sand is applied to the lower surface. The granules are received from hopper cars and bottom-loaded to silos via a bucket elevator. The granules are conveyed into the processing equipment. Fifteen silos contain granules and one is reserved for sand for Line #3. The silos are not equipped with dust collectors but the granules don't pose a particulate issue. Two outdoor bins hold non-colored, headlap (unexposed area of shingle) granules. Two roof-mounted, pulse air baghouses are located here; one unit for the 120 ton filler silo and the other for the filler use bin. Filler is a cheaper form of the limestone material. The filler is first off-loaded from a truck into a 120 ton, Hollow-Flayed filler silo. The material is transferred to a heater where it is heated to 300-400F. The material is then transferred to a holding bin. The limestone and asphalt are mixed and moved by a paddle mixer and screw conveyor to the coating unit. Line #3 is similar in operation to Line #1, except for a few differences in equipment including that the granules are stored in nineteen silos and the sand in one. Two 80 ton silos contain the filler material which is entered straight into the process.

BACKGROUND

Compliance history rating/performance classification for regulated entity: Average - 6.78

Compliance history rating/performance classification for customer: Average - 4.05

Current Enforcement Actions: None

Agreed Orders, Court Orders, & Other Compliance Agreements: None

Complaints:

1) 08/13/2007; Inv #572698, Inc #96067 - No violations alleged

2) 04/01/2009; Inv #742818, Inc #122879 - No violations alleged

Prior Enforcement Issues:

1) 2)06/30/2009; Inv #759688-NOV for 116.110(a),116.116(A)(1)and 40CFR 60.48(g): Resolved-12/8/2009; Inv #784743.

ADDITIONAL INFORMATION

Conclusions and Recommendations: No increases in any air contaminants or nuisance potentials are associated with this project. Recommend permit approval.

Additional Issues: None

No Violations Associated to this Investigation

Signed Barry
Environmental Investigator

Date 3/16/10

Signed Tom M. Karch
Supervisor

Date 3/23/10

Attachments: (in order of final report submittal)

☐ Enforcement Action Request (EAR)
☐ Letter to Facility (specify type) : _____
Investigation Report
☐ Sample Analysis Results
☐ Manifests
☐ NOR

☐ Maps, Plans, Sketches
☐ Photographs
☐ Correspondence from the facility
☒ Other (specify) : RFC



Protecting Texas
by Reducing and
Preventing Pollution

FAX TRANSMITTAL

DATE: **January 19, 2010** NUMBER OF PAGES *(including this cover sheet)*: **12**

TO: Name Amanda Trammel
 Organization City of Dallas Local Air Program
 FAX Number 214.948.4412

FROM: TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

 Name Javier Galván, P.E.
 Division/Region Office of Permitting and Registration, Air Permits
 Division
 Telephone Number 512.239.1319
 FAX Number 512.239.1400

NOTES:

Request for Comments – Draft Conditions**TCEQ -- Air Permits Division****Phone: (512)239-1250****Fax: (512)239-1300****Mailing Address: TCEQ, Air Permits, P.O. Box 13087, Austin, TX 78711-3087****TO: City of Dallas City: Dallas County: Dallas Account No.: DB-0378-S****Submitted by: Mr. Javier Galván, P.E. E-Mail ID: [REDACTED] Phone: (512) 239-1319****Date Request Submitted: January 20, 2010****Comments Deadline: February 10, 2010****For deadlines less than 21 days Section Manager approval is required.****Date Application Received by TCEQ in Austin: December 19, 2008****REGIONAL OFFICES:** Please return comments ASAP, but no later than the comments deadline which is 21 days from the submittal date. Permit disposition will proceed after comments are received or after the comments deadline has passed.**LOCAL PROGRAMS:** The company below has submitted an application for the project referenced below in accordance with regulations of the TCEQ. Please return comments ASAP, but no later than the comments deadline which is 21 days from the submittal date. Permit disposition will proceed after comments are received or after the comments deadline has passed. Permit Reviewer may request faster response if needed. If no comments are received within this time frame, we will assume you have no comments or objections to the project as proposed. Please return a complete copy of the form (both sides) with your comments.**PROJECT TYPE: Amendment****NEW MSS? YES NO****PROJECT NO.: 143272****REGULATED ENTITY NO.: RN100788959****PERMIT NO.: 7711A****COMPANY NAME: Building Materials Corporation Of America****CUSTOMER REFERENCE NO.: CN602717464****PLANT NAME: Gaf Materials****LOCATION: 2600 Singleton Blvd****UNIT NAME: Asphalt Roofing Production Facility****COUNTY: Dallas****TECHNICAL CONTACT: Doug Harris****PHONE: (214) 637-8909****OPERATING SCHEDULE: Continuous? ☐****Hours/Day Day/Week Weeks/Year Night Operation? ☐****Engineer's Comments:****Attachments: MAERT, Draft Conditions**

**Request for Comments -- Draft Permit
RESPONSE**

TO: Mr. Javier Galván, P.E., Austin

FROM: City of Dallas City: Dallas

County: Dallas

Account No.: DB-0378-S

Copy of Application Received by your Office: ☒ YES ☐ NODate Received: 11/19/09

COMPANY NAME: Building Materials Corporation Of America

PERMIT NO.: 7711A

REGULATED ENTITY NO: RN100788959

PROJECT NO.: 143272

Investigator's/Compliance Officer's Name (Please Print): Brian CunninghamPhone: 214/948-4435

Comments Deadline (from pg. 1): February 10, 2010

Date of Last Site Visit: 2/1/10**COMMENTS ON CONDITIONS:** (Please mark up draft special conditions with your comments. Please address applicability and enforceability. List any additional conditions below):Compliance Determination Conditions: _____

_____Operational Limitations: _____

_____GENERAL COMMENTS: : _____

PERMIT ISSUANCE:

If you have any objections to issuance, please note them here:

None

SPECIAL CONDITIONS

Permit Number 7711A

EMISSION LIMITATIONS

1. Total emissions from these sources shall not exceed the values stated on the enclosed table entitled "Emission Sources - Maximum Allowable Emission Rates" (MAERT). The permitted emission limits for all emission point numbers (EPN), with the exception of the Standby Boiler (EPN BLR 5), are based on 8,760 annual hours of operation. The permitted emission limits for EPN BLR 5 are based on 480 annual hours of operation. (4/10)

FUEL SPECIFICATIONS

2. Fuel for the facilities shall be pipeline-quality sweet natural gas. Use of any other fuel shall require prior written approval of the Executive Director of the Texas Commission on Environmental Quality (TCEQ) (4/10)
3. Upon request by the Executive Director of the TCEQ, the TCEQ Regional Director, or any local air pollution control program having jurisdiction, the holder of this permit shall provide a sample and/or an analysis of the fuel utilized in these facilities or shall allow air pollution control program representatives to obtain a sample for analysis. (4/10)

FEDERAL APPLICABILITY

4. Affected facilities shall comply with all applicable requirements of the U.S. Environmental Protection Agency (EPA) regulations on Standards of Performance for New Stationary Sources in Title 40 Code of Federal Regulations (40 CFR) Part 60 promulgated for Asphalt Processing and Asphalt Roofing Manufacture in Subpart UU, for Small Industrial-Commercial-Institutional Steam Generating Units in Subpart Dc, and with the General Provisions set forth in Subpart A. (4/10)
5. Affected facilities shall comply with all applicable requirements of the U.S. EPA regulations on National Emission Standards for Hazardous Air Pollutants for Area Sources in 40 CFR Part 63 promulgated for Asphalt Processing and Asphalt Roofing Manufacture, Subparts A and AAAAAA. (4/10)

OPACITY/VISIBLE EMISSION LIMITATIONS

6. In accordance with the U.S. EPA Test Method 9 or equivalent, and except for those periods described in Title 30 Texas Administrative Code (30 TAC) §§ 101.201 and 101.211, opacity of emissions from the Coalescing Filter Mist Systems (EPN CFL/34), the Electrostatic

SPECIAL CONDITIONS

Permit Number 7711A

Page Number 2

Precipitator (EPN CFL/34) when used as a back-up control device for the filter mist systems, all dust collector stacks, all process heater vents, and building vents shall not exceed 5 percent averaged over a six-minute period. (4/10)

7. In accordance with the U.S. EPA Test Method 9 or equivalent, and except for those periods described in Title 30 Texas Administrative Code (30 TAC) §§ 101.201 and 101.211, opacity of emissions from any asphalt storage tank exhaust gases discharged into the atmosphere shall not exceed 0 percent averaged over a six-minute period, except for one consecutive 15-minute period in any 24-hour period when the transfer lines are being blown for clearing. The control device shall not be bypassed during this 15-minute period. Opacity of emissions from any blowing still shall not exceed 0 percent averaged over a six-minute period. Opacity of emissions from any storage silo and mineral handling facility shall not exceed 1 percent averaged over a six-minute period. (4/10)
8. No visible emissions from the asphalt processing and asphalt roofing manufacturing operations and facilities, roads, or travel areas shall leave the property. Visible emissions shall be determined by a standard of no visible emissions exceeding 30 seconds in duration in any six-minute period as determined using the U.S. EPA Test Method 22 or equivalent. If this condition is violated, additional controls or process changes may be required to limit visible particulate matter (PM) emissions. Stack emissions may leave the plant property provided that opacity restrictions are not violated. (4/10)

OPERATIONAL LIMITATIONS, WORK PRACTICES, AND PLANT DESIGN

9. The company has represented the following to comply with all TCEQ rules and regulations:
 - A. All miller and backing material shall be received and transferred with no visible emissions from these materials leaving the building. (4/10)
 - B. The emissions from Stillard Storage Tank Nos. T-1, T-2, T-8, T-9, T-10, T-14, T-15, T-110, and T-120 containing asphalt, from Blowing Stills T-13 and T-26, from truck and railcar loading and unloading operations, and from the self-seal asphalt storage tank shall be vented to the direct-flame incinerator. (4/10)
 - C. Upon issuance of the amended permit, the direct-flame incinerator shall be operated at an average incineration temperature of 1,450°F, based on a 3-hour averaging period, during Normal Operations. Normal Operations are herein defined as any time period when asphalt blowing is occurring, and emissions from the blowing are vented to the direct-flame incinerator. The direct-flame incinerator shall be operated at a minimum incineration temperature of 1,300°F during Standby Operating Conditions to assure compliance with the MAERT limits for VOC from EPN 8/8A. Standby Operating Conditions are herein defined as the conditions when no process blowers are in

SPECIAL CONDITIONS

Permit Number 7711A

Page Number 3

- operation on any blowing still venting to the direct-flame incinerator. After issuance of the amended permit, the permit holder is allowed to conduct stack sampling of the direct-flame incinerator during Normal Operations at an average temperature lower than 1,450°F to demonstrate compliance with the MAERT limits for VOC from EPN 8/8A. Upon demonstration of compliance with the MAERT limits for VOC, the permit holder shall submit a permit action to modify the temperature requirement of the direct-flame incinerator during Normal Operations. (4/10)
- D. The maximum allowable asphalt throughput rates are 32,063 pounds per hour for Line 1 and 53,438 pounds per hour for Line 3. (4/10)
- E. The maximum allowable production rates for both Line 1 and Line 3, combined, are 171 tons per hour and 1,498,000 tons per year of finished shingles. (4/10)
10. An opacity violation or an odor nuisance condition, as confirmed by the TCEQ or any local air pollution control program with jurisdiction, may be cause for additional controls. If the nuisance condition persists, subsequent stack sampling may also be required.
11. All in-plant roads and areas subject to road vehicle traffic shall be paved with a cohesive hard surface and cleaned, as necessary, to maintain compliance with the TCEQ rules and regulations. Unpaved work areas shall be sprayed with water and/or environmentally sensitive chemicals upon detection of visible PM emissions to maintain compliance with all TCEQ rules and regulations.
12. The stack height of the Line 1 Cooling Section (EPN COOL1) shall be no less than 64 feet measured from ground level. The stack height of the Line 3 Cooling Section (EPN COOL3) shall be no less than 73 feet measured from ground level. (10/09)
13. There shall be no changes in representations unless the permit is altered or amended. (4/10)

CONTINUOUS DETERMINATION OF COMPLIANCE

14. Upon being informed by the TCEQ Executive Director that the staff has documented visible emissions that exceed the opacity limits specified in Special Condition Nos. 6 and 7, the holder of this permit may be required to conduct stack sampling analyses or other tests to prove satisfactory abatement or process equipment performance and demonstrate compliance with the PM and VOC allowable emissions specified in the MAERT. Sampling must be conducted in accordance with appropriate procedures of the TCEQ Sampling Procedures Manual and in accordance with applicable EPA CFR procedures. Any deviations from those procedures must be approved by the TCEQ Executive Director prior to sampling. (4/10)

SPECIAL CONDITIONS

Permit Number 7711A

Page Number 4

15. The TCEQ Executive Director may require the permit holder to perform stack sampling or ambient air monitoring to determine the opacity, rate, composition, and/or concentration of the plant's emissions. The holder of this permit may request the TCEQ Executive Director to approve alternate sampling techniques or other means to determine the opacity, rates, composition, and/or concentration of emissions in accordance with 30 TAC § 101.8. (4/10)
16. All stack sampling shall be conducted within 60 days of being informed that testing is required, and it shall meet all requirements specified in the Sampling Requirements section of this permit's special conditions. (4/10)

SAMPLING REQUIREMENTS

17. The holder of this permit is responsible for providing sampling and testing facilities and conducting the sampling and testing operations at his expense. Sampling ports and platforms shall be installed on the exhaust stack according to the specifications set forth in the attachment entitled "Chapter 2, Stack Sampling Facilities" prior to stack sampling. Alternate sampling facility designs may be submitted for approval by the TCEQ Executive Director.
18. The plant shall operate at the maximum shingle production and raw material throughput rates and operating parameters, represented in the confidential file, during stack emissions testing being conducted for continuing compliance demonstrations. If the plant is unable to operate at the maximum rates during compliance testing, then the production/throughput rates or other parameters may be limited to the rates established during testing. If stack testing was not accomplished at the maximum production/throughput rates, then such testing may be required prior to actual operations at the maximum rates. (4/10)
19. A pretest meeting concerning any required stack sampling and/or ambient air monitoring shall be held with personnel from the appropriate TCEQ Regional Office before the required tests are performed. Air contaminants to be tested for and the test methods to be used shall be determined at this pretest meeting.

The TCEQ Regional Office shall be notified no less than 45 days prior to sampling to schedule a pretest meeting. The notice to the TCEQ Regional Office shall include:

- (1) Date for pretest meeting;
- (2) Date sampling will occur;
- (3) Name of firm conducting sampling;
- (4) Type of sampling equipment to be used; and
- (5) Method or procedure to be used in sampling.

SPECIAL CONDITIONS

Permit Number 7711A

Page Number 5

The purpose of the pretest meeting is to review the necessary sampling and testing procedures, to provide the proper data forms for recording pertinent data, and to review the format procedures for submitting the test results.

20. Air contaminants to be tested for may include (but are not limited to) PM, CO, SO₂, NO_x, and VOC.
21. A written proposed description of any deviation from sampling procedures specified in permit conditions or TCEQ or EPA sampling procedures shall be made available to the TCEQ prior to the pretest meeting. The TCEQ Regional Office shall approve or disapprove of any deviation from specified sampling procedures.
22. The sampling report shall include the following: (4/10)
 - (1) Plant production and throughput rates during tests; and
 - (2) Direct-flame incinerator operating temperature during tests.
23. Copies of the final sampling report shall be submitted within 30 days after sampling is completed. Sampling reports shall comply with the provisions of Chapter 14 of the TCEQ Sampling Procedures Manual. The reports shall be distributed as follows: (4/10)

One copy to the TCEQ Dallas/Fort Worth Regional Office; and
One copy to each appropriate local air pollution control program.
24. Requests to waive testing for any pollutant specified in the above special conditions shall be submitted to the TCEQ Office of Permitting and Registration, Air Permits Division.

RECORDKEEPING REQUIREMENTS

25. In addition to the recordkeeping requirements specified in General Condition No. 7, 40 CFR Part 60, Subparts A, D, and UU, and 40 CFR Part 63, Subparts A and AAAAAAA, the following records shall be kept and maintained on-site for a rolling twenty-four month period: (4/10)
 - A. Records of the exhaust gas temperature immediately downstream of the direct-flame incinerator to demonstrate compliance with 30 TAC § 115.126(1)(A)(i). These records shall be maintained on-site for at least five years;
 - B. Records of either VOC concentration or mass emission rate of each vent gas stream for the Line 1 and Line 3 Cooling Sections at maximum actual operating conditions to demonstrate compliance with 30 TAC § 115.126(4). These records shall be maintained on-site for at least five years;

SPECIAL CONDITIONS
Permit Number 7711A
Page Number 6

- C. Hourly asphalt throughput rates for Line 1 and for Line 3;
- D. Combined Line 1 and Line 3 hourly and annual production rates of finished shingles;
- E. Records of repairs and maintenance of all pollution abatement equipment; and
- F. Records of road cleaning, application of road dust control or road maintenance for dust control.

DRAFT

EMISSION SOURCES - MAXIMUM ALLOWABLE EMISSION RATES

Permit Number 7711A

This table lists the maximum allowable emission rates and all sources of air contaminants on the applicant's property covered by this permit. The emission rates shown are those derived from information submitted as part of the application for permit and are the maximum rates allowed for these facilities. Any proposed increase in emission rates may require an application for a modification of the facilities covered by this permit.

AIR CONTAMINANTS DATA

Emission Point No. (1)	Source Name (2)	Air Contaminant Name (3)	Emission Rates	
			lb/hr	TPY
STILLYARD OPERATION				
HTR3	T-1 Laminating Adhesive Bulk Storage Tank Heater Vent	NO _x	0.05	0.22
		SO ₂	0.01	0.01
		PM ₁₀	0.01	0.02
		CO	0.04	0.18
		VOC	0.01	0.01
HTR4	T-2 Laminating Adhesive Bulk Storage Tank Heater Vent	NO _x	0.05	0.22
		SO ₂	0.01	0.01
		PM ₁₀	0.01	0.02
		CO	0.04	0.18
		VOC	0.01	0.01
HTR5	Asphalt Heater for T-14 and T-15 Coating Asphalt Storage Tank and Coating Asphalt Loop Feed Tank	NO _x	0.10	0.43
		SO ₂	0.01	0.01
		PM ₁₀	0.01	0.03
		CO	0.08	0.36
		VOC	0.01	0.02
BLR5	Standby Boiler Vent	NO _x	3.73	0.90
		SO ₂	0.02	<0.01
		PM ₁₀	0.28	0.07
		CO	3.13	0.75
		VOC	0.20	0.05
8/8A	Direct-flame Incinerator Exhaust Stack/Incinerator Exhaust thru Waste Heat Boiler Stack	NO _x	1.90	8.31
		SO ₂	29.35	128.55
		PM ₁₀	2.62	11.46
		CO	11.34	49.65
		VOC	0.09	0.37

Permit Number 7711A

Page 2

EMISSION SOURCES - MAXIMUM ALLOWABLE EMISSION RATES

AIR CONTAMINANTS DATA

Emission Point No. (1)	Source Name (2)	Air Contaminant Name (3)	Emission Rates	
			lb/hr	TPY
WHBLR1	Waste Heat Recovery Boiler, Natural Gas Burner Side	NO _x	0.47	2.06
		SO ₂	0.01	0.04
		PM ₁₀	0.11	0.48
		CO	1.24	5.43
		VOC	0.08	0.35

COMMON TO LINE 1 AND LINE 3

CFL/34	Coalescing Filter Mist Elimination Systems Stack (to control emissions from the Line 1 and Line 3 Asphalt Coaters) with ESP as backup	PM ₁₀	0.63	2.76
		VOC	5.76	25.23

LINE 1 OPERATION

1-1	Line 1 Stabilizer Storage and Heater Baghouse Stack	PM ₁₀	0.23	1.01
1-3	Line 1 Stabilizer Use Bin Baghouse Stack	PM ₁₀	0.03	0.13
1-4	Line 1 Surfacing Section Dust Collector No. 1 Stack	PM ₁₀	0.59	2.58
1-5	Line 1 Surfacing Section Dust Collector No. 2 Stack	PM ₁₀	0.59	2.58
1-6	Line 1 Surfacing Section Dust Collector No. 3 Stack	PM ₁₀	0.59	2.58
COOL1 (total 3 stks)	Line 1 Cooling Section	PM ₁₀	8.52	37.30
		VOC	1.65	7.23

LINE 3 OPERATION

25	Sand Application Baghouse	PM ₁₀	1.50	6.57
26A	Stabilizer Storage Baghouse A	PM ₁₀	0.15	0.70

Permit Number 7711A

Page 3

EMISSION SOURCES - MAXIMUM ALLOWABLE EMISSION RATES

AIR CONTAMINANTS DATA

Emission Point No. (1)	Source Name (2)	Air Contaminant Name (3)	Emission Rates	
			lb/hr	TPY
26B	Stabilizer Storage Baghouse B	PM ₁₀	0.29	1.26
27	Stabilizer Heater Baghouse	PM ₁₀	0.09	0.40
28	Asphalt Heater	NO _x	0.59	2.60
		SO ₂	0.01	0.02
		PM ₁₀	0.04	0.20
		CO	0.50	2.20
		VOC	0.03	0.10
FUG1	Plant-wide Fugitive Emissions (4)	PM ₁₀	0.91	3.97
		VOC	0.43	1.88
COOL3 (total 3 stks)	Line 3 Cooling Section	PM ₁₀	6.74	29.52
		VOC	2.76	12.09
HTR6	Line 3 Stabilizer Thermal Fluid Heater Vent	NO _x	0.60	2.58
		SO ₂	0.01	0.02
		PM ₁₀	0.05	0.20
		CO	0.49	2.16
		VOC	0.03	0.14

- (1) Emission point identification, either specific equipment designation or emission point number from a plot plan.
- (2) Specific point source names. For fugitive sources, use an area name or fugitive source name.
- (3) VOC - volatile organic compounds as defined in Title 30 Texas Administrative Code § 101.1
- NO_x - total oxides of nitrogen
- SO₂ - sulfur dioxide
- PM - particulate matter, suspended in the atmosphere, including PM₁₀ and PM_{2.5}
- PM₁₀ - particulate matter equal to or less than 10 microns in diameter, including PM_{2.5}
- PM_{2.5} - particulate matter equal to or less than 2.5 microns in diameter
- CO - carbon monoxide
- (4) Fugitive emissions are an estimate only.

AIR CO / DB0378S / RN100788959 / CO



GAF ELK MATERIALS CORPORATION

2600 Singleton Boulevard, Dallas, TX 75212

Tel: 214-637-1060

February 5, 2010

Texas Commission on Environmental Quality
Region 4, Dallas/Fort Worth
Air Section
2309 Gravel Dr.
Fort Worth, TX 76118

RECEIVED
FEB 11 2010
DFW REGION-4

RE: *Updates to Notifications for Completion of Construction and Initial Start-Up for a Pollution Control
Project Standard Permit (Permit No. 91414)
Installation of Two New Baghouses to Line 3 Filler Transfer Operations
Building Materials Corporation of America – Dallas Plant – Dallas County
TCEQ Account No. DB-0378-S, CN 602717464, RN 100788959*

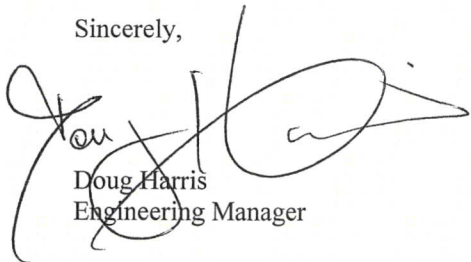
To Whom It May Concern:

Building Materials Corporation of America doing business as GAF Materials Corporation (GAF) owns and operates an asphalt roofing production facility located in Dallas, Texas (Dallas Plant).

On January 7, 2010, GAF submitted the completion of construction and the initial start-up notification for the two (2) new bag houses installed to control particulate matter emissions from Line 3 filler transfer operations at the Dallas Plant, as required under 30 TAC 116.615 (4) and (5)(A) (*General Conditions*), respectively. This project is authorized under Standard Permit No. 91414, issued on December 10, 2009. Per the notification submitted on January 7, 2010, the expected date for completion of construction and start of operations was provided as January 12, 2010. However, GAF completed the construction and began operation of these bag houses on January 24, 2010. Therefore, GAF is submitting this notification with the actual dates for completion of construction and start of operation.

If you have any questions regarding this notification, please feel free to call me at (214) 637-8909 or Ms. Christine Chambers of Trinity Consultants at (972) 661-8100.

Sincerely,



Doug Harris
Engineering Manager

cc: Mr. David Miller, City of Dallas, Air Pollution Control Program
Mr. David Fuelleman, GAF
Mr. Fred Bright, GAF
Ms. Christine M. Chambers, Trinity Consultant

RECEIVED
FEB 17 2010
TCEQ
CENTRAL FILE ROOM



GAF ELK MATERIALS CORPORATION

2600 Singleton Boulevard, Dallas, TX 75212

Tel: 214-637-1060

January 7, 2010

Texas Commission on Environmental Quality
Region 4, Dallas/Fort Worth
Air Section
2309 Gravel Dr.
Fort Worth, TX 76118

RE: *Notifications for Completion of Construction and Initial Start-Up for a Pollution Control
Project Standard Permit (Permit No. 91414)
Installation of Two New Bag houses to Line 3 Filler Transfer Operations
Building Materials Corporation of America – Dallas Plant – Dallas County
TCEQ Account No: DB-0378-S, CN 602717464, RN 100788959*

To Whom It May Concern:

Building Materials Corporation of America doing business as GAF Materials Corporation (GAF) owns and operates an asphalt roofing production facility located in Dallas, Texas (Dallas Plant).

With this letter, GAF is submitting the completion of construction and the initial start-up notification for the two (2) new bag houses installed to control particulate matter emissions from Line 3 filler transfer operations at the Dallas Plant, as required under 30 TAC 116.615 (4) and (5)(A) (*General Conditions*), respectively. This project is authorized under Standard Permit No. 91414, issued on December 10, 2009. GAF expects to complete the construction and begin operation of these bag houses on January 13, 2010.

If you have any questions regarding this notification, please feel free to call me at (214) 637-8909 or Ms. Christine Chambers of Trinity Consultants at (972) 661-8100.

Sincerely,

Doug Harris
Engineering Manager

cc: Mr. David Miller, City of Dallas, Air Pollution Control Program
Mr. David Fuelleman, GAF
Mr. Fred Bright, GAF
Ms. Christine M. Chambers, Trinity Consultants

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JAN 14 2010
TCEQ
CENTRAL FILE ROOM

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JAN 08 2010
DFW REGION-4

AIR Co/DB03785/RN100788959/CO



GAF ELK MATERIALS CORPORATION

2600 Singleton Boulevard, Dallas, TX 75212

Tel: 214-637-1060

December 28, 2009

RECEIVED
DEC 30 2009
DFW REGION-4

Mr. Tony Walker
Texas Commission on Environmental Quality
Region 4, Dallas/Fort Worth
Air Section
2309 Gravel Dr.
Fort Worth, TX 76118

RE: *Notification of Start of Construction for a Pollution Control Project Standard Permit
Installation of Two New Baghouses to Line 3 Filler Transfer Operations
Building Materials Corporation of America – Dallas Plant – Dallas County
TCEQ Account No. DB-0378-S, CN 602717464, RN 100788959*

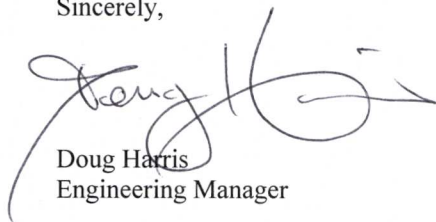
To Whom It May Concern:

Building Materials Corporation of America doing business as GAF Materials Corporation (GAF) owns and operates an asphalt roofing production facility located in Dallas, Texas (Dallas Plant).

With this letter, GAF is submitting the start of construction notification for the installation of two (2) new baghouses to particulate matter emissions from Line 3 filler transfer operations at the Dallas Plant, as required under 30 TAC 116.615(4) (*General Conditions*). This project is authorized under Standard Permit No. 91414, issued on December 10, 2009. GAF started construction on December 16, 2009.

If you have any questions regarding this notification, please feel free to call me at (214) 637-8909 or Ms. Christine Chambers of Trinity Consultants at (972) 661-8100.

Sincerely,



Doug Harris
Engineering Manager

cc: Mr. David Fuelleman, GAF
Mr. Fred Bright, GAF
Ms. Christine M. Chambers, Trinity Consultants

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JAN 14 2010
TCEQ
CENTRAL FILE ROOM

Bryan W. Shaw, Ph.D., *Chairman*
Buddy Garcia, *Commissioner*
Carlos Rubinstein, *Commissioner*
Mark R. Vickery, P.G., *Executive Director*



AIR/DB-0378-s/w

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

DECEMBER 28, 2009

Mr. David Fuelleman, Plant Manager
Building Materials Corporation of America
2600 Singleton Boulevard
Dallas, Texas 75212-3738

RECEIVED
JAN 05 2010
TCEQ
CENTRAL FILE ROOM

Re: Second Amended Schedule for Compliance with Ordering Provisions
Building Materials Corporation of America; RN100788959
Docket No. 2008-0805-AIR-E; Enforcement Case No. 35904
Agreed Order Effective Date: February 8, 2009

Dear Mr. Fuelleman:

We are in receipt of a letter dated November 9, 2009, from Mr. Rod Johnson, Brown McCarroll L.L.P., which requested an amended schedule for completion of Ordering Provision No. 3.d of the above-referenced Agreed Order. The letter also provided specific reasons for delays.

Based upon the reviewed information, we approve of the amended schedule as requested. The new deadline for compliance with Ordering Provision No. 3.d is July 29, 2010.

Thank you for your continuing efforts to achieve compliance. If you have any questions, please contact Ms. Allison Fischer of the Enforcement Division staff at 512-239-2574.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bryan Sinclair".

Bryan Sinclair, Director
Enforcement Division

cc: Ms. Alyssa Taylor, Manager, Air Section, Dallas/Fort Worth Regional Office, TCEQ
Mr. Rod Johnson, Brown McCarroll L.L.P., 111 Congress Avenue, Suite 1400, Austin, Texas
78701-4043

Mr. David Fuelleman
Page 2

bcc: Ms. Allison Fischer, Coordinator, Enforcement Division, MC 149A
Central Records, MC 213, Building E, 1st Floor, Air Account No. DB0378S
Enforcement Division Reader File

Arco/DB03785/60
RN 100788959



GAF ELK MATERIALS CORPORATION

2600 Singleton Boulevard, Dallas, TX 75212

Tel: 214-637-1060

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

RECEIVED
DEC 30 2010
ENFORCEMENT DIVISION

December 23, 2009

Mr. John Sadlier, Deputy Director, MC-172
Office of Compliance and Enforcement
Texas Commission on Environmental Quality
P O Box 13087
Austin, Texas 78711-3087



Re: Building Materials Corporation of America, GAF- Dallas Plant
Customer Reference Number CN602717464
Regulated Entity Reference Number RN100788959
Voluntary Disclosure of Violations and Discrepancies Discovered Pursuant to a
Scheduled Environmental Audit - Quarterly Update for Quarter 4, 2009
Notice Of Audit Dated July 31, 2008, First Disclosure Dated September 25, 2008, Second
and Final Disclosure Dated January 21, 2009

RECEIVED

Dear Mr. Sadlier:

JUN 27 2010

TCEQ
CENTRAL FILE ROOM

Building Materials Corporation of America (a.k.a. GAF Materials) conducted an environmental audit of our Dallas Plant, located at 2600 Singleton Boulevard, Dallas, Dallas County, Texas (TCEQ Region 4). Advance notice of the audit was given to you by letter dated July 31, 2008 (Certified Mail No. 7007 0710 0001 9883 2409). A First Disclosure Letter was submitted to you on September 25, 2008 (Certified Mail No. 7007 0710 0001 9883 2270). A Second and Final Disclosure Letter was submitted to you on January 21, 2009 (Certified Mail No. 7007 0710 0001 9883 1730).

Per TCEQ's letter dated March 20, 2009, GAF Materials is submitting quarterly updates on all audit findings. GAF submitted a New Source Review (NSR) Permit Amendment Application to the TCEQ on December 18, 2008. A Modeling Report in support of the amendment application was requested by the TCEQ on April 29, 2009. GAF subsequently submitted the modeling report on May 5, 2009. As provided in the Quarterly Update for Quarter 2, a draft permit was issued by the TCEQ and is under final review. The enclosed attachment summarizes the

violations and discrepancies discovered; the specific rule or permit provision violated; the duration of the violation and the status of corrective actions. As documented, there are no further updates from the report submitted in Quarter 3 since all submittals are being reviewed by the TCEQ. Please do not hesitate to contact me at the numbers or e-mail referenced above if you have any questions or require further information regarding this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "David Fuelleman", written in a cursive style.

David Fuelleman
Plant Manager

cc: Tony Walker, Region Direct, Region 4. Dallas/Fort Worth Regional Office, TCEQ

**Voluntary Disclosure of Violations Discovered Pursuant to a Scheduled Environmental Audit
Quarterly Update for Quarter 4, 2009**

**Building Materials Corporation of America
GAF Materials Corporation, Dallas Plant**

Item	Category	References	Finding	Proposed Corrective Action	Duration	Current Status
1	NSR Permit	30 TAC 116.110(a) 30 TAC 116.116(a) Permit Number 7711A General Conditions	Based on the privileged environmental compliance audit conducted at the Dallas Plant, current source parameters including stack dimensions and stack temperatures were noted as varying from the representation presented on the Table 1(a) of the May 2004 Emissions Air Modeling Report. Please see the attached Table 1 listing the stack parameters included in the Table 1(a) of the May 2004 Emission Air Modeling Report versus the actual source parameters.	A revised Table 1(a) will be submitted with the NSR permit amendment (or alteration) application. Updated Site-wide air dispersion modeling will be conducted with actual stack parameters to demonstrate compliance with standards. This modeling report will be submitted with the NSR permit application.	May 13, 2004 (Application Submittal Date)	A NSR Permit Application was submitted to the TCEQ (Dated December 18, 2008) with a revised Table 1(a). The TCEQ has issued a Draft NSR Permit.
2	NSR Permit	30 TAC 116.110(a) 30 TAC 116.116(a) Permit Number 7711A General Conditions	<p>During the audit, the representation of EPN 8 (Boiler and Thermal Oxidizer Vent Controlling Tanks T-8, T-9, T-10, T-14, T-15, T-110, T-120, and Blowstills T-13 and T-26) was noted as varying from the current site permit in two instances as noted below (this error does not impact overall emission values since EPN 8 was originally permitted to account for emissions from both of the emission release points noted below):</p> <ul style="list-style-type: none"> - The Waste Heat Boiler and Thermal Oxidizer are listed in the permit as exhausting to one emission point (EPN 8). It was determined during the audit, that when heat recovery occurs, a damper is used to direct the thermal oxidizer exhaust directly from the thermal oxidizer through the waste heat boiler. The emissions are then exhausted from a separate waste heat boiler stack. This stack is not listed in the current NSR permit. - The Waste Heat Boiler has two separate sides: the Waste Heat Recovery Side and the Natural Gas Burner Side. A separate release point was noted during the audit for the natural gas burner side. Although the permitting of this burner was addressed, this stack is not listed in the current NSR permit. (Emits products of natural gas combustion only.) 	<p>A NSR permit amendment application will be submitted to the TCEQ requesting the following updates:</p> <p>Representation of the Waste Heat Boiler/Thermal Oxidizer emissions including the addition of:</p> <ul style="list-style-type: none"> - EPN 8A (Thermal Oxidizer With No Heat Recovery) and - EPN WHBLR1 (Superior Fire Tube Waste Heat Boiler - Natural Gas Burner Side). 	November 2006 (Date of Installation)	<p>A NSR Permit Application was submitted to the TCEQ (Dated December 18, 2008) requesting the updates as noted in the Proposed Corrective Action.</p> <p>The TCEQ has issued a Draft NSR Permit.</p>

**Voluntary Disclosure of Violations Discovered Pursuant to a Scheduled Environmental Audit
Quarterly Update for Quarter 4, 2009**

**Building Materials Corporation of America
GAF Materials Corporation, Dallas Plant**

Item	Category	References	Finding	Proposed Corrective Action	Duration	Current Status
3	NSR Permit	30 TAC 116.110(a) 30 TAC 116.116(a) Permit Number 7711A General Conditions	Tanks T-1 and T-2 Laminating Adhesive Tanks were noted during the audit as routing to the Thermal Oxidizer. This varies from the current NSR Permit and application representation noting the tanks route to the CECO Filter Vent (EPN CECO1).	A NSR permit amendment application will be submitted to the TCEQ requesting the removal of EPN CECO1 and a change in representation of EPN 8 to include the routing of emissions from Tanks T-1 and T-2 to the Thermal Oxidizer. Site-wide modeling will be updated to include this change in representation to demonstrate compliance with all standards. This modeling report will be submitted with the permit amendment application.	February 18, 2008 (Operation of routing to the thermal oxidizer)	A NSR Permit Application was submitted to the TCEQ (Dated December 18, 2008) requesting the updates as noted in the Proposed Corrective Action. The TCEQ has issued a Draft NSR Permit.
4	NSR Permit	30 TAC 116.110(a) 30 TAC 116.111(a)(2)(J) 30 TAC 116.116(a)	The representation of Structure Heights, Structures, and Property Line included in the Building Downwash Analyses of the May 2004 Emissions Air Modeling Report varies from the current site information. Based on the privileged environmental compliance audit conducted at the GAF Dallas Plant, several discrepancies were noted in the heights of structures considered in building downwash analyses performed as part of the May 2004 modeling. In addition, the GAF Dallas Plant acquired two pieces of land since the 2004 site-wide modeling was conducted. This new land includes additional buildings. Please see the attached Table 2 listing the downwash structures included in the May 2004 Emission Air Modeling Report versus the current configuration at the site.	Site-wide modeling will be updated to include the change in representation of the downwash structures and property line to demonstrate compliance with all standards.	May 13, 2004 (Application Submittal Date)	Site-wide modeling was conducted with proposed changes and the modeling report was submitted to the TCEQ on May 5, 2009. The TCEQ has issued a Draft NSR Permit.
5	Air Emissions Inventory	30 TAC 101.10(c)	2006 & 2007 EIQs: The basis for the actual emissions from EPN 8 did not account for the elevated emission rates noted during the November 2006 stack testing.	Revised EIQs for 2006 and 2007 will be submitted to the TCEQ.	August 20, 2007 (2006 Emissions Inventory Submittal Date) March 28, 2008 (2007 Emissions Inventory Submittal Date)	Revised EIQs for 2006 and 2007 were submitted to the TCEQ on March 31, 2009.

AIRCO-DB0378S/RN102040888-CO

City of Dallas, Air Pollution Control Program Investigation Report

**BUILDING MATERIALS CORPORATION OF AMERICA
CN602717464**

GAF MATERIALS

RN100788959

Investigation # 784743

Incident #

Investigator: BRIAN CUNNINGHAM

Site Classification

MAJOR SOURCE

Conducted: 12/08/2009 -- 12/08/2009

SIC Code: 2952

NAIC Code: 324122

Program(s): AIR NEW SOURCE
PERMITS

Investigation Type : Compliance Invest File Review

Location : 2600 Singleton Blvd

Additional ID(s) : 7711A
DB0378S

Address: ; ,

Activity Type : CITY OF DALLAS LOCAL PROGRAM
AIRFI - Follow-up Compliance Investigation

Principal(s) :

Role

Name

RESPONDENT

BUILDING MATERIALS CORPORATION OF AMERICA

Contact(s) :

Role

Title

Name

Phone

Regulated Entity Mail Contact

ENGINEERING MANAGER MR DOUG HARRIS

Work (214) 637-8909

Other Staff Member(s) :

Role

Name

Supervisor

JONI KEACH

Associated Check List

Checklist Name

AIR GENERIC INVESTIGATION (10 ITEMS)

Unit Name

GAF Materials Dallas

Investigation Comments :

INTRODUCTION

Introduction

The purpose of this Follow up investigation was to resolve a Notice of Violation issued to GAF Materials Corporation. The facility is located at 2600 Singleton Blvd, Dallas, Texas, 75212. The facility operates under New Source Review (NSR) Permit # 7711A and Federal Operating Permit (FOP) #O-02771. Mr. Doug Harris, Engineering Manager for GAF, will serve as the regulated entity mail contact.

DAILY NARRATIVE

On December 08, 2009 Brian Cunningham of the City of Dallas Air Pollution Control Program, reviewed the paperwork received from GAF in response to a Notice of Violation issued by Amanda

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TCEQ
CENTRAL FILE ROOM

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JAN 06 2010

DFW REGION-4

Trammel, a previous investigator with the City of Dallas Air Pollution Control Program. During the initial investigation on 06/23/2009 the following violations were cited:

30 TAC 116.110(a), 5C THSC 382.085(b), 5C THSC 382.0518(a), - Permit to construct; Before any actual work is begun on the facility, any person who plans to construct any new facility or to engage in the modification of any existing facility which may emit air contaminants into the air of this state shall either: (1) obtain a permit or (2) satisfy the conditions for a standard permit.

Deviations #1-4 occurred when emission from tanks T-1 and T-2 were routed to the thermal oxidizer and not to the CECO filter vent as represented in the NSR permit.

GAF submitted a NSR Permit Amendment Application to the TCEQ on December 18, 2008 requesting the authorization for the modification. A draft permit was issued by the TCEQ and is under final review. This resolves this violation

30 TAC 116.116(a)(1)-The representation of the thermal oxidizer and waste heat boiler varies from the representation in the NSR permit. The oxidizer and boiler are represented as one emission point number (EPN) 8 and should be represented as EPN 8 and EPN 8A respectively and because several source building parameters vary from the representation in the May 2004 Emissions Air Modeling Report for the facility.

GAF submitted a NSR Permit Amendment Application to the TCEQ on December 18, 2008 requesting the authorization for the modification of EPN 8. A modeling report in support of the amendment application was requested by the TCEQ on April 29, 2009. GAF subsequently submitted the modeling report and a draft permit was issued by the TCEQ and is under final review.

GENERAL FACILITY AND PROCESS INFORMATION

Process Description

GAF Materials manufactures roofing shingles. GAF has been at its present location for over 20 years, but a roofing facility has been at this site since the 1940's. The facility has approximately 200 employees. The plant operates three shifts per day, 24 hours per day 7 days per week.

Line #1 makes conventional shingles. Line #3 makes laminate shingles. Large rolls/webs of fiberglass are fed into both shingle lines. Both surfaces of the fiberglass are coated with an asphalt and limestone mixture. The mixture is piped in from outdoor heated storage silos. After coating, a controlled layer of granules is dropped and embedded into the upper surface of the mat. The mat is flipped and a thin layer of sand is applied to the lower surface. The granules are received from hopper cars and bottom-loaded to silos via a bucket elevator. The granules are conveyed into the processing equipment. Fifteen silos contain granules and one is reserved for sand for Line #3. The silos are not equipped with dust collectors but the granules don't pose a particulate issue. Two outdoor bins hold non-colored, headlap (unexposed area of shingle) granules. Two roof-mounted, pulse air baghouses are located here; one unit for the 120 ton filler silo and the other for the filler use bin. Filler is a cheaper form of the limestone material. The filler is first off-loaded from a truck into a 120 ton, Hollow-Flayed filler silo. The material is transferred to a heater where it is heated to 300-400F. The material is then transferred to a holding bin.

The limestone and asphalt are mixed and moved by a paddle mixer and screw conveyor to the coating unit. Line #3 is similar in operation to Line #1, except for a few differences in equipment including that the granules are stored in nineteen silos and the sand in one. Two 80 ton silos contain the filler material which is entered straight into the process.

The laminated shingles involve the following: The lamination occurs after the cooling is done with self-seal asphalt based dots, heat and pressure. A second layer is added to approximately half of the shingle to create a textured appearance. After coating, the web is water cooled and cut into sheets or shingles, stacked and packaged. Where the roll of dry un-woven fiberglass mat first feeds into the system, a negative air and dry filter system captures any loose fibers. Three dust collectors with approximately 144 bags each capture indoor plant emissions. The asphalt is received in bulk by truck or train. The material is initially received stored in two upright tanks, transferred into a holding tank, then conveyed into smaller tanks. All tanks or stills are jacketed and heated with steam coils to keep the asphalt hot. If cooling is necessary, blow still #13 is cooled internally, and blow still #26 is cooled externally with water. A total of nine tanks are used for storage. Other tanks are on-site but not in use, although functional. The facility has 2 boilers. Boiler #1 has a rating of 15mmBtu and Boiler #2 has a rating of 10 mmBtu. An electrostatic precipitator is the VOC and PM control device for Lines #1 and #3. A knockout tank takes

emissions from the asphalt blowing stills and routes them to a thermal oxidizer, which is set at 1400 degrees Fahrenheit and has a continuous monitoring system.

BACKGROUND

Current Enforcement Actions:

None

Agreed Orders, Court Orders, & Other Compliance Agreements:

1) 01/25/2008; Inv #636622; 2008-0805-AIR-E 30.

Complaints:

1) 08/13/2007; Inv #572698, Inc #96067 - No violations alleged

2) 04/01/2009; Inv #742818, Inc #122879 - No violations alleged

Prior Enforcement Issues:

1) 06/23/2009; Inv #759688 - NOV for 30 TAC 116.110(a), 30 TAC 116.116(a)(1); Resolved

12/08/2009(Inv #784743). Noted and Resolved NOV for 40 CFR 60.48c(g).

2) 11/08/2005; Inv #432395 - NOV issued for 30 TAC 116.115(b)(2)(f) which required the holder of Permit 7711A to comply with the permit Maximum Allowable Emissions Rate Table (MAERT); and for failure to comply with 30 TAC 116.115(c) which requires the holders of permits to comply with all special conditions contained in the permit document

ADDITIONAL INFORMATION

Conclusions and Recommendations:

A Compliance letter will be sent.

Additional Issues:

None

ALLEGED VIOLATION(S) NOTED AND RESOLVED

Track No: 368953

Resolution Status Date: 12/23/2009

Violation Start Date: 9/9/2008

Violation End Date: 12/8/2009

30 TAC Chapter 116.110(a)

5C THSC Chapter 382.0518(a)

5C THSC Chapter 382.085(b)

Alleged Violation:

Investigation: 759688

Comment Date: 06/24/2009

The facility failure to obtain authorization before any modification of any existing facility which may emit air contaminants into the air. Specifically, the facility did not obtain authorization before routing tanks T-1 and T-2 to the thermal oxidizer and not to the CECO filter vent as represented in the NSR permit.

Investigation: 784743

Comment Date: 12/23/2009

The facility did not obtain authorization before routing tanks T-1 and T-2 to the thermal oxidizer and not to the CECO filter vent as represented in the NSR permit.

Recommended Corrective Action: The facility should submit paperwork to the TCEQ requesting authorization for the modification and amendments to the NSR permit to reflect the changes.

Resolution: GAF submitted a NSR Permit Amendment Application to the TCEQ on 12/18/2008 requesting authorization for the modification. A draft permit was issued by the TCEQ and is under final review.

Track No: 368955

Resolution Status Date: 12/23/2009

Violation Start Date: 9/9/2008

Violation End Date: 12/8/2009

30 TAC Chapter 116.116(a)(1)

Alleged Violation:

Investigation: 759688

Comment Date: 06/24/2009

The facility failed to have correct representations with regard to construction plans and operation procedures reflected in the NSR permit. Specifically, emission point number (EPN) 8 should be reflected as two separate emission points in the NSR permit. Also, several other source and building actual parameters vary from the parameters in the Emissions Air Modeling Report dated May 13, 2004, which was used to set emission rates for the facility.

Investigation: 784743

Comment Date: 12/23/2009

The facility failed to have correct representations with regard to construction plans and operation procedures reflected in the NSR permit. Specifically emission point number (EPN) 8 should be reflected as two separate emission points in the NSR permit.

Recommended Corrective Action: The facility should request a permit amendment to correct the NSR permit representation of EPN 8 and obtain approval for site-wide parameter modifications to match those used to set emission rates for the facility.

Resolution: GAF submitted a NSR Permit Amendment Application to the TCEQ on December 18, 2008 requesting the authorization for the modification to EPN 8. A modeling report was requested by the TCEQ on April 29, 2009. GAF subsequently submitted the modeling report on May 5, 2009. A draft permit was issued by the TCEQ and is under final review.

Signed

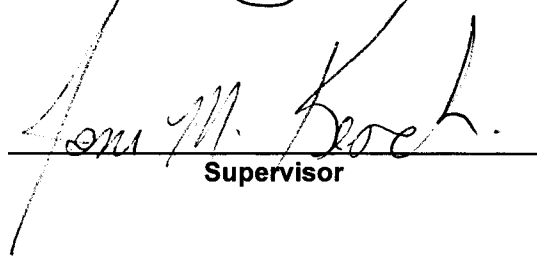


Environmental Investigator

Date

12/23/09

Signed



Supervisor

Date

12/23/09

Attachments: (in order of final report submittal)

___ Enforcement Action Request (EAR)

___ Letter to Facility (specify type) : _____

Investigation Report

___ Sample Analysis Results

___ Manifests

___ NOR

___ Maps, Plans, Sketches

___ Photographs

___ Correspondence from the facility

___ Other (specify) : _____



City of Dallas

December 24, 2009

Mr. Doug Harris
Building Material Corp. of America
2600 Singleton Blvd.
Dallas, Texas 75212

Re: Follow-Up Compliance Investigation at Building Material Corp. of America,
2600 Singleton Blvd., Dallas, (Dallas County), Texas, **TCEQ Account**
Numbers: RN100788959, CN602717464

Dear Mr. Harris:

On December 8, 2009, Brian Cunningham with the City of Dallas Air Pollution Control Program conducted a investigation of the above-referenced property to evaluate compliance with applicable requirements for air pollution. No violations were documented during the investigation.

The City of Dallas Air Pollution Control Program and Texas Commission on Environmental Quality (TCEQ) appreciates your assistance in this matter and your compliance efforts to ensure protection of the State's environment. If you or members of your staff have any questions regarding these matters, please feel free to contact Mr. Cunningham at 214-948-4435.

Sincerely,

David Miller, P.E., Manager
Air Pollution Control Program
Public Works and Transportation Department

AIR/D^{DB}03785/co

Brown McCarroll
L.L.P.

111 Congress Avenue, Suite 1400, Austin, Texas 78701-4043
512-472-5456 fax 512-479-1101
direct (512) 479-1125 [REDACTED]

November 9, 2009

Ms. Norma Salinas
Order Compliance Team
Texas Commission on Environmental Quality
MC 149A
P.O. Box 13087
Austin, Texas 78711-3087

RECEIVED
NOV 12 2009
ENFORCEMENT DIVISION

Re: Request for Second Extension of Agreed Order Deadline;
TCEQ Docket No. 2008-0805-AIR-E

RECEIVED
JAN 04 2010
TCEQ
CENTRAL FILE ROOM

Dear Ms. Salinas:

Building Materials Corporation of America (BMCA) requests a second extension of the deadline in ordering provision 3.d. in the above-referenced Agreed Order (attached). On September 23, 2009, TCEQ granted a first extension of the deadline (attached) until January 30, 2010. The reasons for the first extension still exist and it has become clear BMCA cannot meet the deadline due to factors outside its control. Specifically, the processing time for BMCA's air permit amendment is delayed due to the hearing request described in BMCA's first extension request (attached).

The TCEQ Air Permits Division (APD) supports the requested application to amend BMCA's air permit and, we believe, this extension request. The application has passed BACT and impacts review using the air pollution control equipment currently being used, and BMCA has diligently responded to all requests from APD.

Based on the above, BMCA requests a further extension of six (6) months on ordering provision 3.d. BMCA will, of course, try to obtain the permit amendment sooner, but BMCA continues to reserve the right to request additional extensions as conditions warrant.

BMCA will reply promptly to any requests for additional information you may have and looks forward to TCEQ's favorable determination on this request.

Very truly yours,



Rod Johnson

Attachments

cc: Suzanne Walrath, TCEQ
Javier Galvan, TCEQ

4351816.1
13577.91231

Austin • Dallas • Houston • El Paso

Bryan W. Shaw, Ph.D., *Chairman*
Buddy Garcia, *Commissioner*
Carlos Rubinstein, *Commissioner*
Mark R. Vickery, P.G., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

SEPTEMBER 23, 2009

Mr. David Fuelleman, Plant Manager
Building Materials Corporation of America
2600 Singleton Boulevard
Dallas, Texas 75212-3738

Re: Amended Schedule for Compliance with Ordering Provisions
Building Materials Corporation of America; RN100788959
Docket No. 2008-0805-AIR-E; Enforcement Case No. 35904
Agreed Order Effective Date: February 8, 2009

Dear Mr. Fuelleman:

We are in receipt of a letter dated August 3, 2009, from Mr. Rod Johnson, which requested an amended schedule for completion of Ordering Provision No. 3.d of the above-referenced Agreed Order. The letter also provided specific reasons for delays.

Based upon the reviewed information, we approve of the amended schedule as requested. The new deadline for compliance with Ordering Provision No. 3.d is January 30, 2010.

Thank you for your continuing efforts to achieve compliance. If you have any questions, please contact Ms. Allison Beissner of the Enforcement Division staff at 512-239-2574.

Sincerely,

A handwritten signature in cursive script that reads "Bryan Sinclair".

Bryan Sinclair, Director
Enforcement Division

cc: Ms. Alyssa Taylor, Manager, Air Section, Dallas/Fort Worth Regional Office, TCEQ
Mr. Rod Johnson, 111 Congress Avenue, Suite 1400, Austin, Texas 78701-4043
Mr. Doug Harris, Plant Engineer, Building Materials Corporation of America, 2600 Singleton Boulevard, Dallas, Texas 75212-3738

August 3, 2009

Ms. Norma Salinas
Order Compliance Team
Texas Commission on Environmental Quality
MC 149A
P.O. Box 13087
Austin, Texas 78711-3087

Re: Request for Extension of Agreed Order Deadline;
TCEQ Docket No. 2008-0805-AIR-E

Dear Ms. Salinas:

Building Materials Corporation of America (BMCA) requests an extension of a deadline in Ordering Provision 3.d. concerning a technical requirement contained in the above-referenced Agreed Order.

Under Ordering Provisions 3.a. and 3.b., BMCA was provided an option to either complete a stack test or file a new source review air permit application to authorize increased emissions from certain facilities within 60 days of the Agreed Order's effective date. BMCA chose to file a permit application under Ordering Provision 3.b. and believes it has responded in a timely, complete and adequate fashion to all requests for additional information from TCEQ's Air Permits Division as required by Ordering Provision 3.c.

Ordering Provision 3.d. requires BMCA to file a certification with TCEQ that BMCA has obtained the requested air permit amendment. That certification is due 240 days from the effective date of the Agreed Order. However, during the first public notice period, TCEQ received what appears to be a comment / hearing request letter on the application. The commenter, Mr. David Hunter, asked to be contacted at a residential address and the Dallas County Jail. He provided an inmate number to assist in contacting him.

Although not required, BMCA has been unsuccessful reaching Mr. Hunter to discuss his concerns and resolve them to avoid delays in issuing the permit. He has not responded to letters sent to him at the jail and the residential address he provided. The Dallas County Jail has verbally told BMCA the requester is not being held in their jail. A search on the Dallas County Appraisal District lists a different name as the owner of the residential address. And, BMCA representatives went to the residential address to find him, but were unsuccessful.

Unless Mr. Hunter withdraws his request, BMCA's permit will be delayed. First, TCEQ has indicated a second public notice period may be required. Second, the second public notice period may result in additional comment letters. Third, TCEQ normally schedules a commission agenda to determine if a contested case hearing should be held based on comments filed during

Ms. Norma Salinas

August 3, 2009

Page 2

the public notice period. Finally, in the event TCEQ requires a contested case hearing, the hearing will further delay permit issuance.

BMCA believes at this time that the TCEQ Air Permits Division supports the requested amendment to BMCA's air permit. The application has passed BACT and impacts review without the need for additional air pollution control equipment beyond that currently being used.

Based on these events outside BMCA's control, and based on BMCA's diligence in working to obtain the permit amendment, BMCA requests an extension of six (6) months on ordering provision 3.d. BMCA will, of course, try to obtain the permit amendment sooner, but BMCA also reserves the right to request a further extension in the event procedural delays make it impossible for BMCA to obtain the requested permit amendment in time to file the required certification.

BMCA will reply promptly to any requests for additional information and looks forward to TCEQ's favorable determination on this request.

Very truly yours,

Rod Johnson by D.R.

Rod Johnson

cc: Suzanne Walrath, TCEQ
Javier Galvan, TCEQ
David Feulleman, BMCA
Doug Harris, BMCA

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13577.91231



GAF ELK MATERIALS CORPORATION

2600 Singleton Boulevard, Dallas, TX 75212

Tel: 214-637-1060

October 2, 2009

Executive Director
Texas Commission on Environmental Quality
c/o Alyssa Taylor
Air Section Manager – Dallas/Fort Worth Regional Office
2309 Gravel Drive
Fort Worth, Texas 76118

RECEIVED
OCT 05 2009
DFW REGION-4

RE: *Semi-Annual Deviation Report*
Permit No. O-2771
Building Materials Corporation of America, GAF- Dallas Plant
Customer Reference Number CN602717464
Regulated Entity Reference Number RN100788959
TCEQ Account Number – DB-0378-S

Dear Ms. Taylor:

Building Materials Corporation of America (a.k.a. GAF Materials) operates under Federal Operating Permit No. O-2771, issued on March 9, 2006. Enclosed please find the Permit Compliance Certification (PCC), Deviation Report, and Certification by Responsible Official (OP-CRO1) forms, as required by the Title 30 Texas Administrative Code Chapter 122 (30 TAC Chapter 122). This certification period extends from March 9, 2009 to September 9, 2009.

On March 23, 2009, GAF submitted an Annual Compliance Certification Report. As set forth in our September 25, 2008 Voluntary Disclosure of Violations and Discrepancies letter, many of the deviations reported in March 2009, which were previously reported on the October 8, 2008 Semi-Annual Deviation Report, were discovered pursuant to a scheduled Environmental Audit initiated on July 31, 2008. Several of the deviations identified were resolved in an Agreed Order dated September 19, 2008 and more recently in a New Source Review (NSR) Permit Amendment Application submitted on December 18, 2008, which is currently under review by the TCEQ. In addition, GAF submitted a Title V Minor Revision Application on July 21, 2009 to incorporate the changes from the NSR Permit Amendment. The Title V Minor Revision Application is currently under review by the TCEQ. As such, GAF would like to provide a status update for the deviations that are impacted by the approval of the NSR Amendment Application, the Modeling Analysis, and the Title V Minor Revision Application. The following provides a status update for each deviation.

- Per the General Terms and Conditions of GAF's Title V Operating Permit,

The permit holder shall comply with 30 TAC Chapter 116 by obtaining a New Source Review authorization prior to new construction or modification of emission units located in the area covered by this permit.

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TCEQ
CENTRAL FILE ROOM

- Emissions from Tanks T-1 and T-2 Laminating Adhesive Tanks are routed to the Thermal Oxidizer (EPN 8). This varies from the current NSR Permit noting the tanks route to the CECO Filter Vent (EPN CECO1).
- Representation of EPN 8 (Boiler and Thermal Oxidizer Vent Controlling Tanks T-8, T-9, T-10, T-14, T-15, T-110, T-120, and Blowstills T-13 and T-26) varies from the current NSR permit. The Waste Heat Boiler and Thermal Oxidizer are listed in the permit as exhausting to one emission point (EPN 8). However, when heat recovery occurs, a damper is used to direct the thermal oxidizer exhaust directly from the thermal oxidizer through the waste heat boiler. The emissions are then exhausted from a separate waste heat boiler stack. This stack is not listed in the current NSR permit. The Waste Heat Boiler has two separate sides: the Waste Heat Recovery Side and the Natural Gas Burner Side. A separate release point was noted during the audit for the natural gas burner side. Although the permitting of this burner was addressed, this stack is not listed in the current NSR permit (emits products of natural gas combustion only). This error does not impact overall emission values since EPN 8 was originally permitted to account for emissions from both of the emission release points.
- Source parameters and building parameters vary from the representation presented on the Table 1(a) of the May 2004 Emissions Air Modeling Report.

A NSR permit amendment application was submitted to the TCEQ on December 18, 2008 requesting appropriate changes to correct the above-mentioned deviations as stipulated in the September 25, 2008 Audit Disclosure Letter, October 8, 2008 Semi-Annual Deviation Report, and March 23, 2009 Annual Compliance Certification Report. In addition, a Title V permit revision application was submitted to the TCEQ on July 21, 2009 requesting appropriate changes to incorporate the above-mentioned deviations.

- Per Special Condition 2.E. of GAF's Title V Operating Permit,

The permit holder shall comply with Title 30 TAC 101.10 (relating to Emissions Inventory Requirements)

GAF conducted stack testing for EPN 8 in November 2006. These emission rates from this stack testing were not utilized in determining the actual emissions from EPN 8 for the 2006 and 2007 Emission Inventory Questionnaires (EIQ) submittals. As noted in the Voluntary Disclosure of Violations and Discrepancies letter dated September 25, 2008 the October 8, 2008 Semi-Annual Deviation Report, and the March 23, 2009 Annual Compliance Certification Report, GAF submitted revised EIQs for 2006 and 2007 utilizing the November 2006 stack test results for EPN 8 on March 31, 2009.

- Per Special Condition 7.A. of GAF's Title V Operating Permit, New Source Review Requirements,

Are incorporated by reference into this permit as applicable requirements

The following deviations were identified for this permit condition:

- On December 29, 2006, a stack testing report indicated the pound per hour (lb/hr) carbon monoxide (CO), oxides of nitrogen (NO_x), and sulfur dioxide (SO₂) maximum allowable emission rates for the Boiler and Thermal Oxidizer Vent (EPN 8) were exceeded. These

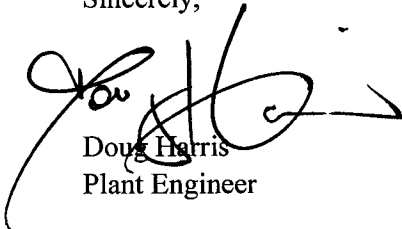
deviations were identified in the Semi-Annual Deviation Report dated April 9, 2008 and listed in the October 8, 2008 Semi-Annual Deviation Report and the March 23, 2009 Annual Compliance Certification Report since the item was not corrected at that time. As part the corrective action, stack testing was conducted in April 2008, which confirmed the exceedances for CO, NO_x, and SO₂. This issue was addressed in the Agreed Order dated September 19, 2008, GAF submitted a permit amendment application on December 18, 2008 requesting an increase in permit allowables.

- In June 2005, a stack testing report indicated the pound per hour (lb/hr) PM maximum allowable emission rate for the Line No. 3 Cooling Section (EPN COOL3) was exceeded. This deviation was identified in the Semi-Annual Deviation Report dated April 9, 2008 and listed in the October 8, 2008 Semi-Annual Deviation Report and the March 23, 2009 Annual Compliance Certification Report since the item was not corrected at that time. As part the corrective action, stack testing was conducted in April 2008, which confirmed the exceedance of PM. This issue was addressed in the Agreed Order dated September 19, 2008 and GAF submitted a permit amendment application on December 18, 2008 requesting an increase in permit allowables.
- Per NSR Permit Number 7711A dated October 21, 2004, within 180 days after issuance of this permit, stack testing for Line No. 1 Cooling Section (EPN COOL1) shall occur to demonstrate compliance with the allowable emissions set forth in this permit. Permit 7711A established a particulate matter (PM) and volatile organic compound (VOC) permit limit for the Line No. 1 Cooling Section. Stack testing was conducted in April 2008, which showed an exceedance of the maximum allowable emission rate for PM₁₀ (lb/hr). This deviation was listed in the September 25, 2008 Audit Disclosure Letter and was noted in the October 8, 2008 Semi-Annual Deviation Report and the March 23, 2009 Annual Compliance Certification Report, GAF submitted a permit amendment application on December 18, 2008 requesting an increase in permit allowables.

The deviation report for the March 9, 2009 to September 9, 2009 semi-annual reporting period is provided in Attachment 1. The certification by Responsible Official (RO) (Form OP-CRO1) is provided in Attachment 2.

If you have any questions or comments, please call me at (214) 637-8909.

Sincerely,



Doug Harris
Plant Engineer

Attachments

cc: Mr. Tom Diggs, U.S. EPA Regional Office Air Branch Chief
Mr. David Fuelleman, GAF
Mr. Fred Bright, GAF

Texas Commission on Environmental Quality
Federal Operating Permit Deviation Report Form
Form Dev Rep (Part 1)

AIR CO/RN100788959/

Permit Holder Name		Building Materials Corporation of America				Customer Number CN	602717464
Area Name		Dallas Plant				Account Number (XX-XXXX-XX)	DB-0378-S
Report Period Start Date	3/9/2009	Report Period End Date	9/9/2009	Operating Permit Number	O-2771	Report Submittal Date	10/2/2009

Operating Permit Requirement for Which Deviations are Being Reported																	
Dev Item No.	Unit ID	Group ID	Term & Condition No.	Pollutant	Regulatory Requirement Citation	Type of Requirement	SOP or GOP Index Number	Monitoring Method	Monitoring Frequency	STEERS Incident No	Deviation Period				No. of Dev	Cause of Deviation	Corrective Action Taken to Remedy or Mitigate Deviation Situation
											Start		End				
											Date	Time	Date	Time			
1	T-1	N/A	General	VOC	30 TAC 116.110(a)	Report	N/A	N/A	N/A	N/A	3/9/2009		Ongoing		1	Emissions from the tank are routed to EPN 8 (beginning 02/18/2008), not to EPN CECO1 (as represented in NSR Permit). Did not obtain permit authorization.	A NSR permit amendment application was submitted on December 18, 2008, and is currently under review by the TCEQ.
2	T-1	N/A	General	PM10	30 TAC 116.110(a)	Report	N/A	N/A	N/A	N/A	3/9/2009		Ongoing		1	Emissions from the tank are routed to EPN 8 (beginning 02/18/2008), not to EPN CECO1 (as represented in NSR Permit). Did not obtain permit authorization.	A NSR permit amendment application was submitted on December 18, 2008, and is currently under review by the TCEQ.
3	T-2	N/A	General	VOC	30 TAC 116.110(a)	Report	N/A	N/A	N/A	N/A	3/9/2009		Ongoing		1	Emissions from the tank are routed to EPN 8 (beginning 02/18/2008), not to EPN CECO1 (as represented in NSR Permit). Did not obtain permit authorization.	A NSR permit amendment application was submitted on December 18, 2008, and is currently under review by the TCEQ.
4	T-2	N/A	General	PM10	30 TAC 116.110(a)	Report	N/A	N/A	N/A	N/A	3/9/2009		Ongoing		1	Emissions from the tank are routed to EPN 8 (beginning 02/18/2008), not to EPN CECO1 (as represented in NSR Permit). Did not obtain permit authorization.	A NSR permit amendment application was submitted on December 18, 2008, and is currently under review by the TCEQ.
5	8	N/A	General		31 TAC 116.116(a)	Report	N/A	N/A	N/A	N/A	3/9/2009		Ongoing		1	Representation of EPN 8 varies from the current NSR Permit. This EPN was modified in November 2006.	A NSR permit amendment application was submitted on December 18, 2008, and is currently under review by the TCEQ.
6	Facility Wide	N/A	General		31 TAC 116.116(a)	Report	N/A	N/A	N/A	N/A	3/9/2009		Ongoing		1	Source parameters and building parameters vary from the representation presented in the May 2004 Emissions Air Modeling Report dated May 13, 2004.	Site-wide modeling is pending approval of emission rates in the permit amendment application submitted on December 18, 2008 by the TCEQ Permit Engineer.
7	8	N/A	2.E.		30 TAC 101.10(c)	Report	N/A	N/A	N/A	N/A	3/9/2009		3/31/2009		1	2006 and 2007 EIQs did not account for the November 2006 stack testing results for EPN8.	Revised EIQs for 2006 and 2007 were submitted the TCEQ on March 31, 2009.
8	8	N/A	7.A.	CO	30 TAC 115(b)(2)(F)	Standard	N/A	N/A	Hourly	N/A	3/9/2009		Ongoing		1	Per stack test conducted on December 29, 2006, this unit showed exceedance of the MAERT CO lb/hr emission limit.	A NSR permit amendment application was submitted on December 18, 2008, and is currently under review by the TCEQ.
9	8	N/A	7.A.	NOX	30 TAC 115(b)(2)(F)	Standard	N/A	N/A	Hourly	N/A	3/9/2009		Ongoing		1	Per stack test conducted on December 29, 2006, this unit showed exceedance of the MAERT NO _x lb/hr emission limit.	A NSR permit amendment application was submitted on December 18, 2008, and is currently under review by the TCEQ.
10	8	N/A	7.A.	SO2	30 TAC 115(b)(2)(F)	Standard	N/A	N/A	Hourly	N/A	3/9/2009		Ongoing		1	Per stack test conducted on December 29, 2006, this unit showed exceedance of the MAERT SO ₂ lb/hr emission limit.	A NSR permit amendment application was submitted on December 18, 2008, and is currently under review by the TCEQ.
11	COOL3	N/A	7.A.	PM10	30 TAC 115(b)(2)(F)	Standard	N/A	N/A	Hourly	N/A	3/9/2009		Ongoing		1	Per stack test conducted on July 26, 2005, this unit showed exceedance of the MAERT PM ₁₀ lb/hr emission limit.	A NSR permit amendment application was submitted on December 18, 2008, and is currently under review by the TCEQ.
12	COOL1	N/A	7.A.	PM10	30 TAC 115(b)(2)(F)	Standard	N/A	N/A	Hourly	N/A	3/9/2009		Ongoing		1	Stack testing report showed exceedance of the MAERT PM ₁₀ lb/hr emission limit.	A NSR permit amendment application was submitted on December 18, 2008, and is currently under review by the TCEQ.

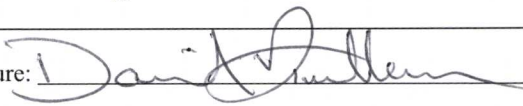
Total Deviations:	12
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Is there a Part 2 Miscellaneous Monitoring/Credible Evidence from supporting this deviation report? No
Building Materials Corporation of America
GAF Materials Corporation
Dallas Facility



Form OP-CRO1
Certification by Responsible Official
Federal Operating Permit Program

All initial permit application, revision, renewal, and reopening submittals requiring certification must be addressed using this form. Updates to site operating permit (SOP) and temporary operating permit (TOP) applications, other than public notice verification materials, must be certified prior to authorization of public notice or start of public announcement. Updates to general operating permit (GOP) applications must be certified prior to receiving an authorization to operate under a GOP.

I. IDENTIFYING INFORMATION			
A. RN:	100788959	B. CN:	602717464
C. Account No.:		DB-0378-S	
D. Permit No.:	O-2771	E. Project No.:	
F. Area Name:	Dallas Plant		
G. Company Name:	Building Materials Corporation of America		
II. CERTIFICATION TYPE <i>(Please mark the appropriate box)</i>			
A. <input checked="" type="checkbox"/> Responsible Official:		B. <input type="checkbox"/> Duly Authorized Representative:	
III. SUBMITTAL TYPE <i>(Place an "X" in the appropriate box) (Only one response can be accepted per form)</i>			
<input type="checkbox"/> SOP/TOP Initial Permit Application		<input type="checkbox"/> Update to Permit Application	
<input type="checkbox"/> GOP Initial Permit Application		<input type="checkbox"/> Permit Revision, Renewal, or Reopening	
<input checked="" type="checkbox"/> Other:		Semi-Annual Texas Operating Permit Deviation Report Form	
IV. CERTIFICATION OF TRUTH			
This certification does not extend to information which is designated by the TCEQ as information for reference only.			
I, <u>David Fuelleman</u> , certify that I am the <u>RO</u> for this application <i>(Certifier Name printed or typed) (RO or DAR)</i>			
and that, based on information and belief formed after reasonable inquiry, the statements and information dated during the time period in Section IV.A below, or on the specific date(s) in Section IV.B below, are true, accurate, and complete:			
<i>Note: Enter EITHER a Time Period OR Specific Date(s) for each certification. This section must be completed. The certification is not valid without documentation date(s).</i>			
A. Time Period: From _____ to _____ <i>Start Date* End Date*</i>			
OR			
B. Specific Dates: <u>10/02/2009</u>			
<i>Date 1* Date 2* Date 3* Date 4* Date 5* Date 6* Date 7* Date 8*</i>			
<i>*The Time Period option may only be used when the "Submittal Type" is 'Update to Permit Application' and there are multiple uncertified submittals; or a submittal package has multiple dates recorded in the documentation. Do not use the Time Period option if the "Submittal Type" is 'Other.'</i>			
Signature: <u></u>		Signature Date: <u>2-October-2009</u>	
Title: <u>Plant Manager</u>			

AIRDB-0378-5/CO

Bryan W. Shaw, Ph.D., *Chairman*
Buddy Garcia, *Commissioner*
Carlos Rubinstein, *Commissioner*
Mark R. Vickery, P.G., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

SEPTEMBER 23, 2009

Mr. David Fuelleman, Plant Manager
Building Materials Corporation of America
2600 Singleton Boulevard
Dallas, Texas 75212-3738

Re: Amended Schedule for Compliance with Ordering Provisions
Building Materials Corporation of America; RN100788959
Docket No. 2008-0805-AIR-E; Enforcement Case No. 35904
Agreed Order Effective Date: February 8, 2009

RECEIVED
OCT 19 2009
TCEQ
CENTRAL FILE ROOM

Dear Mr. Fuelleman:

We are in receipt of a letter dated August 3, 2009, from Mr. Rod Johnson, which requested an amended schedule for completion of Ordering Provision No. 3.d of the above-referenced Agreed Order. The letter also provided specific reasons for delays.

Based upon the reviewed information, we approve of the amended schedule as requested. The new deadline for compliance with Ordering Provision No. 3.d is January 30, 2010.

Thank you for your continuing efforts to achieve compliance. If you have any questions, please contact Ms. Allison Beissner of the Enforcement Division staff at 512-239-2574.

Sincerely,

A handwritten signature in cursive script that reads "Bryan Sinclair".

Bryan Sinclair, Director
Enforcement Division

cc: Ms. Alyssa Taylor, Manager, Air Section, Dallas/Fort Worth Regional Office, TCEQ
Mr. Rod Johnson, 111 Congress Avenue, Suite 1400, Austin, Texas 78701-4043
Mr. Doug Harris, Plant Engineer, Building Materials Corporation of America, 2600 Singleton Boulevard, Dallas, Texas 75212-3738

Mr. David Fuelleman
Page 2

bcc: Ms. Allison Beissner, Coordinator, Enforcement Division, MC 149A
Central Records, MC 213, Building E, 1st Floor, Air Account No. DB0378S
Enforcement Division Reader File

Brown | M^cCarroll
L.L.P.

AIRCO/DB 03785/RV 100788959/10
111 Congress Avenue, Suite 1400, Austin, Texas 78701-4043
512-472-5456 fax 512-479-1101
direct (512) 479-1125 [REDACTED]n

August 3, 2009

RECEIVED

AUG 04 2009

ENFORCEMENT DIVISION

Ms. Norma Salinas
Order Compliance Team
Texas Commission on Environmental Quality
MC 149A
P.O. Box 13087
Austin, Texas 78711-3087

Re: Request for Extension of Agreed Order Deadline;
TCEQ Docket No. 2008-0805-AIR-E

RECEIVED

SEP 28 2009

TCEQ
CENTRAL FILE ROOM

Dear Ms. Salinas:

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Under Ordering Provisions 3.a. and 3.b., BMCA was provided an option to either complete a stack test or file a new source review air permit application to authorize increased emissions from certain facilities within 60 days of the Agreed Order's effective date. BMCA chose to file a permit application under Ordering Provision 3.b. and believes it has responded in a timely, complete and adequate fashion to all requests for additional information from TCEQ's Air Permits Division as required by Ordering Provision 3.c.

Ordering Provision 3.d. requires BMCA to file a certification with TCEQ that BMCA has obtained the requested air permit amendment. That certification is due 240 days from the effective date of the Agreed Order. However, during the first public notice period, TCEQ received what appears to be a comment / hearing request letter on the application. The commenter, Mr. David Hunter, asked to be contacted at a residential address and the Dallas County Jail. He provided an inmate number to assist in contacting him.

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Ms. Norma Salinas
August 3, 2009
Page 2

the public notice period. Finally, in the event TCEQ requires a contested case hearing, the hearing will further delay permit issuance.

BMCA believes at this time that the TCEQ Air Permits Division supports the requested amendment to BMCA's air permit. The application has passed BACT and impacts review without the need for additional air pollution control equipment beyond that currently being used.

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Very truly yours,



Rod Johnson

cc: Suzanne Walrath, TCEQ
Javier Galvan, TCEQ
David Feulleman, BMCA
Doug Harris, BMCA

4311334.1
13577.91231

AIR DB-0378-S160

Buddy Garcia, *Chairman*
Larry R. Soward, *Commissioner*
Bryan W. Shaw, Ph.D., *Commissioner*
Mark R. Vickery, P.G., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

JULY 1, 2009

Mr. Doug Harris, Plant Engineer
Building Materials Corporation of America
2600 Singleton Boulevard
Dallas, Texas 75212

Re: Building Materials Corporation of America
RN100788959
Docket No. 2008-0805-AIR-E; Case No. 35904
Order Effective Date: February 8, 2009

Dear Mr. Harris:

This letter is to inform you that the above-referenced Agreed Order issued by the Texas Commission on Environmental Quality ("TCEQ") has been transferred to the Enforcement Division's Order Compliance Team to monitor compliance with the ordering provisions detailed in the Order. This is a courtesy notice to allow you the opportunity to consider your response to the Order before we conduct a compliance investigation. Please review the ordering provisions, including the required corrective actions to ensure you have complied with the requirements of the Order. Please be reminded that most orders require submittal of a notarized certification of compliance and perhaps other supporting documentation. As stated in the Order, the TCEQ may initiate additional enforcement action should compliance documentation be deficient or delinquent.

Compliance documentation should be submitted by mail to:

Order Compliance Team, Enforcement Division
Attn: Allison Beissner, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

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TCEQ
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When submitting compliance documentation, please reference Docket No. 2008-0805-AIR-E in your correspondence. If you have any questions, please contact me by phone at 512-239-2574 or by fax at 512-239-4562.

Sincerely,

A handwritten signature in cursive script, appearing to read "Allison Beissner".

Allison Beissner, Enforcement Coordinator
Enforcement Division

Enclosure: Agreed Order

cc: Ms. Alyssa Taylor, Manager, Air Section, Dallas/Fort Worth Regional Office, TCEQ

Mr. Doug Harris
Page 2

bcc: Ms. Allison Beissner, Coordinator, Enforcement Division, MC 149A
Central Records, MC 213, Building E, 1st Floor, DB0378S
Enforcement Division Reader File

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
BUILDING MATERIALS
CORPORATION OF AMERICA
RN100788959

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

AGREED ORDER
DOCKET NO. 2008-0805-AIR-E

I. JURISDICTION AND STIPULATIONS

At its **JAN 28 2009** agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Building Materials Corporation of America ("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 appear before the Commission and together stipulate that:

1. The Respondent owns and operates an asphalt felts and coatings manufacturing plant at 2600 Singleton Boulevard in Dallas, Dallas 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 Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about May 7, 2008.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Fifty Thousand Nine Hundred Twenty-Five Dollars (\$50,925) is assessed by the Commission in settlement of the violations alleged in Section II

("Allegations"). The Respondent has paid Twenty Thousand Three Hundred Seventy Dollars (\$20,370) of the administrative penalty and Ten Thousand One Hundred Eighty-Five Dollars (\$10,185) is deferred contingent upon the Respondent's 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 Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty. Twenty Thousand Three Hundred Seventy Dollars (\$20,370) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

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 of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the Respondent conducted a stack test on the line no. 1 cooling section exhaust [a total of three stacks – emission point number ("EPN") COOL1] on April 24, 2008.
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 Respondent has 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 owner and operator of the Plant, the Respondent is alleged to have:

1. Failed to comply with the permitted Maximum Allowable Emissions Rate Table ("MAERT") for the line 3 cooling section ("EPN COOL3") as determined during stack testing, in violation of 30 TEX. ADMIN. CODE § 116.115(b)(2)(F), Air Permit No. 7711A, Special Condition No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on January 25, 2008. Specifically, at EPN COOL3, the permitted allowable hourly particulate matter ("PM") emission rate is 6.00 pounds per hour ("lbs/hr"), and during the stack test conducted on May 16 through May 27, 2005, the actual hourly PM emission rate was 29.84 lbs/hr.
2. Failed to comply with the permitted MAERT for the thermal oxidizer stack ("EPN 8") as determined during stack testing, in violation of 30 TEX. ADMIN. CODE § 116.115(b)(2)(F), Air Permit No. 7711A, Special Condition No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on January 25, 2008. Specifically, at EPN 8, the

permitted allowable hourly sulfur dioxide ("SO₂") emission rate is 0.73 lbs/hr, and during the stack test conducted on October 30 and 31, 2006, the actual hourly rate for SO₂ was 38.49 lbs/hr, the permitted allowable hourly oxides of nitrogen ("NO_x") emission rate is 0.72 lbs/hr and the actual hourly rate for NO_x was 2.15 lbs/hr, and the permitted allowable carbon monoxide ("CO") emission rate is 1.26 lbs/hr and the actual hourly rate for CO was 22.46 lbs/hr.

3. Failed to conduct stack testing on EPN COOL1, in violation of 30 TEX. ADMIN. CODE § 116.115(b)(2)(F), Air Permit No. 7711A, Special Condition No. 9, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on January 25, 2008. Specifically, Special Condition No. 9 requires that it be sampled 180 days after the issuance of the permit dated October 21, 2004, which was no later than April 19, 2005.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's 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: Building Materials Corporation of America, Docket No. 2008-0805-AIR-E" to:

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

2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6, Twenty Thousand Three Hundred Seventy Dollars (\$20,370) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 60 days after the effective date of this Agreed Order, complete stack testing for EPN COOL3 for PM, and EPN 8 for SO₂, NO_x, and CO; or
 - b. Within 60 days after the effective date of this Agreed Order, submit an administratively complete permit amendment application to increase allowable emission limits for PM from EPN COOL3, and SO₂, NO_x, and CO from EPN 8, and comply with any

subsequently issued requirements and timelines for stack testing for PM from EPN COOL3 and for SO₂, NO_x, and CO from EPN 8;

- c. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit application within 30 days after the date of such requests, or by any other deadline specified in writing; and
- d. Within 240 days after the effective date of this Agreed Order, submit written certification of the results of the stack testing for EPN COOL3 for PM and EPN 8 for for SO₂, NO_x, and CO, or that either authorization to construct and operate a source of air emissions has been obtained or that construction/operation has ceased until such time that appropriate authorization is obtained. The certification shall include detailed supporting documentation including receipts and/or other records to demonstrate compliance, be notarized by a State of Texas Notary Public, and 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 fine and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

Air Section, Manager
Dallas/Fort Worth Regional Office
Texas Commission on Environmental Quality
2309 Gravel Drive
Fort Worth, Texas 76118-6951

- 4. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is 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.
- 5. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days

after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed 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.
7. This Agreed 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 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.
8. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
9. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Buddy Covic
For the Commission

Jan S. Solin
For the Executive Director

12/8/08
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.

David Fuelleman
Signature

24-November-2008
Date

David Fuelleman
Name (Printed or typed)
Authorized Representative of
Building Materials Corporation of America

Plant Manager
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.

AIRCO-DB0378S/RN100788959-CO

City of Dallas, Air Pollution Control Program Investigation Report

BUILDING MATERIALS CORPORATION OF AMERICA
CN602717464

GAF MATERIALS

RN100788959

Investigation # 759688

Incident #

Investigator: AMANDA TRAMMEL

Site Classification

MAJOR SOURCE

Conducted: 06/23/2009 -- 06/23/2009

SIC Code: 2952

NAIC Code: 324122

Program(s): AIR OPERATING PERMITS
AIR NEW SOURCE
PERMITS

Investigation Type : Compliance Investigation

Location : 2600 Singleton Blvd

Additional ID(s) : 7711A
47455
DB0378S
2771
81652

Address: ; ,

Activity Type : CITY OF DALLAS LOCAL PROGRAM
SPCI - SPCI (Site Permit Compliance Investigation)
SFCI - SFCI (Site Full Compliance Investigation)

Principal(s) :

Role

Name

RESPONDENT

BUILDING MATERIALS CORPORATION OF AMERICA

Contact(s) :

Role

Title

Name

Phone

Regulated Entity Mail Contact

ENGINEERING MANAGER MR DOUG HARRIS

Work (214) 637-8909

Cell (972) 623-8315

Fax (214) 637-5202

Regulated Entity Contact

MANAGING CONSULTANT MRS CHRISTINE M

Work (972) 661-8100

OTTO-CHAMBERS

Fax (972) 385-9203

Regulated Entity Contact

PROJECT ENGINEER

MR GERRY GUTIERREZ

Work (214) 637-8998

Regulated Entity Contact

PROJECT ENGINEER

MR DURWIN

Work (214) 637-8977

FARLOUGH

Regulated Entity Contact

CONSULTANT

MS KALPALATHA

Work (972) 661-8100

KAMBHAM

Other Staff Member(s) :

Role

Name

QA Reviewer

JONI KEACH

Supervisor

JONI KEACH

Associated Check List

Checklist Name

AIR GENERIC INVESTIGATION (10 ITEMS)

Unit Name

GAF Materials Dallas

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Investigation Comments :**INTRODUCTION**

The purpose of this scheduled Site Full Compliance and Site Permit Compliance Investigation (SFCI/SPCI) was to determine the compliance status of GAF Materials Corporation. The facility is located at 2600 Singleton Blvd, Dallas, Texas, 75212. The identifiers for the facility are RN100788959, CN601108897, and DB0378S. The facility operates under New Source Review (NSR) Permit # 7711A and Federal Operating Permit (FOP) #O-02771. MR. Doug Harris, Engineering Manager for GAF, was the regulated entity mail contact during this investigation. Also present were Gerry Gutierrez and Durwin Farlough, Project Engineers for GAF and Christine Otto-Chambers and Kalpalatha Kambham, Environmental Consultants with Trinity Consultants.

DAILY NARRATIVE

On June 23, 2009 Amanda Trammel, investigator with the City of Dallas Air Pollution Control Program, conducted a compliance investigation at GAF Materials Corporation. The temperature was approximately 80 F with 65 % humidity, clear skies with winds out of the south at 5-10 mph. FOP #O-02771 was issued on March 9, 2006, making annual certification paperwork due by April 8 of each year. The facility submits Form OP-CR01 for annual certification annually. This investigation covers the certification period from March 9, 2008, through March 9, 2009. Form OP-CR01 was signed and submitted by Mr. David Fulleman, Responsible Official for GAF on March 23, 2009, satisfying the reporting requirements of 30 Texas Administrative Code (TAC) Chapter 122.146 Compliance Certification Terms and Conditions. This report included 13 deviations which were all discovered during a scheduled Environmental Audit on July 31, 2008. Deviations #1-4 occurred when emission from tanks T-1 and T-2 were routed to the thermal oxidizer and not to the CECO filter vent as represented in the NSR permit. The changes were completed without authorization. A Notice of Violation (NOV) will be alleged for 30 TAC 116.110(a), 5C THSC 382.085(b), 5C THSC 382.0518(a) - Permit to construct; Before any actual work is begun on the facility, any person who plans to construct any new facility or to engage in the modification of any existing facility which may emit air contaminants into the air of this state shall either: (1) obtain a permit or (2) satisfy the conditions for a standard permit. Deviation #5 occurred because the representation of the thermal oxidizer and waste heat boiler varies from the representation in the NSR permit. The oxidizer and boiler are represented as one emission point number (EPN) 8 and should be represented as EPN 8 and EPN 8A respectively. Deviation #6 occurred because several source building parameters vary from the representation in the May 2004 Emissions Air Modeling Report for the facility. An NOV for 30 TAC 116.116(a)(1) - Representations and conditions: The following are the conditions upon which a permit, special permit, or special exemption are issued: (1) representations with regard to construction plans and operation procedures in an application for a permit, special permit, or special exemption, will be alleged for both deviations. The facility submitted an NSR permit amendment application to address Deviations #1-6 on December 18, 2008. Deviation #13 occurred because GAF failed to record the daily fuel consumption at the facility. The facility installed a fuel meter on November 25, 2008, to make daily records of fuel consumption. Therefore, a noted and resolved NOV for 40 CFR 60.48c(g) - the owner or operator of each affected facility shall record and maintain records of the amount of each fuel combusted during each operating day, will be alleged. Deviations #7-12 fall have fallen under the jurisdiction of the TCEQ Regional office as they occurred as a result of stack testing on December 29, 2006. A pre-investigation interview was conducted with the facility contacts, at which time all required paperwork was reviewed. Production and throughput records as well as emissions inventory records were also obtained at that time. A walk-through of the facility was then performed.

The following Special Conditions of Permit #7711A were discussed with the facility contacts. The record keeping and physical requirements were verified to be compliant during the pre-investigation interview and walk through of the facility.

SP1. Not in Compliance (NIC). As a result of stack testing conducted on December 18, 2008, the emissions of the facility thermal oxidizer (EPN 8) and the Lines 1 and 3 cooling sections (COOL1/COOL3) were found to have exceeded the lb/hr emissions limits set forth by the Maximum Allowable Emissions Rates Table. The TCEQ Regional office alleged a violation to the facility for the

exceedances, therefore an additional violation will not be alleged by the Local Program.

SP2. In Compliance (IC). The facility has used no fuels other than pipeline sweet natural gas.

Attachment 2 identifies materials throughput including natural gas.

SP3. IC. This facility complies with the emissions control and asphalt storage requirements of 40 Code of Federal Regulations (CFR) 60, Subpart UU. They are also in compliance with the General Provisions of 40 CFR 60, Subpart A. The facility has not been recording daily fuel consumption as required by 40 CFR 60, Subpart Dc. A violation for 40 CFR 60.48c(g) will be alleged.

SP4. IC. No visible emissions were observed from any of the equipment, tanks or building vents at the facility.

SP5. IC. No visible emissions were observed from the facility operation, road or travel areas.

SP6. A. IC The plant was in full operation and also receiving various types of raw materials, no visible emissions were observed from the filler or backing materials.

B. IC. The emissions from the stills and tanks are vented to the thermal oxidizer.

C. IC. The facility submitted raw materials throughput illustrates that both lines are below allowable limits of 24,886 pounds per hour (lbs/hr) for Line 1 and 41,472 lbs/hr for Line 3. The facility has requested that actual throughput and usage totals for 2009 be kept confidential.

D. IC. The facility is production rates for Lines 1 and 3 are below the 171 tons per hour and 1,498,000 tons per year allowed. The facility has requested that actual throughput and usage totals for 2009 be kept confidential.

SP7. Not Applicable (NA). No opacity or odor nuisance conditions were documented during the investigation. No opacity or odor nuisance violations have been issued to the facility in the last 5 years.

SP8. IC. All traffic areas are fully paved and are cleaned as needed.

SP9. Not Evaluated (NE) Stack sampling requirements and protocols are directly enforced by the TCEQ Regional office.

SP10. NA. This requirement is triggered by visible emissions violations, none have occurred to date.

SP11 - 16. NE Stack sampling requirements and protocols are directly enforced by the TCEQ Regional office.

SP17. The facility provided records which verify compliance with throughput limits and opacity readings. The facility has requested that actual throughput and usage totals for 2009 be kept confidential.

Reported facility emissions for 2008 are as follows: PM10 - 58.28 tons per year (TPY); SO2 - 128.58 TPY; NOx - 12.55 TPY; CO - 53.60 TPY; VOC - 20.12 PTY; and PM2.5 - 58.58 TPY

EXIT INTERVIEW

An exit interview was conducted with the facility contacts at which time they were told that a final compliance determination would be made after further review of the facility records. Upon further review, violations of 30 TAC 116.110(a), 30 TAC 116.116(a)(1), and 40 CFR 60.48c(g) were alleged. The facility contacts were notified via email about the violations. They were told that the violation for 40 CFR 60.48c(g) would be considered resolved.

GENERAL FACILITY AND PROCESS INFORMATION

GAF Materials manufactures roofing shingles. GAF has been at its present location for over 20 years, but a roofing facility has been at this site since the 1940's. The facility has approximately 200 employees. The plant operates three shifts per day, 24 hours per day 7 days per week.

Line #1 makes conventional shingles. Line #3 makes laminate shingles. Large rolls/webs of fiberglass are fed into both shingle lines. Both surfaces of the fiberglass are coated with an asphalt and limestone mixture. The mixture is piped in from outdoor heated storage silos. After coating, a controlled layer of granules is dropped and embedded into the upper surface of the mat. The mat is flipped and a thin layer of sand is applied to the lower surface. The granules are received from hopper cars and bottom-loaded to silos via a bucket elevator. The granules are conveyed into the processing equipment. Fifteen silos contain granules and one is reserved for sand for Line #3. The silos are not equipped with dust collectors but the granules don't pose a particulate issue. Two outdoor bins hold non-colored, headlap (unexposed area of shingle) granules. Two roof-mounted, pulse air baghouses are located here; one unit for the 120 ton filler silo and the other for the filler use bin. Filler is a cheaper form of the limestone material. The filler is first off-loaded from a truck into a 120 ton, Hollow-Flayed filler silo. The material is transferred to a heater where it is heated to

300-400F. The material is then transferred to a holding bin. The limestone and asphalt are mixed and moved by a paddle mixer and screw conveyor to the coating unit. Line #3 is similar in operation to Line #1, except for a few differences in equipment including that the granules are stored in nineteen silos and the sand in one. Two 80 ton silos contain the filler material which is entered straight into the process.

The laminated shingles involve the following: The lamination occurs after the cooling is done with self-seal asphalt based dots, heat and pressure. A second layer is added to approximately half of the shingle to create a textured appearance. After coating, the web is water cooled and cut into sheets or shingles, stacked and packaged. Where the roll of dry un-woven fiberglass mat first feeds into the system, a negative air and dry filter system captures any loose fibers. Three dust collectors with approximately 144 bags each capture indoor plant emissions. The asphalt is received in bulk by truck or train. The material is initially received stored in two upright tanks, transferred into a holding tank, then conveyed into smaller tanks. All tanks or stills are jacketed and heated with steam coils to keep the asphalt hot. If cooling is necessary, blow still #13 is cooled internally, and blow still #26 is cooled externally with water. A total of nine tanks are used for storage. Other tanks are on-site but not in use, although functional. The facility has 2 boilers. Boiler #1 has a rating of 15mmBtu and Boiler #2 has a rating of 10 mmBtu. An electrostatic precipitator is the VOC and PM control device for Lines #1 and #3. A knockout tank takes emissions from the asphalt blowing stills and routes them to a thermal oxidizer, which is set at 1400 degrees Fahrenheit and has a continuous monitoring system

BACKGROUND

Current Enforcement Actions:

- 1) 06/23/2009; Inv #759688 - NOV for 30 TAC 116.110(a), 30 TAC 116.116(a)(1); Noted and Resolved NOV for 40 CFR 60.48c(g)
- 2) 01/25/08; Inv #636622 - Notice of Enforcement for 30 TAC 116.115(b)(2)(F) and 116.115(c) - Failure to demonstrate compliance with Permit No. 7711A MAERT for EPN 8 and EPN COOL 3 and to test EPN COOL1

Agreed Orders, Court Orders, & Other Compliance Agreements:

- 1) 01/25/2008; Inv #636622; 2008-0805-AIR-E 30 TAC 116.115(b)(2)(F) and 116.115(c) - Failure to demonstrate compliance with Permit No. 7711A MAERT for EPN 8 and EPN COOL 3 and to test EPN COOL1

Complaints:

- 1) 08/13/2007; Inv #572698, Inc #96067 - No violations alleged
- 2) 04/01/2009; Inv #742818, Inc #122879 - No violations alleged

Prior Enforcement Issues:

- 1) 11/08/2005; Inv #432395 - NOV issued for 30 TAC 116.115(b)(2)(f) which required the holder of Permit 7711A to comply with the permit Maximum Allowable Emissions Rate Table (MAERT); and for failure to comply with 30 TAC 116.115(c) which requires the holders of permits to comply with all special conditions contained in the permit document

ADDITIONAL INFORMATION

Conclusions and Recommendations

A NOV will be issued.

Additional Issues

None

Required Attachments:

(1) Map

Plot Plan: Included in the GAF file in the City of Dallas Air Pollution Control Program Offices

Process Description: Included in Narrative

Process Flow Diagram: Included in the GAF file in the City of Dallas Air Pollution Control Program Offices

Authorizations: Included in Narrative

Additional Attachments:

2) Source Management Form

NOV Date
06/30/2009**Method**
WRITTEN**OUTSTANDING ALLEGED VIOLATION(S)
ASSOCIATED TO A NOTICE OF VIOLATION****Track No:** 368953**Compliance Due Date:** 07/30/2009**Violation Start Date:** 9/9/2008**30 TAC Chapter 116.110(a)**
5C THSC Chapter 382.0518(a)
5C THSC Chapter 382.085(b)**Alleged Violation:**

Investigation: 759688

Comment Date: 06/24/2009

The facility failure to obtain authorization before any modification of any existing facility which may emit air contaminants into the air. Specifically, the facility did not obtain authorization before routing tanks T-1 and T-2 to the thermal oxidizer and not to the CECO filter vent as represented in the NSR permit.

Recommended Corrective Action: The facility should submit paperwork to the TCEQ requesting authorization for the modification and amendments to the NSR permit to reflect the changes.

Track No: 368955**Compliance Due Date:** 07/30/2009**Violation Start Date:** 9/9/2008**30 TAC Chapter 116.116(a)(1)****Alleged Violation:**

Investigation: 759688

Comment Date: 06/24/2009

The facility failed to have correct representations with regard to construction plans and operation procedures reflected in the NSR permit. Specifically, emission point number (EPN) 8 should be reflected as two separate emission points in the NSR permit. Also, several other source and building actual parameters vary from the parameters in the Emissions Air Modeling Report dated May 13, 2004, which was used to set emission rates for the facility.

Recommended Corrective Action: The facility should request a permit amendment to correct the NSR permit representation of EPN 8 and obtain approval for site-wide parameter modifications to match those used to set emission rates for the facility.

**ALLEGED VIOLATION(S) NOTED AND RESOLVED
ASSOCIATED TO A NOTICE OF VIOLATION****Track No:** 368956**Resolution Status Date:** 6/24/2009**Violation Start Date:** 9/9/2008**Violation End Date:** 11/25/2008**40 CFR Chapter 60.48c(g)****Alleged Violation:**

Investigation: 759688

Comment Date: 06/24/2009

The facility failed to record daily fuel consumption for the entire facility.

Recommended Corrective Action: The facility should begin recording daily fuel consumption for the facility.

Resolution: The facility installed a fuel meter on 11/25/2008 and has recorded the daily fuel usage of the facility since that time.

Signed Amanda Trammell
Environmental Investigator

Date 6/24/09

Signed Don M. Korch
Supervisor

Date 6/30/09

Attachments: (in order of final report submittal)

☐ Enforcement Action Request (EAR)

☒ Letter to Facility (specify type) : NOV

☐ Investigation Report

☐ Sample Analysis Results

☐ Manifests

☐ NOR

☒ Maps, Plans, Sketches

☐ Photographs

☐ Correspondence from the facility

☒ Other (specify) :

SMF, EI.

TCEQ EXIT INTERVIEW FORM: Potential Violations and/or Records Requested

Regulated Entity/Site Name	GAF			TCEQ Add. ID No. RN No (optional)	RN100788959
Investigation Type	SPCI	Contact Made In-House (Y/N)	Y	Purpose of Investigation	Compliance
Regulated Entity Contact	Doug Harris			Telephone No.	214-637-8909
Title	Engineering Manager			Fax No.	214-637-5202
				Date Contacted	6/23/09
				Date Faxed	6/23/09

NOTICE: The information provided in this Note is intended to provide clarity to issues that have arisen to the date of this Note during the investigation process between the agency and the company and *does not represent agency findings related to violations*. Any potential or alleged violations discovered after the date of this Note will be communicated by telephone to the regulated entity representative prior to the issuance of a notice of violation or enforcement. Conclusions drawn from this investigation, including additional violations or potential violations discovered (if any) during the course of this investigation, will be documented in this investigation's final report.

Issue		For Records Request, identify the necessary records, the company contact and date due to the agency. For Alleged and Potential Violation issues, include the rule in question with the clearly described potential problem. Other type of issues: fully describe.	
No.	Type ¹	Rule Citation (if known)	Description of Issue
	AV	116.110(a)	Units T-1 & T-2 are routed to EPN8 not CECOL as represented in the NSR permit
	AV	116.116 (a)	Representation of EPN8 varies from the NSR permit. Various source & building parameters vary from the Air Modeling Report.
	AV	40CFR 60.48(c)	Fuel usage was not recorded on a daily basis

Note 1: Issue Type Can Be One or More of: AV (Alleged Violation), PV (Potential Violation), O (Other), or RR (Records Request)

Document Acknowledgment. Signature on this document establishes only that the regulated entity (company) representative received a copy of this document and associated continuation pages on the date noted. If contact was made by telephone, document will be faxed to regulated entity; therefore, signature not required.			
Amanda Trammel <i>Amanda Trammel</i>	6/23/09	Doug Harris	6/23/09
Investigator Name (Signed & Printed)	Date	Regulated Entity Representative Name (Signed & Printed)	Date

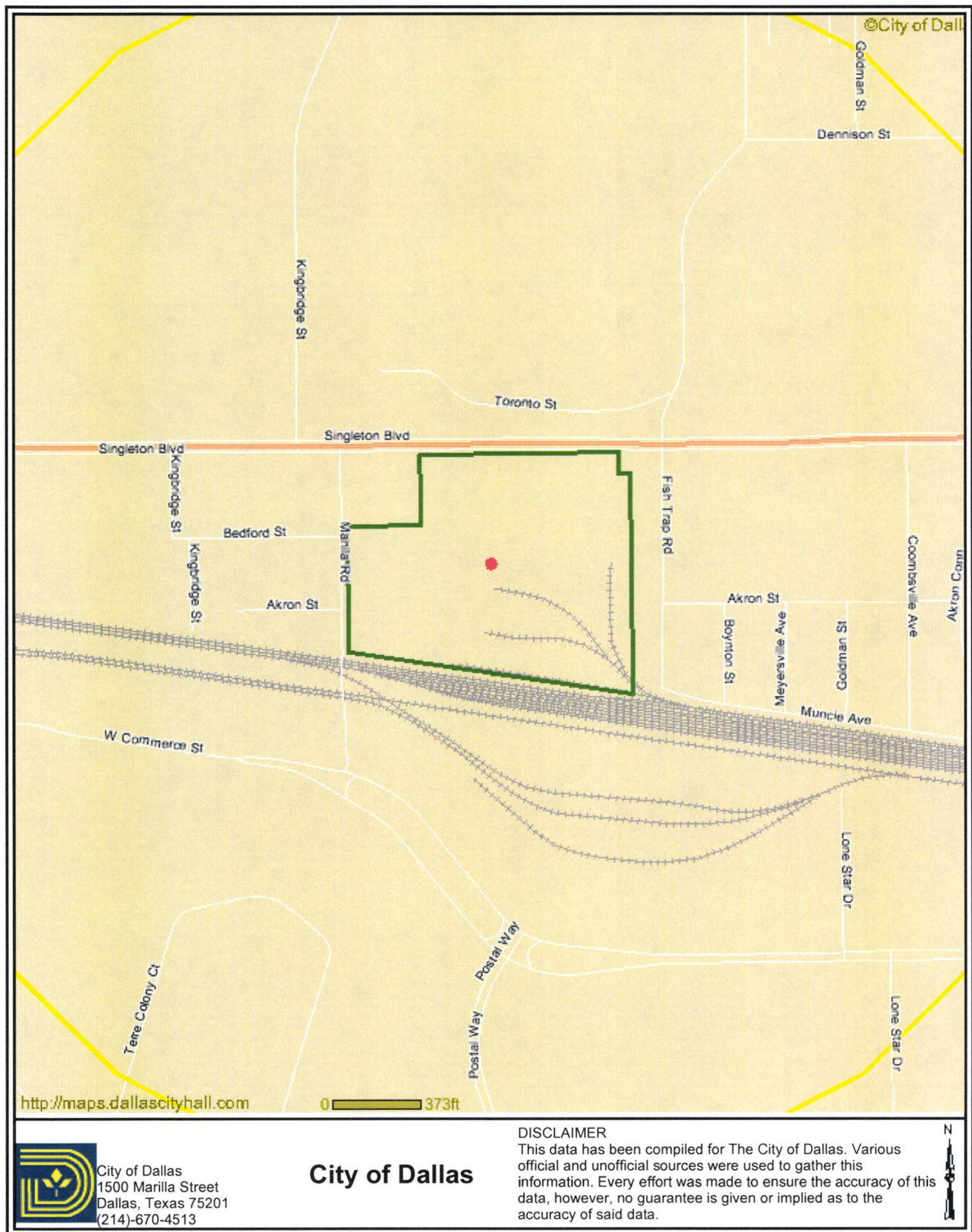
ATTACHMENT 1

RN100788959 / CN602717464

**Company Name: Building Materials
Corporation of America**

Site Name: GAF Materials Dallas Site

Date of Investigation: 06/23/2009



ATTACHMENT 2

RN100788959 / CN602717464

**Company Name: Building Materials
Corporation of America**

Site Name: GAF Materials Dallas Site

Date of Investigation: 06/23/2009

SOURCE MANAGEMENT INFORMATION <i>Rev 970515</i>									
Account No.	DB-0378-S	County	Dallas	Permit No.	#O-02771, #7711A				
Company Name	Building Materials Corporation of America								
Facility Name	GAF Materials Dallas Site								
Street Location	2600 Singleton Blvd								
Mailing Address	Same				Mail Code/Stop	None			
City	Dallas			State	TX	Zip Code	75212		
Principle Business	Roofing materials manufacturing			Primary SIC	2952	Secondary	2951		
Required Safety Equipment	Safety glasses, safety shoes, hearing protection, eye protection, long sleeves								
Certifications Required (e.g., H ₂ S, VE)	none required								
Contacts									
Plant Manager				Phone			Fax		
Plant Contact	Doug Harris			Phone	214-637-8909		Fax	214-637-5205	
Title	Engineering Manager			email	douglas.harris@gaf.com				
Add'l Contact	Durwin Farlough			Phone	214-637-8977		Fax	214-637-5202	
Title	Project Engineer			email					
Parent Corporation or Company									
Contact Name				Phone			Fax		
Title				email					
Corporation Name									
Mailing Address					Mail Code/Stop				
City				State		Zip Code			
Annual Investigation				Investigation Dates	06/23/2009				
Investigator	Amanda Trammel					Photos/Video?	No		
Person Notified of Inspection	Doug Harris			Notification Date	06/02/2009				
Person Granting Entrance	Doug Harris								
Pollution Prevention Reviewed				Yes		No	X		

ATTACHMENT 3

RN100788959 / CN602717464

**Company Name: Building Materials
Corporation of America**

Site Name: GAF Materials Dallas Site

Date of Investigation: 06/23/2009

2008 TCEQ Emissions Inventory Questionnaire
December 10, 2008

Page: 3

ACCOUNT INFORMATION

RN:RN100788959 Account:DB0378S
Company:GAF MATERIALS CORPORATION

EIQ Year:2008

Last EI Date:12/31/2007

CRITERIA EMISSIONS TOTALS

Class	Annual (TPY)/Current	Ozone (PPD)/Current	SMSS (TPY)/Current	EE (TPY)/Current	EE/SMSS(TPY)
PM10	48.6000 /58.28	266.1400 /325.61	0.0000/	0.0000/	0.0000
PB	0.0000/	0.0000/	0.0000/	0.0000/	0.0000
SO2	3.4274 /128.58	48.7570 /705.05	0.0000/	0.0000/	0.0000
NOX	41.1300 /12.55	60.7500 /153.28	0.0000/	0.0000/	0.0000
CO	8.9200 /53.60	48.8400 /364.69	0.0000/	0.0000/	0.0000
VOC	28.6590 /20.12	156.9030 /114.87	0.0000/	0.0000/	0.0000
PM2.5	48.6000 /58.28	266.1400 /325.61	0.0000/	0.0000/	0.0000

SITE QUANTIFIABLE EVENT TOTALS

Note:

Report TOTAL NUMBER of each event type for the reported EIQ Year per 30 TAC Sections 101.201 and 101.211.

Reportable Emission Events: 0

Non-Reportable Emission Events: 0

Reportable Scheduled Maintenance, Startup, or Shutdown Activities: 0

Non-Reportable Scheduled Maintenance, Startup, or Shutdown Activities: 0

Excess Opacity Events: 0



City of Dallas

June 30, 2009

RETURN RECEIPT REQUESTED

CERTIFIED MAIL RECEIPT #7007 2680 0000 9986 4534

Mr. Doug Harris
GAF Materials Dallas Site
2600 Singleton Blvd.
Dallas, Texas 75210

Re: Notice of Violation (NOV) for the Site Full Compliance and Site Permit Compliance (SFCI/SPCI) Investigation at **GAF Materials Dallas Site, 2600 Singleton Blvd., Dallas, (Dallas County), Texas, TCEQ Account Nos.: RN100788959, CN602717464, DB0378S**

Dear Mr. Harris:

On June 23, 2009, Amanda Trammel of the City of Dallas Air Pollution Control Program conducted an investigation of the above-referenced facility to evaluate compliance with applicable requirements for air quality. Certain outstanding alleged violations were identified for which compliance documentation is required. Please submit to this office by July 30, 2009, a written description of corrective action taken and the required documentation demonstrating that compliance has been achieved for the outstanding alleged violations.

In listing the alleged violations, we have cited applicable requirements, including TCEQ rules.

The Texas Commission on Environmental Quality appreciates your assistance in this matter. Please note that the Legislature has granted the City of Dallas Air Pollution Control Section enforcement powers, which we may exercise to ensure compliance with environmental regulatory requirements. We anticipate that you will resolve the alleged violations as required in order to protect the State's environment. If you have additional information, you have the opportunity to contest the violation(s) documented in this notice. Should you choose to do so, you must notify the Air Pollution Control Office within 10 days from the date of this letter. At that time, the Program Manager will schedule a violation review meeting to be conducted within 21 days from the date of this letter. However, please be advised that if you decide to participate in the violation review process, the TCEQ may still require you to adhere to the compliance schedule included in the attached Summary of Investigation Findings until an official decision is made regarding the status of any or all the contested violations.

Mr. Doug Harris
GAF Materials Dallas Site
June 30, 2009
Page 2

If you or members of your staff have any questions, please feel free to contact Ms. Trammel in the Air Pollution Control Program office at 214/948-4435.

Sincerely,

A handwritten signature in black ink, appearing to read "David Miller", with a stylized flourish at the end.

David Miller, P.E., Manager
Air Pollution Control Program
Environmental and Health Services Department

City of Dallas, Air Pollution Control Program Summary of Investigation Findings

GAF MATERIALS

Investigation # 759688

2600 SINGLETON BLVD

Investigation Date: 06/23/2009

DALLAS, DALLAS COUNTY, TX 75212

Additional ID(s): 7711A
47455
DB0378S
2771
81652

OUTSTANDING ALLEGED VIOLATION(S) ASSOCIATED TO A NOTICE OF VIOLATION

Track No: 368953

Compliance Due Date: To Be Determined

30 TAC Chapter 116.110(a)

5C THSC Chapter 382.0518(a)

5C THSC Chapter 382.085(b)

Alleged Violation:

Investigation: 759688

Comment Date: 06/24/2009

The facility failure to obtain authorization before any modification of any existing facility which may emit air contaminants into the air. Specifically, the facility did not obtain authorization before routing tanks T-1 and T-2 to the thermal oxidizer and not to the CECO filter vent as represented in the NSR permit.

Recommended Corrective Action: The facility should submit paperwork to the TCEQ requesting authorization for the modification and amendments to the NSR permit to reflect the changes.

Track No: 368955

Compliance Due Date: To Be Determined

30 TAC Chapter 116.116(a)(1)

Alleged Violation:

Investigation: 759688

Comment Date: 06/24/2009

The facility failed to have correct representations with regard to construction plans and operation procedures reflected in the NSR permit. Specifically, emission point number (EPN) 8 should be reflected as two separate emission points in the NSR permit. Also, several other source and building actual parameters vary from the parameters in the Emissions Air Modeling Report dated May 13, 2004, which was used to set emission rates for the facility.

Recommended Corrective Action: The facility should request a permit amendment to correct the NSR permit representation of EPN 8 and obtain approval for site-wide parameter modifications to match those used to set emission rates for the facility.

ALLEGED VIOLATION(S) NOTED AND RESOLVED ASSOCIATED TO A NOTICE OF VIOLATION

Track No: 368956

40 CFR Chapter 60.48c(g)

Alleged Violation:

Investigation: 759688

Comment Date: 06/24/2009

The facility failed to record daily fuel consumption for the entire facility.

Recommended Corrective Action: The facility should begin recording daily fuel consumption for the facility.

Resolution: The facility installed a fuel meter on 11/25/2008 and has recorded the daily fuel usage of the facility since that time.

AIR-CO-DB0378S-RN100788959-CO

City of Dallas, Air Pollution Control Program Investigation Report

GAF BUILDING MATERIALS CORPORATION
CN601108897

GAF MATERIALS

RN100788959

Investigation # 742818

Incident # 122879

Investigator: AMANDA TRAMMEL

Site Classification

MAJOR SOURCE

Conducted: 04/01/2009 -- 04/01/2009

SIC Code: 2952

NAIC Code: 324122

Program(s): AIR OPERATING PERMITS
AIR NEW SOURCE
PERMITS

Investigation Type : Compliance Investigation

Location : 2600 Singleton Blvd

Additional ID(s) : 7711A
47455
DB0378S
48785
2771
81652

Address: 2600 SINGLETON BLVD;
DALLAS, TX 75212

Activity Type: CITY OF DALLAS LOCAL PROGRAM
AIRCOMPL - Air Complaint Investigation

Principal(s) :

Role

Name

RESPONDENT

GAF BUILDING MATERIALS CORPORATION

Contact(s) :

Role

Title

Name

Phone

Regulated Entity Mail Contact

PLANT ENGINEER

MR DOUG HARRIS

Fax (214) 637-5202

Work (214) 637-8909

Cell (817) 454-3709

Other Staff Member(s) :

Role

Name

Supervisor

JONI KEACH

Associated Check List

Checklist Name

COMPLAINT INVESTIGATION - AIR

Unit Name

GAF

Investigation Comments :

INTRODUCTION

The purpose of this unscheduled Complaint investigation was to determine the compliance status of GAF Materials located at 2600 Singleton Blvd, Dallas, Texas, 75212. Identifiers for this facility are RN100788959, CN602717464, and DB-0378-S. The incident number for this investigation is #122879. Mr. Doug Harris, Plant Engineer for GAF, was the regulated entity mail contact for this investigation.

RECEIVED

JUL 30 2009

TCEQ
CENTRAL FILE ROOM

RECEIVED

MAY 13 2009

DFW REGION-4

DAILY NARRATIVE

On March 29, 2009, the City of Dallas Air Pollution Control Program received a complaint alleging that visible emissions and odors were coming from GAF Materials. The complainant stated that the emissions were seen every day at noon. Amanda Trammel of the City of Dallas Air Pollution Control Program conducted an investigation of the facility on April 1, 2009, at 1110. The temperature was 60 F with winds out of the south at 20-25 mph. Skies were partly cloudy with approximately 25% humidity. Visible, white, steam emissions were observed coming from the property at 1120. The steam emissions lasted for approximately 10 minutes. More steam was observed at 1200 and lasted for 10 minutes. A moderate odor similar to that of burning asphalt was observed just downwind of the facility but was not going onto the complainant's property. No violations were alleged.

EXIT INTERVIEW

Mr. Harris was informed about the complaint and that no violations are being alleged at that time. He will be sent a General Compliance Letter for the property. The complainant was contacted via email concerning the investigation results and chose not to receive a complainant letter.

GENERAL FACILITY AND PROCESS INFORMATION**Process Description**

GAF Materials manufactures roofing shingles. GAF has been at its present location for over 20 years, but a roofing facility has been at this site since the 1940's. The facility has 210 employees, the plant operates three shifts per day, 24 hours per day 7 days per week.

Line #1 makes conventional shingles. Line #3 makes laminate shingles. Large rolls/webs of fiberglass are fed into both shingle lines. Both surfaces of the fiberglass are coated with an asphalt and limestone mixture. The mixture is piped in from outdoor heated storage silos. After coating, a controlled layer of granules is dropped and embedded into the upper surface of the mat. The mat is flipped and a thin layer of sand is applied to the lower surface. The granules are received from hopper cars and bottom-loaded to silos via a bucket elevator. The granules are conveyed into the processing equipment. Fifteen silos contain granules and one is reserved for sand for Line #3. The silos are not equipped with dust collectors but the granules don't pose a particulate issue. Two outdoor bins hold non-colored, headlap (unexposed area of shingle) granules. Two roof-mounted, pulse air baghouses are located here; one unit for the 120 ton filler silo and the other for the filler use bin. Filler is a cheaper form of the limestone material. The filler is first off-loaded from a truck into a 120 ton, Hollow-Flayed filler silo. The material is transferred to a heater where it is heated to 300-400F. The material is then transferred to a holding bin. The limestone and asphalt are mixed and moved by a paddle mixer and screw conveyor to the coating unit. Line #3 is similar in operation to Line #1, except for a few differences in equipment including that the granules are stored in nineteen silos and the sand in one. Two 80 ton silos contain the filler material which is entered straight into the process.

The laminated shingles involve the following: The lamination occurs after the cooling is done with self-seal asphalt based dots, heat and pressure. A second layer is added to approximately half of the shingle to create a textured appearance. After coating, the web is water cooled and cut into sheets or shingles, stacked and packaged. Where the roll of dry un-woven fiberglass mat first feeds into the system, a negative air and dry filter system captures any loose fibers. Three dust collectors with approximately 144 bags each capture indoor plant emissions. The asphalt is received in bulk by truck or train. The material is initially received stored in two upright tanks, transferred into a holding tank, then conveyed into smaller tanks. All tanks or stills are jacketed and heated with steam coils to keep the asphalt hot. If cooling is necessary, blow still #13 is cooled internally, and blow still #26 is cooled externally with water. A total of nine tanks are used for storage. Other tanks are on-site but not in use, although functional. The following is the capacity of all the storage tanks, if full:

T-120	250,000 gallons
T-110	250,000 gallons
T-8	215,000 gallons
T-14	50,000 gallons

T-9 20,000 gallons
T-10 27,000 gallons
T-15 120,000 gallons

Two horizontal tanks 18,000 gallons

The facility has 2 boilers. Boiler #1 has a rating of 15mmBtu and Boiler #2 has a rating of 10 mmBtu. An electrostatic precipitator is the VOC and PM control device for Lines #1 and #3. A knockout tank takes emissions from the asphalt blowing stills and routes them to a thermal oxidizer, which is set at 1400 degrees Fahrenheit and has a continuous monitoring system.

BACKGROUND

Current Enforcement Actions: None

Agreed Orders, Court Orders, & Other Compliance Agreements: None in the last 5 years.

Complaints: 1 Odor complaints in the last 5 years: 07/10/03. No violations alleged for the complaint listed.

Prior Enforcement Issues: The facility was found to be in alleged violation of 30 Texas Administrative Code (TAC) 116.115(b)(2)(F) and 30 TAC 116.115(c); for exceeding the Maximum Allowable Emission Rates (MAERT) and not sampling a specific emission point, by the Texas Commission on Environmental Quality. As a component of the October 21, 2004 permit renewal the company had to conduct stack testing, results were reviewed by Gabriel Perez with the TCEQ on September 19-20, 2005 and found to be non-compliant with several of the permit allowable values. Additional stack sampling was conducted and the facility found to be in compliance with allowable values.

ADDITIONAL INFORMATION

Conclusions and Recommendations

Close complaint and continue to conduct surveillance of the facility. Conduct regular annual investigations of the facility.

Additional Issues:

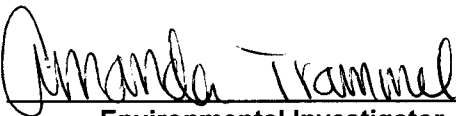
None

Attachments:

- 1) Map
- 2) Odor Surveillance Form

No Violations Associated to this Investigation

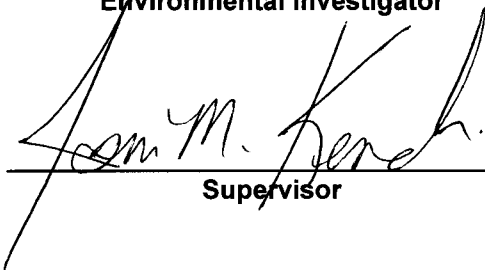
Signed


Environmental Investigator

Date

4/16/09

Signed


Supervisor

Date

4/20/09

Attachments: (in order of final report submittal)

☐ Enforcement Action Request (EAR)

☒ Letter to Facility (specify type) : GCL

☐ Investigation Report

☐ Sample Analysis Results

☐ Manifests

☐ NOR

☒ Maps, Plans, Sketches

☐ Photographs

☐ Correspondence from the facility

☒ Other (specify) :

odor surveillance form

AIR-CO-DB0378S-RN100788959-CO

City of Dallas, Air Pollution Control Program Complaint Report

04/16/2009
4:32:43PM

Incident No: 122879

Media Type: Air

Start Date: 3/29/2009

Received Date: 03/29/2009

Method : EMAIL

Staff Member: R04ATRAM

Status: Closed

Status Date: 04/16/2009

Priority: Within 30 Calendar Days

Regulated Entity: Gaf Materials

RN100788959

Address: 2600 Singleton Blvd
Dallas, Dallas County, TX 75212

Physical Location: 2600 Singleton Blvd

Responsible Party: Gaf Building Materials Corporation

Address: , ,
(0)0-

Title: Plant Engineer

Number Complaining: 1

Frequency: Current

Alleged Source: Gaf Materials

Program Group: Air Quality - High
Level

Nature: Smoke

Effect: Environmental

Initial Problem:

On March 29, 2009, the City of Dallas Air Pollution Control Program received a complaint alleging that visible emissions and odors were coming from GAF Materials located at 2600 Singleton Blvd, Dallas, Texas, 75212. The complainant stated that the emissions were seen every day at noon.

Action Taken / Closure Comments:

Amanda Trammel of the City of Dallas Air Pollution Control Program conducted an investigation of the facility on April 1, 2009, at 1110. The temperature was 60 F with winds out of the south at 20-25 mph. Skies were partly cloudy with approximately 25% humidity. Visible, white, steam emissions were observed coming from the property at 1120. The steam emissions lasted for approximately 10 minutes. More steam was observed at 1200 and lasted for 10 minutes. A moderate odor similar to that of burning asphalt was observed just downwind of the facility but was not going onto the complainant's property. No violations were alleged.

Investigation #: 742818

ATTACHMENT 1

RN100788959 / CN601108897

Company Name: GAF Materials

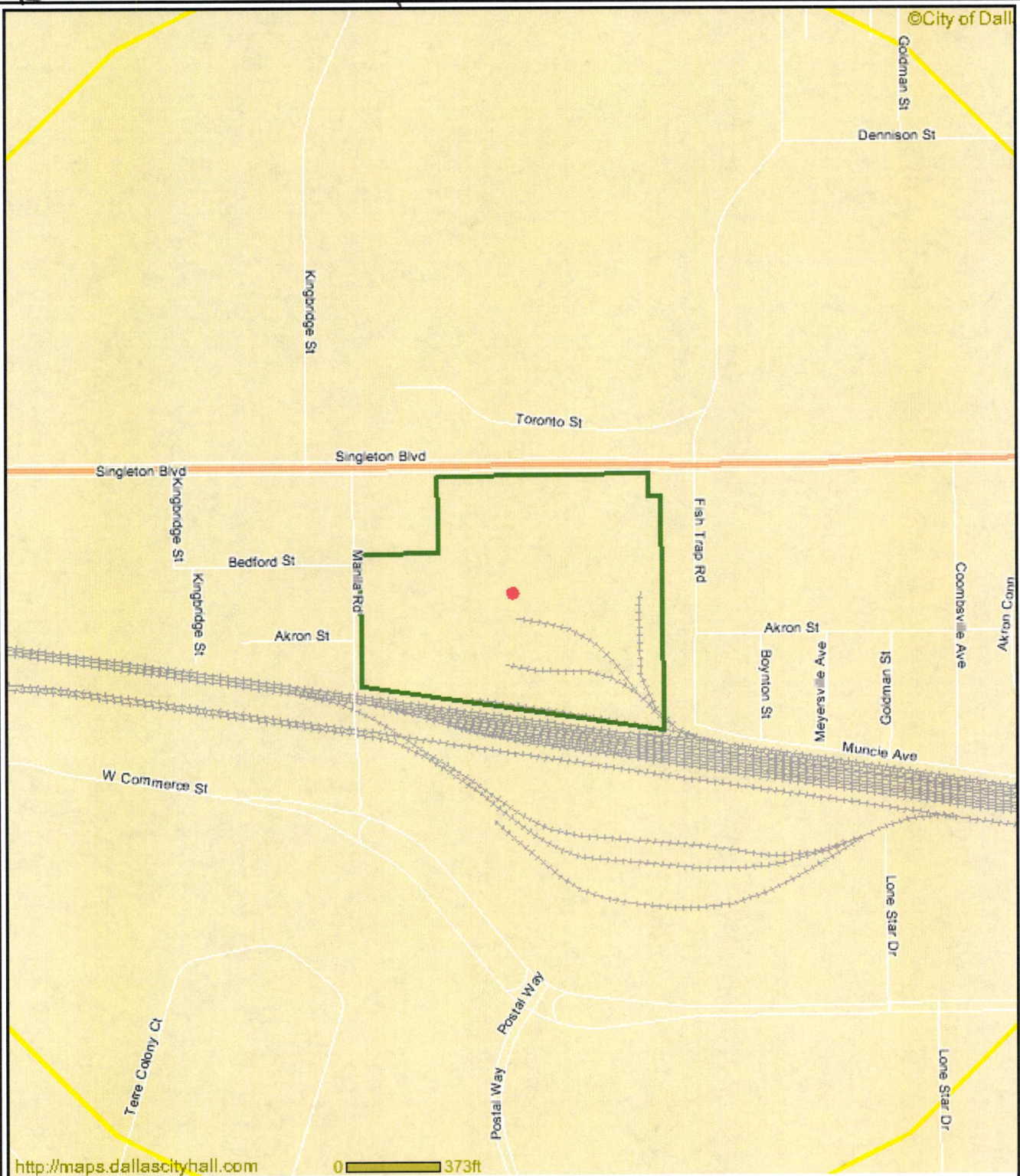
Site Name: GAF Materials

Date of Investigation: 04/01/2009

RN100788959 .map

112

©City of Dallas



City of Dallas
1500 Marilla Street
Dallas, Texas 75201
(214)-670-4513

City of Dallas**DISCLAIMER**

This data has been compiled for The City of Dallas. Various official and unofficial sources were used to gather this information. Every effort was made to ensure the accuracy of this data, however, no guarantee is given or implied as to the accuracy of said data.



ATTACHMENT 2

RN100788959 / CN601108897

Company Name: GAF Materials

Site Name: GAF Materials

Date of Investigation: 04/01/2009

Investigator	Amanda Trammel
Complaint Number	Inv# 742818 , Inc# 122879
Time, Date, Duration Specific to this complaint	3/29/09 @ 1915 Odors : visible emissions everyday around 1200
Description of the alleged effects	None
Date & Time Investigated	4/1/09 @ 1110

Investigation Information

Meteorological data at the time of the investigation	60° F, partly cloudy, 25% humidity wind @ 20-25 mph out of South
Source, category and description of the odor	Unpleasant asphalt odors from general processes at GAF
Description of the effects on the investigator	None
Specific cause of the odor	Hot asphalt
Description of the terrain features of the area	Mix of industrial & residential
Complainant log necessary/appropriate	No
Recommendations	Continue to conduct surveillance and regular annual investigations at the facility
Documentation of the investigation results	No violations

TCEQ- ODOR INVESTIGATION CHECKLIST

SITE INFORMATION

Regulated Entity: GAF Building Materials

Regulated Entity No. 100788959 Incident No. 122879 Investigation Date: 4/1/09

** HEALTH EFFECTS **

INVESTIGATOR:

- ☒ None ☐ Nausea ☐ Headache ☐ Irritation: Skin Eyes Nose Throat
☐ Dizziness ☐ Breathing Difficulty (Circle if applicable)
☐ Other _____

COMMENTS: _____

COMPLAINANT (during investigation):

- ☒ None ☐ Nausea ☐ Headache ☐ Irritation: Skin Eyes Nose Throat
☐ Dizziness ☐ Breathing Difficulty (Circle if applicable)
☐ Other _____

COMMENTS: _____

COMPLAINANT (historical):

- ☒ None ☒ Nausea ☐ Headache ☐ Irritation: Skin Eyes Nose Throat
☐ Dizziness ☐ Breathing Difficulty (Circle if applicable)
☐ Other _____

COMMENTS: _____

**** NARRATIVE ****☐ Complainant Odor Log given to complainant☐ Complainant Odor Log attached

Odor Dates/Times/Frequency (as reported by complainant during interview if log not attached)

3/29/09, happens everyday around noon**COMPLAINANT COMMENTS:****INVESTIGATOR COMMENTS:**

The visible emissions were steam from processes at GIAF.
The odor observed occurred directly downwind of the
facility but was not going onto the complainant's
property.



April 30, 2009

Mr. Doug Harris
GAF Building Materials
2600 Singleton Blvd.
Dallas, Texas 75212

Re: Complaint Investigation at **GAF Materials, 2600 Singleton Blvd., Dallas, (Dallas County), Texas, TCEQ Account Numbers: RN100788959, CN601108897, DB0378S**

Dear Mr. Harris:

On April 1, 2009, Amanda Trammel with the City of Dallas Air Pollution Control Program conducted an investigation of the above-referenced facility to evaluate compliance with applicable requirements for air pollution. No violations were documented during the investigation.

The City of Dallas Air Pollution Control Program and Texas Commission on Environmental Quality (TCEQ) appreciates your assistance in this matter and your compliance efforts to ensure protection of the State's environment. If you or members of your staff have any questions regarding these matters, please feel free to contact Ms. Trammel at 214-948-4435.

Sincerely,

David Miller, P.E., Manager
Air Pollution Control Program
Environmental and Health Services Department



GAF ELK MATERIALS CORPORATION

2600 Singleton Boulevard, Dallas, TX 75212

Tel: 214-637-1060

March 23, 2009

Executive Director
Texas Commission on Environmental Quality
c/o Alyssa Taylor
Air Section Manager – Dallas/Fort Worth Regional Office
2309 Gravel Drive
Fort Worth, Texas 76118

RE: Title V Permit Annual Compliance Certification
Permit No. O-2771
Building Materials Corporation of America, GAF- Dallas Plant
Customer Reference Number CN602717464
Regulated Entity Reference Number RN100788959
TCEQ Account Number – DB-0378-S

RECEIVED
MAR 30 2009
TCEQ
CENTRAL FILE ROOM

Dear Ms. Taylor:

Building Materials Corporation of America (a.k.a. GAF Materials) operates under Federal Operating Permit No. O-2771, issued on March 9, 2006. Enclosed please find the Permit Compliance Certification (PCC), Deviation Report, and Certification by Responsible Official (OP-CRO1) forms, as required by the Title 30 Texas Administrative Code Chapter 122 (30 TAC Chapter 122). This certification period extends from March 9, 2008 to March 9, 2009.

On October 8, 2008, GAF submitted a Semi-Annual Deviation Report. As set forth in our September 25, 2008 Voluntary Disclosure of Violations and Discrepancies letter, many of the deviations reported in October 2008 were discovered pursuant to a scheduled Environmental Audit initiated on July 31, 2008. Several of the deviations identified were resolved in an Agreed Order dated September 19, 2008 and more recently in a New Source Review (NSR) Permit Amendment Application submitted on December 18, 2008, which is currently under review by the TCEQ. As such, GAF would like to provide a status update for the deviations that are impacted by the approval of the NSR Amendment Application and Modeling Analysis. The following provides a status update for each deviation.

- Per the General Terms and Conditions of GAF's Title V Operating Permit,

The permit holder shall comply with 30 TAC Chapter 116 by obtaining a New Source Review authorization prior to new construction or modification of emission units located in the area covered by this permit.

- Emissions from Tanks T-1 and T-2 Laminating Adhesive Tanks are routed to the Thermal Oxidizer (EPN 8). This varies from the current NSR Permit noting the tanks route to the CECO Filter Vent (EPN CECO1).

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MAR 25 2009
DFW REGION-4

- Representation of EPN 8 (Boiler and Thermal Oxidizer Vent Controlling Tanks T-8, T-9, T-10, T-14, T-15, T-110, T-120, and Blow Stills T-13 and T-26) varies from the current NSR permit. The Waste Heat Boiler and Thermal Oxidizer are listed in the permit as exhausting to one emission point (EPN 8). However, when heat recovery occurs, a damper is used to direct the thermal oxidizer exhaust directly from the thermal oxidizer through the waste heat boiler. The emissions are then exhausted from a separate waste heat boiler stack. This stack is not listed in the current NSR permit. The Waste Heat Boiler has two separate sides: the Waste Heat Recovery Side and the Natural Gas Burner Side. A separate release point was noted during the audit for the natural gas burner side. Although the permitting of this burner was addressed, this stack is not listed in the current NSR permit (emits products of natural gas combustion only). This error does not impact overall emission values since EPN 8 was originally permitted to account for emissions from both of the emission release points.
- Source parameters and building parameters vary from the representation presented on the Table 1(a) of the May 2004 Emissions Air Modeling Report.

A NSR permit amendment application was submitted to the TCEQ on December 18, 2008 requesting appropriate changes to correct the above-mentioned deviations as stipulated in the September 25, 2008 Audit Disclosure Letter and October 8, 2008 Semi-Annual Deviation Report.

- Per Special Condition 2.E. of GAF's Title V Operating Permit,

The permit holder shall comply with Title 30 TAC 101.10 (relating to Emissions Inventory Requirements)

GAF conducted stack testing for EPN 8 in November 2006. These emission rates from this stack testing were not utilized in determining the actual emissions from EPN 8 for the 2006 and 2007 Emission Inventory Questionnaires (EIQ) submittals. As noted in the Voluntary Disclosure of Violations and Discrepancies letter dated September 25, 2008 and the and October 8, 2008 Semi-Annual Deviation Report, GAF will submit revised EIQs for 2006 and 2007 utilizing the November 2006 stack test results for EPN 8. The revised EIQs will be submitted with the 2008 EIQ package by March 31, 2009.

- Per Special Condition 7.A. of GAF's Title V Operating Permit, New Source Review Requirements,

Are incorporated by reference into this permit as applicable requirements

The following deviations were identified for this permit condition:

- On December 29, 2006, a stack testing report indicated the pound per hour (lb/hr) carbon monoxide (CO), oxides of nitrogen (NO_x), and sulfur dioxide (SO₂) maximum allowable emission rates for the Boiler and Thermal Oxidizer Vent (EPN 8) were exceeded. These deviations were identified in the Semi-Annual Deviation Report dated April 9, 2008 and listed in the October 8, 2008 Semi-Annual Deviation Report since the item was not corrected at that time. As part the corrective action, stack testing was conducted in April 2008, which confirmed the exceedances for CO, NO_x, and SO₂. This issue was addressed in the Agreed Order dated September 19, 2008 and GAF submitted a permit amendment application on December 18, 2008 requesting an increase in permit allowables.
- In June 2005, a stack testing report indicated the pound per hour (lb/hr) PM maximum allowable emission rate for the Line No. 3 Cooling Section (EPN COOL3) was exceeded.

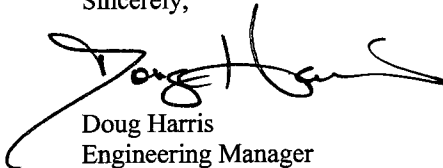
This deviation was notified in the Semi-Annual Deviation Report dated April 9, 2008 and listed in the October 8, 2008 Semi-Annual Deviation Report since the item was not corrected at that time. As part the corrective action, stack testing was conducted in April 2008, which confirmed the exceedance of PM. This issue was addressed in the Agreed Order dated September 19, 2008 and GAF submitted a permit amendment application on December 18, 2008 requesting an increase in permit allowables.

- Per NSR Permit Number 7711A dated October 21, 2004, within 180 days after issuance of this permit, stack testing for Line No. 1 Cooling Section (EPN COOL1) shall occur to demonstrate compliance with the allowable emissions set forth in this permit. Permit 7711A established a particulate matter (PM) and volatile organic compound (VOC) permit limit for the Line No. 1 Cooling Section. Stack testing was conducted in April 2008, which showed an exceedance of the maximum allowable emission rate for PM₁₀ (lb/hr). This deviation was listed in the September 25, 2008 Audit Disclosure Letter and October 8, 2008 Semi-Annual Deviation Report. GAF submitted a permit amendment application on December 18, 2008 requesting an increase in permit allowables.
- Per Special Condition 11 of the Operating Permit, the units listed in the compliance schedule should adhere to all requirements. Per the compliance schedule, a fuel meter was to be installed and tracking daily fuel usage by December 31, 2005. This is a non-fired stand-by unit and thought to be exempt. Therefore, a fuel meter on Boiler 5 (BLR5) was not installed. This deviation was identified in the Semi-Annual Deviation Report dated April 9, 2008 and listed in the October 8, 2009 Semi-Annual Deviation Report since the item was not corrected at that time. A totalizing fuel meter was installed on November 25, 2008.

The compliance certification for the annual reporting period from March 9, 2008 to March 9, 2009 is provided in Attachment 1. The deviation report for the September 9, 2008 to March 9, 2009 semi-annual reporting period is provided in Attachment 2. The certification by Responsible Official (RO) (Form OP-CRO1) is provided in Attachment 3.

If you have any questions or comments, please call me at (214) 637-8909.

Sincerely,

 3/23/09
Doug Harris
Engineering Manager

Attachments

cc: Mr. Tom Diggs, U.S. EPA Regional Office Air Branch Chief
Mr. David Fuelleman, GAF
Mr. Fred Bright, GAF

ATTACHMENT 1



Texas Commission on Environmental Quality
Federal Operating Permit Form
Permit Compliance Certification - PCC (Part 1)

AIR CO/RN 100788959

/RP

Permit Holder Name Building Materials Corporation of America

Customer Number /CN

CN 602717464

Area Name Dallas Plant

Account Number

DB-0378-S

Operating Permit Number 0 2772

Report Submittal Date

Mar 23, 2009

Certification Period Start Date Mar 9, 2008

End Date

Mar 9, 2009

I. Certification of Continuous Compliance with Permit Terms and Conditions

(Indicate response by placing a 'x' in the appropriate column for each of the following questions)

Response:

With the possible exception of those permit terms and conditions identified in the 'Summary of Deviations' found using, at a minimum, but not limited to, the continuous or intermittent compliance method data from monitoring, recordkeeping, reporting, or testing required by the permit and any other credible evidence or information, was the permit holder in continuous compliance with all the terms and conditions of the permit over the Certification Period?

☒ Yes

☐ No

II. Summary of Deviations

(Indicate response by placing a 'x' in the appropriate column for each of the following questions)

Response:

A. Were there any deviations from any permit requirements during the Certification Period that have *previously* been reported to the agency?

If the answer to this question is 'Yes', please complete and attach Part 2 to this submittal.

Important Note: If previously submitted reports did not contain specific information on monitoring methods, frequency and the total number of deviations experienced over the entire certification period, then use form DevRep to provide that information.

☒ Yes

☐ No

B. Were there any deviations from any terms or conditions of the permit during the Certification Period that are *currently* being submitted to the agency?

If the answer to this questions is 'Yes', please include the relevant reports along with this page.

☐ Yes

☒ No



Texas Commission on Environmental Quality
Federal Operating Permit Form
Permit Compliance Certification - PCC (Part 2)

AIR CO/RN 100788959

/RP

Permit Holder Name	Building Materials Corporation of America
Area Name	Dallas Plant
Operating Permit Number	0 2772
Certification Period Start Date	Mar 9, 2008

Customer Number /CN	CN 602717464
Account Number	DB-0378-S
Report Submittal Date	Mar 23, 2009
End Date	Mar 9, 2009

Identification of Deviation Reports Submitted During the Certification Period
(Note: All reports must be certified to truth, accuracy, and completeness by the Responsible Official)

Report Date	Report Description (Name of Unit, Name of Rule, Driver for Report, etc.)	Report Submitted To	Report Previously Certified?
Oct 8, 2008	First Six-Month Deviation Report	TCEQ	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No

**Texas Commission on Environmental Quality
Federal Operating Permit Deviation Report Form
Form Dev Rep (Part 1)**

AIR CO/RN 100788959 /RP

Permit Holder Name		Building Materials Corporation of America			Customer Number CN	602717464
Area Name		Dallas Plant			Account Number (XX-XXXX-XX)	DB-0378-S
Report Period Start Date	9/9/2008	Report Period End Date	3/9/2009	Operating Permit Number	O-2771	Report Submittal Date
					3/23/2009	

Operating Permit Requirement for Which Deviations are Being Reported																	
Dev Item No.	Unit ID	Group ID	Term & Condition No.	Pollutant	Regulatory Requirement Citation	Type of Requirement	SOP or GOP Index Number	Monitoring Method	Monitoring Frequency	STEERS Incident No	Deviation Period				No. of Dev	Cause of Deviation	Corrective Action Taken to Remedy or Mitigate Deviation Situation
											Start		End				
											Date	Time	Date	Time			
1	T-1	N/A	General	VOC	30 TAC 116.110(a)	Report	N/A	N/A	N/A	N/A	9/9/2008		Ongoing	1	Emissions from the tank are routed to EPN 8 (beginning 02/18/2008), not to EPN CECO1 (as represented in NSR Permit). Did not obtain permit authorization.	A NSR permit amendment application was submitted on December 18, 2008, and is currently under review by the TCEQ.	
2	T-1	N/A	General	PM10	30 TAC 116.110(a)	Report	N/A	N/A	N/A	N/A	9/9/2008		Ongoing	1	Emissions from the tank are routed to EPN 8 (beginning 02/18/2008), not to EPN CECO1 (as represented in NSR Permit). Did not obtain permit authorization.	A NSR permit amendment application was submitted on December 18, 2008, and is currently under review by the TCEQ.	
3	T-2	N/A	General	VOC	30 TAC 116.110(a)	Report	N/A	N/A	N/A	N/A	9/9/2008		Ongoing	1	Emissions from the tank are routed to EPN 8 (beginning 02/18/2008), not to EPN CECO1 (as represented in NSR Permit). Did not obtain permit authorization.	A NSR permit amendment application was submitted on December 18, 2008, and is currently under review by the TCEQ.	
4	T-2	N/A	General	PM10	30 TAC 116.110(a)	Report	N/A	N/A	N/A	N/A	9/9/2008		Ongoing	1	Emissions from the tank are routed to EPN 8 (beginning 02/18/2008), not to EPN CECO1 (as represented in NSR Permit). Did not obtain permit authorization.	A NSR permit amendment application was submitted on December 18, 2008, and is currently under review by the TCEQ.	
5	8	N/A	General		31 TAC 116.116(a)	Report	N/A	N/A	N/A	N/A	9/9/2008		Ongoing	1	Representation of EPN 8 varies from the current NSR Permit. This EPN was modified in November 2006.	A NSR permit amendment application was submitted on December 18, 2008, and is currently under review by the TCEQ.	
6	Facility Wide	N/A	General		31 TAC 116.116(a)	Report	N/A	N/A	N/A	N/A	9/9/2008		Ongoing	1	Source parameters and building parameters vary from the representation presented in the May 2004 Emissions Air Modeling Report dated May 13, 2004.	Site-wide modeling is pending approval of emission rates in the permit amendment application submitted on December 18, 2008 by the TCEQ Permit Engineer.	
7	8	N/A	2.E.		30 TAC 101.10(e)	Report	N/A	N/A	N/A	N/A	9/9/2008		Ongoing	1	2006 and 2007 EIQs did not account for the November 2006 stack testing results for EPN8	A NSR permit amendment application was submitted on December 18, 2008, and is currently under review by the TCEQ.	
8	8	N/A	7.A.	CO	30 TAC 115(b)(2)(F)	Standard	N/A	N/A	Hourly	N/A	9/9/2008		Ongoing	1	Per stack test conducted on December 29, 2006, this unit showed exceedance of the MAERT CO lb/hr emission limit.	A NSR permit amendment application was submitted on December 18, 2008, and is currently under review by the TCEQ.	
9	8	N/A	7.A.	NOX	30 TAC 115(b)(2)(F)	Standard	N/A	N/A	Hourly	N/A	9/9/2008		Ongoing	1	Per stack test conducted on December 29, 2006, this unit showed exceedance of the MAERT NOx lb/hr emission limit.	A NSR permit amendment application was submitted on December 18, 2008, and is currently under review by the TCEQ.	
10	8	N/A	7.A.	SO2	30 TAC 115(b)(2)(F)	Standard	N/A	N/A	Hourly	N/A	9/9/2008		Ongoing	1	Per stack test conducted on December 29, 2006, this unit showed exceedance of the MAERT SO2 lb/hr emission limit.	A NSR permit amendment application was submitted on December 18, 2008, and is currently under review by the TCEQ.	
11	COOL3	N/A	7.A.	PM10	30 TAC 115(b)(2)(F)	Standard	N/A	N/A	Hourly	N/A	9/9/2008		Ongoing	1	Per stack test conducted on July 26, 2005, this unit showed exceedance of the MAERT PM10 lb/hr emission limit.	A NSR permit amendment application was submitted on December 18, 2008, and is currently under review by the TCEQ.	
12	COOL1	N/A	7.A.	PM10	30 TAC 115(b)(2)(F)	Standard	N/A	N/A	Hourly	N/A	9/9/2008		Ongoing	1	Stack testing report showed exceedance of the MAERT PM10 lb/hr emission limit.	A NSR permit amendment application was submitted on December 18, 2008, and is currently under review by the TCEQ.	
13	BLR5	N/A	11		60.48c(g)	Record	60DC-BLR5	N/A	Daily	N/A	9/9/2008		11/25/2008	1	Fuel meter will be installed by 12/31/2005. As a non-fired, back-up unit, was thought to be exempt.	A fuel meter was installed on November 25, 2008.	

Total Deviations:	13
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Is there a Part 2 Miscellaneous Monitoring/Credible Evidence from supporting this deviation report? No



Form OP-CRO1
Certification by Responsible Official
Federal Operating Permit Program

All initial permit application, revision, renewal, and reopening submittals requiring certification must be addressed using this form. Updates to site operating permit (SOP) and temporary operating permit (TOP) applications, other than public notice verification materials, must be certified prior to authorization of public notice or start of public announcement. Updates to general operating permit (GOP) applications must be certified prior to receiving an authorization to operate under a GOP.

I. IDENTIFYING INFORMATION			
A. RN:	100788959	B. CN:	602717464
C. Account No.:	DB-0378-S		
D. Permit No.:	O-2771	E. Project No.:	
F. Area Name:	Dallas Plant		
G. Company Name:	Building Materials Corporation of America		
II. CERTIFICATION TYPE (Please mark the appropriate box)			
A. <input checked="" type="checkbox"/> Responsible Official:		B. <input type="checkbox"/> Duly Authorized Representative:	
III. SUBMITTAL TYPE (Place an "X" in the appropriate box) (Only one response can be accepted per form)			
<input type="checkbox"/> SOP/TOP Initial Permit Application		<input type="checkbox"/> Update to Permit Application	
<input type="checkbox"/> GOP Initial Permit Application		<input type="checkbox"/> Permit Revision, Renewal, or Reopening	
<input checked="" type="checkbox"/> Other:		Annual Compliance Certification and Semi-Annual Texas Operating Permit Deviation Report Form	
IV. CERTIFICATION OF TRUTH			
This certification does not extend to information which is designated by the TCEQ as information for reference only.			
I, <u>David Fuelleman</u> , certify that I am the <u>RO</u> for this application (Certifier Name printed or typed) (RO or DAR)			
and that, based on information and belief formed after reasonable inquiry, the statements and information dated during the time period in Section IV.A below, or on the specific date(s) in Section IV.B below, are true, accurate, and complete:			
Note: Enter EITHER a Time Period OR Specific Date(s) for each certification. This section must be completed. The certification is not valid without documentation date(s).			
A. Time Period: From _____ to _____ Start Date* End Date*			
OR			
B. Specific Dates: <u>03/23/2009</u> Date 1* Date 2* Date 3* Date 4* Date 5* Date 6* Date 7* Date 8*			
*The Time Period option may only be used when the "Submittal Type" is 'Update to Permit Application' and there are multiple uncertified submittals; or a submittal package has multiple dates recorded in the documentation. Do not use the Time Period option if the "Submittal Type" is 'Other.'			
Signature: <u>David Fuelleman</u>		Signature Date: <u>23-March-2009</u>	
Title: _____		Plant Manager	

Check Date: Mar/30/2009		Vendor Number: 0000086452		Check No. 00516745											
Invoice Number	Invoice Date	Voucher ID	Gross Amount	Discount Taken	Paid Amount										
2008-0805-AIR-E	Mar/27/2009	01256886	20,370.00	0.00	20,370.00										
<p style="text-align: right; font-size: 1.5em;">AIR/DB0378S/CO</p> <p style="text-align: right; font-size: 1.5em;">RN/100788959</p>															
<table border="1"> <thead> <tr> <th>Check Number</th> <th>Date</th> <th>Total Gross Amount</th> <th>Total Discounts</th> <th>Total Paid Amount</th> </tr> </thead> <tbody> <tr> <td>00516745</td> <td>Mar/30/2009</td> <td>20,370.00</td> <td>0.00</td> <td>20,370.00</td> </tr> </tbody> </table>						Check Number	Date	Total Gross Amount	Total Discounts	Total Paid Amount	00516745	Mar/30/2009	20,370.00	0.00	20,370.00
Check Number	Date	Total Gross Amount	Total Discounts	Total Paid Amount											
00516745	Mar/30/2009	20,370.00	0.00	20,370.00											

SEE REVERSE SIDE FOR OPENING INSTRUCTIONS



GAF MATERIALS CORPORATION
 1361 Alps Road
 Wayne, NJ 07470

TEXAS PTA-CLEAN SCHOOL BUS PROGRAM
 408 WEST 11th STREET
 AUSTIN, TX 78707

RECEIVED
 SEP 28 2009
 TCEQ
 CENTRAL FILE ROOM

INV#742807
 Tracker: Norma Salinas

RECEIVED

APR 06 2009

ENFORCEMENT DIVISION

BIA

REMOVE SIDE EDGES FIRST
THEN FOLD, CREASE AND TEAR THIS STUB ALONG PERFORATION

01174358

REMOVE THESE EDGES FIRST
① FOLD, CREASE AND TEAR ALONG PERFORATION

ENDORSE HERE

DO NOT WRITE, STAMP OR SIGN BELOW THIS LINE.

REMOVE THESE EDGES FIRST
FOLD, CREASE AND TEAR ALONG PERFORATION

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
BUILDING MATERIALS
CORPORATION OF AMERICA
RN100788959

§
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BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

RECEIVED
FEB 24 2009
TCEQ
CENTRAL FILE ROOM

AGREED ORDER
DOCKET NO. 2008-0805-AIR-E

I. JURISDICTION AND STIPULATIONS

At its **JAN 28 2009** agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Building Materials Corporation of America ("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 appear before the Commission and together stipulate that:

1. The Respondent owns and operates an asphalt felts and coatings manufacturing plant at 2600 Singleton Boulevard in Dallas, Dallas 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 Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about May 7, 2008.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Fifty Thousand Nine Hundred Twenty-Five Dollars (\$50,925) is assessed by the Commission in settlement of the violations alleged in Section II

CHIEF OF POLICE

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2008 DEC 30 AM 8:47

CHIEF CLERKS OFFICE

2008 DEC 30 AM 8:47

("Allegations"). The Respondent has paid Twenty Thousand Three Hundred Seventy Dollars (\$20,370) of the administrative penalty and Ten Thousand One Hundred Eighty-Five Dollars (\$10,185) is deferred contingent upon the Respondent's 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 Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty. Twenty Thousand Three Hundred Seventy Dollars (\$20,370) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

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 of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the Respondent conducted a stack test on the line no. 1 cooling section exhaust [a total of three stacks – emission point number ("EPN") COOL1] on April 24, 2008.
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 Respondent has 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 owner and operator of the Plant, the Respondent is alleged to have:

1. Failed to comply with the permitted Maximum Allowable Emissions Rate Table ("MAERT") for the line 3 cooling section ("EPN COOL3") as determined during stack testing, in violation of 30 TEX. ADMIN. CODE § 116.115(b)(2)(F), Air Permit No. 7711A, Special Condition No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on January 25, 2008. Specifically, at EPN COOL3, the permitted allowable hourly particulate matter ("PM") emission rate is 6.00 pounds per hour ("lbs/hr"), and during the stack test conducted on May 16 through May 27, 2005, the actual hourly PM emission rate was 29.84 lbs/hr.
2. Failed to comply with the permitted MAERT for the thermal oxidizer stack ("EPN 8") as determined during stack testing, in violation of 30 TEX. ADMIN. CODE § 116.115(b)(2)(F), Air Permit No. 7711A, Special Condition No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on January 25, 2008. Specifically, at EPN 8, the

permitted allowable hourly sulfur dioxide ("SO₂") emission rate is 0.73 lbs/hr, and during the stack test conducted on October 30 and 31, 2006, the actual hourly rate for SO₂ was 38.49 lbs/hr, the permitted allowable hourly oxides of nitrogen ("NO_x") emission rate is 0.72 lbs/hr and the actual hourly rate for NO_x was 2.15 lbs/hr, and the permitted allowable carbon monoxide ("CO") emission rate is 1.26 lbs/hr and the actual hourly rate for CO was 22.46 lbs/hr.

3. Failed to conduct stack testing on EPN COOL1, in violation of 30 TEX. ADMIN. CODE § 116.115(b)(2)(F), Air Permit No. 7711A, Special Condition No. 9, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on January 25, 2008. Specifically, Special Condition No. 9 requires that it be sampled 180 days after the issuance of the permit dated October 21, 2004, which was no later than April 19, 2005.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's 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: Building Materials Corporation of America, Docket No. 2008-0805-AIR-E" to:

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

2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6, Twenty Thousand Three Hundred Seventy Dollars (\$20,370) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 60 days after the effective date of this Agreed Order, complete stack testing for EPN COOL3 for PM, and EPN 8 for SO₂, NO_x, and CO; or
 - b. Within 60 days after the effective date of this Agreed Order, submit an administratively complete permit amendment application to increase allowable emission limits for PM from EPN COOL3, and SO₂, NO_x, and CO from EPN 8, and comply with any

subsequently issued requirements and timelines for stack testing for PM from EPN COOL3 and for SO₂, NO_x, and CO from EPN 8;

- c. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit application within 30 days after the date of such requests, or by any other deadline specified in writing; and
- d. Within 240 days after the effective date of this Agreed Order, submit written certification of the results of the stack testing for EPN COOL3 for PM and EPN 8 for SO₂, NO_x, and CO, or that either authorization to construct and operate a source of air emissions has been obtained or that construction/operation has ceased until such time that appropriate authorization is obtained. The certification shall include detailed supporting documentation including receipts and/or other records to demonstrate compliance, be notarized by a State of Texas Notary Public, and 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 fine and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

Air Section, Manager
Dallas/Fort Worth Regional Office
Texas Commission on Environmental Quality
2309 Gravel Drive
Fort Worth, Texas 76118-6951

- 4. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is 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.
- 5. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days

after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed 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.
7. This Agreed 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 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.
8. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
9. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Buddy Garcia
For the Commission

John S. Sullivan
For the Executive Director

12/8/08
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.

David Fuelleman
Signature

24-November-2008
Date

David Fuelleman
Name (Printed or typed)
Authorized Representative of
Building Materials Corporation of America

Plant Manager
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.

Attachment A
Docket Number: 2008-0805-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Building Materials Corporation of America
Penalty Amount:	Forty Thousand Seven Hundred Forty Dollars (\$40,740)
SEP Offset Amount:	Twenty Thousand Three Hundred Seventy Dollars (\$20,370)
Type of SEP:	Pre-approved
Third-Party Recipient:	Texas PTA – <i>Clean School Bus Program</i>
Location of SEP:	Dallas County

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project (“SEP”). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient named above. The contribution will be to *Texas PTA* for the *Clean School Bus Program* in Dallas County as set forth in an agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to reimburse local school districts for the cost of the following activities to reduce emissions: 1) replacing older diesel buses with alternative fuelled or clean diesel buses; or 2) retrofitting older diesel buses with new, cleaner technology. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

The Respondent certifies that it has no prior commitment to make this contribution and that it is being done solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing particulate emissions on buses by more than 90% below today’s level and reducing hydrocarbons below measurement capability.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Recipient. The Respondent shall mail a copy of the Agreed Order with the contribution to:

Texas Congress of Parents and Teachers dba Texas PTA
Clean School Bus Program
Suzy Swan, Director of Finance
408 West 11th Street
Austin, Texas 78707

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Offset Amount.

In the event of incomplete performance, the Respondent shall include on the check the docket number of this Agreed Order and a note that it is for reimbursement of a SEP. The Respondent shall make the payment for the amount due to "Texas Commission on Environmental Quality" and mail it to:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

DB03785, 7711A
EXECUTIVE SUMMARY - ENFORCEMENT MATTER

Page 1 of 3

DOCKET NO.: 2008-0805-AIR-E **TCEQ ID:** RN100788959 **CASE NO.:** 35904

RESPONDENT NAME: Building Materials Corporation of America

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION

SITE WHERE VIOLATION(S) OCCURRED: GAF Materials Corporation of America, 2600 Singleton Boulevard, Dallas, Dallas County

TYPE OF OPERATION: Asphalt felts and coatings manufacturing plant

SMALL BUSINESS: ☐ Yes ☒ No

OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.

INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired on December 8, 2008. No comments were received.

CONTACTS AND MAILING LIST:
TCEQ Attorney/SEP Coordinator: Ms. Melissa Keller, SEP Coordinator, Enforcement Division, MC 219, (512) 239-1768
TCEQ Enforcement Coordinator: Ms. Suzanne Walrath, Enforcement Division, Enforcement Team 3, MC 169, (512) 239-2134;
 Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171
Respondent: Mr. Doug Harris, Plant Engineer, Building Materials Corporation of America, 2600 Singleton Boulevard, Dallas, Texas 75212
 Mr. David Fuelleman, Plant Manager, Building Materials Corporation of America, 2600 Singleton Boulevard, Dallas, Texas 75212
Respondent's Attorney: Not represented by counsel on this enforcement matter

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2008 DEC 30 AM 8:47
CHIEF CLERKS OFFICE

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: January 25, 2008</p> <p>Date of NOV/NOE Relating to this Case: May 2, 2008 (NOE)</p> <p>Background Facts: This was a record review.</p> <p>AIR</p> <p>1) Failure to comply with the permitted Maximum Allowable Emissions Rate Table ("MAERT") for the line 3 cooling section (emission point number ["EPN"] COOL3) as determined during stack testing. Specifically, at EPN COOL3, the permitted allowable hourly particulate matter ("PM") emission rate is 6.00 pounds per hour ("lbs/hr"), and during the stack test conducted on May 16 through May 27, 2005, the actual hourly PM emission rate was 29.84 lbs/hr [30 TEX. ADMIN. CODE § 116.115(b)(2)(F), Air Permit No. 7711A, Special Condition No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>2) Failure to comply with the permitted MAERT for the thermal oxidizer stack ("EPN 8") as determined during stack testing. Specifically, at EPN 8, the permitted allowable hourly sulfur dioxide ("SO₂") emission rate is 0.73 lbs/hr, and during the stack test conducted on October 30 and 31, 2006, the actual hourly rate for SO₂ was 38.49 lbs/hr, the permitted allowable hourly oxides of nitrogen ("NOx") emission rate is 0.72 lbs/hr and the actual hourly rate for NOx was 2.15 lbs/hr, and the permitted allowable carbon monoxide ("CO") emission rate is 1.26 lbs/hr and the actual hourly rate for CO was 22.46 lbs/hr [30 TEX. ADMIN. CODE § 116.115(b)(2)(F), Air Permit No. 7711A,</p>	<p>Total Assessed: \$50,925</p> <p>Total Deferred: \$10,185 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$20,370</p> <p>Total Paid to General Revenue: \$20,370</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent conducted a stack test on the line no. 1 cooling section exhaust [a total of three stacks – EPN COOL1] on April 24, 2008.</p> <p>Ordering Provisions:</p> <p>1) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A)</p> <p>2) The Order will also require the Respondent to:</p> <p>a. Within 60 days after the effective date of this Agreed Order, complete stack testing for EPN COOL3 for PM, and EPN 8 for SO₂, NOx, and CO; or</p> <p>b. Within 60 days after the effective date of this Agreed Order, submit an administratively complete permit amendment application to increase allowable emission limits for PM from EPN COOL3, and SO₂, NOx, and CO from EPN 8, and comply with any subsequently issued requirements and timelines for stack testing for PM from EPN COOL3 and for SO₂, NOx, and CO from EPN 8;</p> <p>c. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit application within 30 days after the date of such requests, or by any other deadline specified in writing; and</p> <p>d. Within 240 days after the effective date of this Agreed Order, submit written certification of the results of the stack testing for EPN COOL3 for PM and EPN 8 for SO₂, NOx, and CO, or that either authorization to construct and operate a source of air emissions has been obtained or that construction/operation has ceased until such time that appropriate authorization is obtained. The certification shall include detailed supporting documentation including receipts and/or other records to demonstrate compliance.</p>

<p>Special Condition No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>3) Failure to conduct stack testing on EPN COOL1. Specifically, Special Condition No. 9 requires that it be sampled 180 days after the issuance of the permit dated October 21, 2004, which was no later than April 19, 2005 [30 TEX. ADMIN. CODE § 116.115(b)(2)(F), Air Permit No. 7711A, Special Condition No. 9, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>		
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Additional ID No(s): DB0378S

Attachment A
Docket Number: 2008-0805-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Building Materials Corporation of America
Penalty Amount:	Forty Thousand Seven Hundred Forty Dollars (\$40,740)
SEP Offset Amount:	Twenty Thousand Three Hundred Seventy Dollars (\$20,370)
Type of SEP:	Pre-approved
Third-Party Recipient:	Texas PTA – <i>Clean School Bus Program</i>
Location of SEP:	Dallas County

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project (“SEP”). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient named above. The contribution will be to ***Texas PTA*** for the ***Clean School Bus Program*** in Dallas County as set forth in an agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to reimburse local school districts for the cost of the following activities to reduce emissions: 1) replacing older diesel buses with alternative fuelled or clean diesel buses; or 2) retrofitting older diesel buses with new, cleaner technology. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

The Respondent certifies that it has no prior commitment to make this contribution and that it is being done solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing particulate emissions on buses by more than 90% below today’s level and reducing hydrocarbons below measurement capability.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Recipient. The Respondent shall mail a copy of the Agreed Order with the contribution to:

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Clean School Bus Program
Suzy Swan, Director of Finance
408 West 11th Street
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Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Offset Amount.

In the event of incomplete performance, the Respondent shall include on the check the docket number of this Agreed Order and a note that it is for reimbursement of a SEP. The Respondent shall make the payment for the amount due to "Texas Commission on Environmental Quality" and mail it to:

Litigation Division
Attention: SEP Coordinator, MC 175
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P.O. Box 13087
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5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision April 29, 2008

DATES	Assigned	5-May-2008	Screening	15-May-2008	EPA Due	27-Jan-2009
	PCW	26-Jan-2008				

RESPONDENT/FACILITY INFORMATION			
Respondent	Building Materials Corporation of America		
Reg. Ent. Ref. No.	RN100788959		
Facility/Site Region	4 - Dallas/Fort Worth	Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	35904	No. of Violations	3
Docket No.	2008-0805-AIR-E	Order Type	1660
Media Program(s)	Air	Enf. Coordinator	Suzanne Walrath
Multi-Media		EC's Team	Enforcement Team 3
Admin. Penalty \$	Limit Minimum	\$0	Maximum \$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$48,500**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **5.0% Enhancement** **Subtotals 2, 3, & 7** **\$2,425**

Notes The Respondent received one NOV with same or similar violations.

Culpability **No** **0.0% Enhancement** **Subtotal 4** **\$0**

Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply **0.0% Reduction** **Subtotal 5** **\$0**

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes The Respondent does not meet the good faith criteria.

Total EB Amounts	\$3,934
Approx. Cost of Compliance	\$23,000

0.0% Enhancement* **Subtotal 6** **\$0**
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$50,925**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount **\$50,925**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$50,925**

DEFERRAL **20.0%** **Reduction** **Adjustment** **-\$10,185**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY **\$40,740**

Screening Date 15-May-2008

Docket No. 2008-0805-AIR-E

PCW

Respondent Building Materials Corporation of America

Policy Revision 2 (September 2002)

Case ID No. 35904

PCW Revision April 29, 2008

Reg. Ent. Reference No. RN100788959

Media [Statute] Air

Enf. Coordinator Suzanne Walrath

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	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 (number of judgements or consent decrees meeting criteria)	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 (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	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 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
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) 5%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

The Respondent received one NOV with same or similar violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 5%

Screening Date 15-May-2008 Respondent Building Materials Corporation of America Case ID No. 35904 Reg. Ent. Reference No. RN100788959 Media [Statute] Air Enf. Coordinator Suzanne Walrath Violation Number 1	Docket No. 2008-0805-AIR-E <div style="text-align: right;">PCW</div> <div style="text-align: right; font-size: small;">Policy Revision 2 (September 2002) PCW Revision April 29, 2008</div>												
Rule Cite(s) 30 Tex. Admin. Code § 116.115(b)(2)(F), Air Permit No. 7711A, Special Condition No. 1, and Tex. Health & Safety Code § 382.085(b)													
Violation Description Failed to comply with the permitted Maximum Allowable Emissions Rate Table ("MAERT") for the line 3 cooling section (emission point number ["EPN"] COOL3) as determined during stack testing. Specifically, at EPN COOL3, the permitted allowable hourly particulate matter ("PM ") emission rate is 6.00 pounds per hour ("lbs/hr"), and during the stack test conducted on May 16 through May 27, 2005, the actual hourly PM emission rate was 29.84 lbs/hr.													
Base Penalty \$10,000													
>> Environmental, Property and Human Health Matrix													
OR	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">Release</td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Harm Moderate</td> <td style="text-align: center;">Minor</td> </tr> <tr> <td style="text-align: center;">Actual</td> <td></td> <td></td> <td style="text-align: center;">x</td> </tr> <tr> <td style="text-align: center;">Potential</td> <td></td> <td></td> <td></td> </tr> </table>	Release	Major	Harm Moderate	Minor	Actual			x	Potential			
Release	Major	Harm Moderate	Minor										
Actual			x										
Potential													
Percent 25%													
>> Programmatic Matrix													
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">Falsification</td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> </tr> </table>		Falsification	Major	Moderate	Minor								
Falsification	Major	Moderate	Minor										
Percent 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.												
Adjustment \$7,500													
\$2,500													
Violation Events													
<table style="width: 100%;"> <tr> <td style="width: 40%;"> Number of Violation Events 12 </td> <td style="width: 20%; text-align: center;"> <div style="border: 1px solid black; padding: 2px;">1095</div> </td> <td style="width: 40%;"> Number of violation days </td> </tr> </table>		Number of Violation Events 12	<div style="border: 1px solid black; padding: 2px;">1095</div>	Number of violation days									
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<div style="font-size: small;">mark only one with an x</div>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">daily</td> <td></td> </tr> <tr> <td style="text-align: center;">monthly</td> <td></td> </tr> <tr> <td style="text-align: center;">quarterly</td> <td style="text-align: center;">x</td> </tr> <tr> <td style="text-align: center;">semiannual</td> <td></td> </tr> <tr> <td style="text-align: center;">annual</td> <td></td> </tr> <tr> <td style="text-align: center;">single event</td> <td></td> </tr> </table>	daily		monthly		quarterly	x	semiannual		annual		single event	
daily													
monthly													
quarterly	x												
semiannual													
annual													
single event													
Violation Base Penalty \$30,000													
<div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> Twelve quarterly events are recommended beginning on the date of the failed stack test (May 16, 2005) and ending on case screening date (May 15, 2008). </div>													
Economic Benefit (EB) for this violation													
Statutory Limit Test													
Estimated EB Amount	<div style="border: 1px solid black; padding: 2px;">\$1,692</div>												
Violation Final Penalty Total \$31,500													
This violation Final Assessed Penalty (adjusted for limits) \$31,500													

Economic Benefit Worksheet

Respondent Building Materials Corporation of America

Case ID No. 35904

Reg. Ent. Reference No. RN100788959

Media Air

Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$6,500	16-May-2005	1-Feb-2009	3.72	\$81	\$1,611	\$1,692
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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

These are approximate costs for conducting a stack test and certifying compliance for EPN COOL3, beginning on the date of the failed stack test, and ending on the projected date of compliance.

Avoided Costs

ANNUALIZE [1] 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 [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$6,500

TOTAL

\$1,692

Screening Date 15-May-2008

Docket No. 2008-0805-AIR-E

PCW

Respondent Building Materials Corporation of America

Policy Revision 2 (September 2002)

Case ID No. 35904

PCW Revision April 29, 2008

Reg. Ent. Reference No. RN100788959

Media [Statute] Air

Enf. Coordinator Suzanne Walrath

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 116.115(b)(2)(F), Air Permit No. 7711A, Special Condition No. 1, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to comply with the permitted MAERT for the thermal oxidizer stack ("EPN 8") as determined during stack testing. Specifically, at EPN 8, the permitted allowable hourly sulfur dioxide ("SO₂") emission rate is 0.73 lbs/hr, and during the stack test conducted on October 30 and 31, 2006, the actual hourly rate for SO₂ was 38.49 lbs/hr, the permitted allowable hourly oxides of nitrogen ("NOx") emission rate is 0.72 lbs/hr, and the actual hourly rate for NOx was 2.15 lbs/hr, and the permitted allowable carbon monoxide ("CO") emission rate is 1.26 lbs/hr and the actual hourly rate for CO was 22.46 lbs/hr.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

	Harm		
Release	Major	Moderate	Minor
Actual			x
Potential			

Percent 25%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor

Percent 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.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 7

563 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$17,500

Seven quarterly events are recommended beginning on the date of the failed stack test (October 30, 2006) and ending on case screening date (May 15, 2008).

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$735

Violation Final Penalty Total \$18,375

This violation Final Assessed Penalty (adjusted for limits) \$18,375

Economic Benefit Worksheet

Respondent Building Materials Corporation of America

Case ID No. 35904

Reg. Ent. Reference No. RN100788959

Media Air

Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

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)	\$6,500	30-Oct-2006	1-Feb-2009	2.26	\$735	n/a	\$735

Notes for DELAYED costs

These are approximate costs for conducting a stack test and certifying compliance for EPN 8, beginning on the date of the failed stack test, and ending on the projected date of compliance.

Avoided Costs

ANNUALIZE [1] 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 [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$6,500

TOTAL

\$735

Screening Date 15-May-2008

Docket No. 2008-0805-AIR-E

PCW

Respondent Building Materials Corporation of America

Policy Revision 2 (September 2002)

Case ID No. 35904

PCW Revision April 29, 2008

Reg. Ent. Reference No. RN100788959

Media [Statute] Air

Enf. Coordinator Suzanne Walrath

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 116.115(b)(2)(F), Air Permit No. 7711A, Special Condition No. 9, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to conduct stack testing on EPN COOL1. Specifically, Special Condition No. 9 requires that it be sampled 180 days after the issuance of the permit dated October 21, 2004, which was no later than April 19, 2005.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			x

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment will or could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1

1101 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$1,000

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,508

Violation Final Penalty Total \$1,050

This violation Final Assessed Penalty (adjusted for limits) \$1,050

Economic Benefit Worksheet**Respondent** Building Materials Corporation of America**Case ID No.** 35904**Reg. Ent. Reference No.** RN100788959**Media** Air**Violation No.** 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

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)	\$10,000	19-Apr-2005	24-Apr-2008	3.02	\$1,508	n/a	\$1,508

Notes for DELAYED costs

These are approximate costs for conducting stack testing, beginning on the date the testing was required to have been done, and ending on the date testing occurred for EPN COOL1.

Avoided Costs**ANNUALIZE [1] 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 [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$1,508

Compliance History

Customer/Respondent/Owner-Operator: CN600474753 Building Materials Corporation of America Classification: AVERAGE Rating: 1.33

Regulated Entity: RN100788959 GAF Materials Corporation of America Classification: AVERAGE Site Rating: 0.32

ID Number(s):

AIR NEW SOURCE PERMITS	PERMIT	7711A
AIR NEW SOURCE PERMITS	PERMIT	47455
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	DB0378S
AIR NEW SOURCE PERMITS	AFS NUM	4811300036
AIR NEW SOURCE PERMITS	PERMIT	48785
AIR NEW SOURCE PERMITS	REGISTRATION	81652
PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	23705
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD044630895
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	31113
STORMWATER	PERMIT	TXR05N690
AIR OPERATING PERMITS	ACCOUNT NUMBER	DB0378S
AIR OPERATING PERMITS	PERMIT	2771

Location: 2600 Singleton Blvd., Dallas, TX 75212 Rating Date: September 01 07 Repeat Violator: NO

TCEQ Region: REGION 04 - DFW METROPLEX

Date Compliance History Prepared: May 15, 2008

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: May 15, 2003 to May 15, 2008

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Suzanne Walrath Phone: 512/239-2134

Site Compliance History Components

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 of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

N/A

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

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

- 1 11/24/2003 (255801)
- 2 12/31/2003 (257675)
- 3 06/24/2004 (271464)
- 4 11/29/2004 (342319)
- 5 06/15/2005 (393718)
- 6 11/08/2005 (432395)
- 7 04/11/2006 (457334)
- 8 05/22/2006 (465082)
- 9 08/15/2006 (508693)
- 10 09/27/2006 (512104)
- 11 11/29/2006 (518439)

12 11/29/2006 (532231)
13 01/29/2007 (537360)
14 08/21/2007 (567618)
15 04/03/2008 (637289)
16 05/01/2008 (636622)
17 05/15/2008 (656922)

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

Date 11/08/2005 (432395)

Self Report? NO

Classification Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT 7711A Special Condition 1

Description: Failure to comply with the permit Maximum Allowable Emissions Rate Table (MAERT) emission rates for EPNs 8 and COOL3 of Permit 7711A as determined during stack testing on May 16, 2005 through May 27, 2005 and October 30 & 31, 2006.

Self Report? NO

Classification Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT Permit No. 7711A, Special Condition 9

Description: Failure to conduct stack sampling on EPN COOL1 within 180 days of permit issuance on October 21, 2004.

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

Buddy Garcia, *Chairman*
Larry R. Soward, *Commissioner*
Bryan W. Shaw, Ph.D., *Commissioner*
Mark R. Vickery, P.G., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

February 5, 2009

CERTIFIED MAIL

91 7108 2133 3935 2309 6548

Doug Harris, Plant Manager
David Fuelleman, Plant Manager
Building Materials Corporation of America
2600 Singleton Boulevard
Dallas, Texas 75212-3738

RE: Building Materials Corporation of America
TCEQ Docket No. 2008-0805-AIR-E; Account No. DB0378S, Permit No. 7711A
Agreed Order Assessing Administrative Penalties and Requiring Certain Actions

Enclosed is a copy of an order issued by the Commission.

Questions regarding the order should be directed to the Enforcement Coordinator or the Staff Attorney. If there are questions pertaining to the mailing of the order, then please contact Leslie Gann of the Texas Commission on Environmental Quality's Office of the Chief Clerk (MC 105) at (512) 239-3319.

Sincerely,

A handwritten signature in cursive script, reading "LaDonna Castañuela".

LaDonna Castañuela
Chief Clerk

LDC/lg

Enclosure

cc: Melissa Keller, SEP Coordinator, TCEQ Enforcement Division (MC 219)
Suzanne Walrath, Enforcement Coordinator, TCEQ Enforcement Division (MC 169)



Date Produced: 02/16/2009

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

The following is the delivery information for Certified Mail™ item number 7108 2133 3935 2309 6548. Our records indicate that this item was delivered on 02/06/2009 at 12:29 p.m. in DALLAS, TX, 75212. The scanned image of the recipient information is provided below.

	Delivery location
Signature of Recipient:	<div>Shalanda Cole</div>
	<div>Shalanda Cole</div>
Address of Recipient:	<div>2600 Singleton Blvd</div>

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,

United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

Customer Reference Number: 105

AIR-PA-DB0378S-RN100788959-PA

City of Dallas, Air Pollution Control Program Investigation Report

**BUILDING MATERIALS CORPORATION OF AMERICA
CN602717464**

GAF MATERIALS

RN100788959

Investigation # 724507

Incident #

Investigator: AMANDA TRAMMEL

Site Classification

MAJOR SOURCE

Conducted: 01/13/2009 -- 01/13/2009

SIC Code: 2952

NAIC Code: 324122

Program(s): AIR OPERATING PERMITS
AIR NEW SOURCE
PERMITS

Investigation Type : Site Assessment

Location : 2600 Singleton Blvd

Additional ID(s) : 7711A
47455
DB0378S
48785
2771
81652

Address: ; ,

Activity Type: CITY OF DALLAS LOCAL PROGRAM
PMSICH116 - Chapter 116 Permit Site Review

Principal(s) :

Role

Name

RESPONDENT

BUILDING MATERIALS CORPORATION OF AMERICA

Contact(s) :

Role

Title

Name

Phone

Regulated Entity Contact

PLANT ENGINEER

MR DOUG HARRIS

Work (214) 637-8909

Other Staff Member(s) :

Role

Name

Supervisor

JONI KEACH

Associated Check List

Checklist Name

Unit Name

AIR PERMIT SITE REVIEW

GAF

Investigation Comments :

INTRODUCTION

On January 13, 2009, Amanda Trammel, inspector for the City of Dallas Air Pollution Control Program, conducted a Permit Site Review (PMSI) for GAF Materials located at 2600 Singleton Blvd, Dallas, Texas, 75212. The identifiers for the facility are RN100788959, CN602717464, and DB-0378-S. This PMSI is for amendments to Permit #7711A. The project number for the amendments is #143272.

DAILY NARRATIVE

RECEIVED
MAY 28 2009
RECEIVED TCEQ
CENTRAL FILE ROOM
MAR 10 2009
DFW REGION-4

On January 9, 2009, the City of Dallas Air Pollution Control Program received a Request for Comments - Site Review for GAF Materials. The purpose of the inspection was to perform a basic site review for amendments to Permit #7711A. The facility intendeds to increase particulate matter (PM) emissions for Line 3 cooling section and sulfur dioxide (SO₂), nitrogen dioxide (NO_x), and carbon monoxide (CO) emissions for the Boiler and Thermal oxidizer Vent. Mr. Doug Harris, Plant Manager for GAF will act as the Technical Contact for this facility.

EXIT INTERVIEW

The surrounding land for this facility is a mix of residential to the north and industrial to the south. Nuisance, hazard, and odor potential at the site are all high because of the close proximity to off-site receptors. The distance to the nearest offsite receptor is approximately 500 ft. That property is a church. The nearest school is approximately 600 ft to the west of the property. While complaints have been made against this facility, no nuisance or odor violations have been substantiated in the last 5 years. Although the writer is somewhat concerned with an increase in particulate matter emissions in this area, it is the opinion of the writer that the facility can continue to meet the requirements set forth by the permit amendments. The writer's suggestion is to proceed with the permit review for this facility. The completed request for comments form was emailed to Mike Gould at the TCEQ Air Permits Division on January 22, 2009.

GENERAL FACILITY AND PROCESS INFORMATION

Process Description

GAF Materials manufactures roofing shingles. GAF has been at its present location for over 20 years, but a roofing facility has been at this site since the 1940's. The facility has 210 employees, the plant operates three shifts per day, 24 hours per day 7 days per week.

Line #1 makes conventional shingles. Line #3 makes laminate shingles. Large rolls/webs of fiberglass are fed into both shingle lines. Both surfaces of the fiberglass are coated with an asphalt and limestone mixture. The mixture is piped in from outdoor heated storage silos. After coating, a controlled layer of granules is dropped and embedded into the upper surface of the mat. The mat is flipped and a thin layer of sand is applied to the lower surface. The granules are received from hopper cars and bottom-loaded to silos via a bucket elevator. The granules are conveyed into the processing equipment. Fifteen silos contain granules and one is reserved for sand for Line #3. The silos are not equipped with dust collectors but the granules don't pose a particulate issue. Two outdoor bins hold non-colored, headlap (unexposed area of shingle) granules. Two roof-mounted, pulse air baghouses are located here; one unit for the 120 ton filler silo and the other for the filler use bin. Filler is a cheaper form of the limestone material. The filler is first off-loaded from a truck into a 120 ton, Hollow-Flayed filler silo. The material is transferred to a heater where it is heated to 300-400F. The material is then transferred to a holding bin. The limestone and asphalt are mixed and moved by a paddle mixer and screw conveyor to the coating unit. Line #3 is similar in operation to Line #1, except for a few differences in equipment including that the granules are stored in nineteen silos and the sand in one. Two 80 ton silos contain the filler material which is entered straight into the process.

The laminated shingles involve the following: The lamination occurs after the cooling is done with self-seal asphalt based dots, heat and pressure. A second layer is added to approximately half of the shingle to create a textured appearance. After coating, the web is water cooled and cut into sheets or shingles, stacked and packaged. Where the roll of dry un-woven fiberglass mat first feeds into the system, a negative air and dry filter system captures any loose fibers. Three dust collectors with approximately 144 bags each capture indoor plant emissions. The asphalt is received in bulk by truck or train. The material is initially received stored in two upright tanks, transferred into a holding tank, then conveyed into smaller tanks. All tanks or stills are jacketed and heated with steam coils to keep the asphalt hot. If cooling is necessary, blow still #13 is cooled internally, and blow still #26 is cooled externally with water. A total of nine tanks are used for storage. Other tanks are on-site but not in use, although functional. The following is the capacity of all the storage tanks, if full:

T-120	250,000 gallons
T-110	250,000 gallons
T-8	215,000 gallons

T-14	50,000 gallons
T-9	20,000 gallons
T-10	27,000 gallons
T-15	120,000 gallons

Two horizontal tanks 18,000 gallons

The facility has 2 boilers. Boiler #1 has a rating of 15mmBtu and Boiler #2 has a rating of 10 mmBtu. An electrostatic precipitator is the VOC and PM control device for Lines #1 and #3. A knockout tank takes emissions from the asphalt blowing stills and routes them to a thermal oxidizer, which is set at 1400 degrees Fahrenheit and has a continuous monitoring system

BACKGROUND

Current Enforcement Actions: None

Agreed Orders, Court Orders, & Other Compliance Agreements: None in the last 5 years.

Complaints: 1) 07/10/03 - Inv #142989; No violations alleged

2) 08/13/08 - Inv #572698; No violations alleged

Prior Enforcement Issues: The facility was found to be in alleged violation of 30 Texas Administrative Code (TAC) 116.115(b)(2)(F) and 30 TAC 116.115(c); for exceeding the Maximum Allowable Emission Rates (MAERT) and not sampling a specific emission point, by the Texas Commission on Environmental Quality. As a component of the October 21, 2004 permit renewal the company had to conduct stack testing, results were reviewed by Gabriel Perez with the TCEQ on September 19-20, 2005 and found to be non-compliant with several of the permit allowable values. Additional stack sampling was conducted and the facility found to be in compliance with allowable values.

ADDITIONAL INFORMATION

Conclusions and Recommendations

Conduct regular surveillance and investigations of the facility. Proceed with Air Permits Division Review.

Additional Issues

None

Attachments

(1) Map

(2) RFC Form

No Violations Associated to this Investigation

Signed

Amanda Trammell
Environmental Investigator

Date

1/22/09

Signed

Sam M. Koch
Supervisor

Date

2/23/09

Attachments: (in order of final report submittal)

___ Enforcement Action Request (EAR)

___ Letter to Facility (specify type) : _____

___ Investigation Report

___ Sample Analysis Results

___ Manifests

___ NOR

___ Maps, Plans, Sketches

___ Photographs

___ Correspondence from the facility

___ Other (specify) : _____

ATTACHMENT 1

RN100788959 / CN602717464

**Company Name: Building Materials
Corporation of America**

Site Name: GAF Materials

Date of Investigation: 01/13/2009

BN100788959: map

112



ATTACHMENT 2

RN100788959 / CN602717464

**Company Name: Building Materials
Corporation of America**

Site Name: GAF Materials

Date of Investigation: 01/13/2009

PN10078959 : RFC Form

212

HP Fax Series 900
Plain Paper Fax/Copier

Fax History Report
City of Dallas
(214)948-4115
Jan 22 2009 9:51am

Last Fax

<u>Date</u>	<u>Time</u>	<u>Type</u>	<u>Identification</u>	<u>Duration</u>	<u>Pages</u>	<u>Result</u>
Jan 22	9:48am	Sent	915122391300	3:04	5	OK

Result:

OK - black and white fax

FAX TRANSMITTAL

City of Dallas EHS
Air Pollution Control Program
320 East Jefferson Room LL13
Dallas, Texas 75203

Office Number: 214/948-4435
Fax Number: 214/948-4412
E-mail Address:

DATE: January 22, 2009

NUMBER OF PAGES: 5

TO: Name: Mike Gould
Organization: TCEQ Air Permits Division
Fax Number: 512-239-1300
Telephone Number: 512-239-1097

FROM: Name: Amanda Trammel
Organization: City of Dallas Local Air Program
Fax Number: 214-948-4412
Telephone Number: 214-948-4435

Notes:

Request for Comments – Site Review for GAF Building Materials
RN100788959, CN602717464, Permit Nos. 7711A, Project Nos. 143272

GAF Materials: RFC – Site Review

RN100788959, CN602717464, DB-0378-S, Permit #7711A, Project #143272

Summary of recent complaints:

On August 9, 2007, the City of Dallas Air Pollution Control Program received a complaint alleging possible harmful emissions were observed coming from GAF after normal business hours. Amanda Trammel, investigator for the City of Dallas, conducted an investigation of the area on August 13, 2007, after hours. Weather conditions were as follows: Temp: 98 F, skies: partly cloudy, relative humidity: 35%. Winds were out of the south/southeast at 8-10 mph. Minimal odors of tar/asphalt were observed coming from the facility. A downwind odor survey was performed and the odor classified as moderate. Steam emissions were seen coming from the facility for a 10-15 minute period and pictures taken. No violations were alleged.

General Concerns of writer:

Because of the close proximity of schools and residences, the nuisance, odor and hazard potential for this facility are all high. While complaints have been made against this facility, no nuisance or odor violations have been substantiated in the last 5 years. Although the writer is somewhat concerned with an increase in particulate matter emissions in this area, it is the opinion that the facility can continue to meet the requirements set forth by the permit amendments.

**Request for Comments -- Site Review
TCEQ -- Air Permits Division
Phone: (512) 239-1250
Fax: (512) 239-1300**

Submitted by: Air Permits Initial Review Team

TO: Region: 4 **City:** Dallas **County:** Dallas

Date Request Submitted: January 9, 2009 **Date Response Requested:**

Comments: Deadline is 45 days for MSS-type reviews, 21 calendar days for all others, from the Date Request Submitted. Section Manager approval is required for responses requested sooner than those deadlines. MSS = an NSR application for Planned Maintenance, Start-up, or Shutdown emissions in accordance with 30 TAC Chapter 101.

Date Application Received by Air Permit Initial Review Team: December 19, 2008

REGIONAL OFFICES: Please return comments to the appropriate Permitting Team Leader indicated on the following page ASAP, but no later than deadline established above. Permit disposition will proceed after comments are received or after the comments deadline has passed.

REQUESTED PERMIT ACTION:

MSS Construction	MSS Amendment	Revision
Construction	X Amendment	Other
Renewal	Renewal Abbreviated Review	

Project No.: 143272 **PERMIT No.:** 7711A

TCEQ Account No (if applicable): DB-0378-S

Regulated Entity No.: RN100788959 **Customer No.:** CN602717464

Company Name: Building Materials Corporation Of America

Plant Name: Gaf Materials **City:** Dallas **County:** Dallas

Location: 2600 Singleton Blvd

Unit Name: Asphalt Roofing Production Facility

Technical Contact: Doug Harris **Phone:** (214) 637-8909

Local Program Applicable?: X Yes No **Local Programs:** Dallas

Note: For sites in a region that has a local program with jurisdiction, MSS projects for those sites will be reviewed by regional offices only.

**Request for Comments -- Site Review
RESPONSE**

PLEASE SEND COMMENTS TO THE PERSON IDENTIFIED BELOW. (To avoid delays, please do not send this back to the Air Permits Initial Review Team.):

	To: Stephanie Howell - Air Permits Division - Austin	E-Mail: [REDACTED]	Phone: (512) 239-1560
X	To: Mike Gould - Air Permits Division - Austin	E-Mail: [REDACTED]	Phone: (512) 239-1097
	To: Erik Hendrickson - Air Permits Division - Austin	E-Mail: [REDACTED]	Phone: (512) 239-1095
	To: Mike Coldiron - Air Permits Division - Austin	E-Mail: [REDACTED]	Phone: (512) 239-5027
	To: Dana Vermillion- Air Permits Division - Austin (Chem)	E-Mail: [REDACTED]	Phone: (512) 239-1280
	To:	E-Mail:	Phone: Fax: (512) 239-1300

FROM: Region: 4

City: Dallas

County: Dallas

Compliance:

Legal:

Copy of Application Received by your Office: ☒ YES ☐ NO

Date Received: 12/22/08

PERMIT No. 7711A

PROJECT No. 143272

TCEQ ACCOUNT NUMBER: DB-0378-S

Company Name: Building Materials Corporation Of America

Investigator's/Compliance Officer's Name (Please Print): Amanda Trammel

Organization: City of Dallas

Phone: 214-948-4435

Comments Deadline: 1/30/09

Date of Last Site Visit: 8/13/07

SITE INFORMATION:

Nuisance/Odor Potential: ☐ Low ☐ Moderate ☒ High

Hazard Potential: ☐ Low ☐ Moderate ☒ High

Surrounding Land Use: Industrial / Residential

School within 3,000 feet? ☒ Yes ☐ No

Thomas Edison ~ 600ft

Distance to Nearest Off-Property Receptor: 500ft

Receptor Type: ☐ School ☐ Residence ☒ Other

Church

Distance from unit to nearest property line: 200ft

Describe area surrounding nearest receptor: Residential

NOV INFORMATION (concerning affected process unit):

Type of Site: ☒ Existing ☐ Similar in Texas ☐ Similar in U.S.

NOV Issued? ☒ No ☐ Yes

Date:

Type of Violation: N/A	
Please provide any information the permit engineer needs concerning the current NOV status	None
Summarize any recent complaints related to this facility:	On attachment
Recommendation based on Compliance History: (*For Compliance Use Only)	
<input checked="" type="radio"/> Proceed with Permit Review <input type="radio"/> Additional Provisions <input type="radio"/> Deny Permit <input type="radio"/> Update Application	
SITE REVIEW:	
In light of the proximity of sensitive receptors and the surrounding land use, please discuss any concerns you have concerning a facility of this type locating at the proposed site.	
MSS Specific Notes:	
The following MSS activities in the application are insufficient or inconsistent with our knowledge of MSS at the facility, and why:	
The following activities are typically considered planned MSS and are not found in the application. These activities should be added or addressed:	

AIR/DB-0378-S/co

Buddy Garcia, *Chairman*
Larry R. Soward, *Commissioner*
Bryan W. Shaw, Ph.D., *Commissioner*
Mark R. Vickery, P.G., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

January 9, 2009

Mr. Doug Harris, Plant Engineer
Building Materials Corporation of America
2600 Singleton Boulevard
Dallas, Texas 75212

Re: Agreed Order, Building Materials Corporation of America
GAF Materials Corporation of America, 2600 Singleton Boulevard, Dallas, Dallas County
RN100788959
Docket No. 2008-0805-Air-E; Enforcement Case No. 35904

Dear Mr. Harris:

This is to inform you that Texas Commission on Environmental Quality (TCEQ or Commission) consideration of the Agreed Order in the above-referenced matter will be at:

9:30 AM, Wednesday, January 28, 2009
Room 201S, Building E, Technical Park Center
12118 North IH-35 at Yager Lane
Austin, Texas

You or your representative(s) may attend the Agenda meeting if you choose to, but it is not required.

Enclosed is a copy of the Executive Summary submitted to the Chief Clerk's Office. This summary is provided to the Commissioners prior to the Agenda meeting. The Executive Director will recommend that the Agreed Order be granted by the Commission.

Thank you for your cooperation in the settlement of this case. Should you have any questions, please contact Ms. Suzanne Walrath, the Enforcement Coordinator assigned to this matter, at (512) 239-2134.

Sincerely,

A handwritten signature in cursive script that reads "Karen Santiesteban".

Karen Santiesteban
Enforcement Division

Enclosure

cc: Manager, Air Section, DFW Regional Office, TCEQ
Mr. David Fuelleman, Plant Manager, Building Materials Corporation of America, 2600
Singleton Boulevard, Dallas, Texas 75212

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EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2008-0805-AIR-E TCEQ ID: RN100788959 CASE NO.: 35904
RESPONDENT NAME: Building Materials Corporation of America

Page 1 of 3

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: GAF Materials Corporation of America, 2600 Singleton Boulevard, Dallas, Dallas County</p> <p>TYPE OF OPERATION: Asphalt felts and coatings manufacturing plant</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on December 8, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: Ms. Melissa Keller, SEP Coordinator, Enforcement Division, MC 219, (512) 239-1768 TCEQ Enforcement Coordinator: Ms. Suzanne Walrath, Enforcement Division, Enforcement Team 3, MC 169, (512) 239-2134; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Mr. Doug Harris, Plant Engineer, Building Materials Corporation of America, 2600 Singleton Boulevard, Dallas, Texas 75212 Mr. David Fuelleman, Plant Manager, Building Materials Corporation of America, 2600 Singleton Boulevard, Dallas, Texas 75212 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: January 25, 2008</p> <p>Date of NOV/NOE Relating to this Case: May 2, 2008 (NOE)</p> <p>Background Facts: This was a record review.</p> <p>AIR</p> <p>1) Failure to comply with the permitted Maximum Allowable Emissions Rate Table ("MAERT") for the line 3 cooling section (emission point number ["EPN"] COOL3) as determined during stack testing. Specifically, at EPN COOL3, the permitted allowable hourly particulate matter ("PM") emission rate is 6.00 pounds per hour ("lbs/hr"), and during the stack test conducted on May 16 through May 27, 2005, the actual hourly PM emission rate was 29.84 lbs/hr [30 TEX. ADMIN. CODE § 116.115(b)(2)(F), Air Permit No. 7711A, Special Condition No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>2) Failure to comply with the permitted MAERT for the thermal oxidizer stack ("EPN 8") as determined during stack testing. Specifically, at EPN 8, the permitted allowable hourly sulfur dioxide ("SO₂") emission rate is 0.73 lbs/hr, and during the stack test conducted on October 30 and 31, 2006, the actual hourly rate for SO₂ was 38.49 lbs/hr, the permitted allowable hourly oxides of nitrogen ("NOx") emission rate is 0.72 lbs/hr and the actual hourly rate for NOx was 2.15 lbs/hr, and the permitted allowable carbon monoxide ("CO") emission rate is 1.26 lbs/hr and the actual hourly rate for CO was 22.46 lbs/hr [30 TEX. ADMIN. CODE § 116.115(b)(2)(F), Air Permit No. 7711A,</p>	<p>Total Assessed: \$50,925</p> <p>Total Deferred: \$10,185 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$20,370</p> <p>Total Paid to General Revenue: \$20,370</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent conducted a stack test on the line no. 1 cooling section exhaust [a total of three stacks – EPN COOL1] on April 24, 2008.</p> <p>Ordering Provisions:</p> <p>1) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A)</p> <p>2) The Order will also require the Respondent to:</p> <p>a. Within 60 days after the effective date of this Agreed Order, complete stack testing for EPN COOL3 for PM, and EPN 8 for SO₂, NOx, and CO; or</p> <p>b. Within 60 days after the effective date of this Agreed Order, submit an administratively complete permit amendment application to increase allowable emission limits for PM from EPN COOL3, and SO₂, NOx, and CO from EPN 8, and comply with any subsequently issued requirements and timelines for stack testing for PM from EPN COOL3 and for SO₂, NOx, and CO from EPN 8;</p> <p>c. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit application within 30 days after the date of such requests, or by any other deadline specified in writing; and</p> <p>d. Within 240 days after the effective date of this Agreed Order, submit written certification of the results of the stack testing for EPN COOL3 for PM and EPN 8 for SO₂, NOx, and CO, or that either authorization to construct and operate a source of air emissions has been obtained or that construction/operation has ceased until such time that appropriate authorization is obtained. The certification shall include detailed supporting documentation including receipts and/or other records to demonstrate compliance.</p>

RESPONDENT NAME: Building Materials Corporation of America
DOCKET NO.: 2008-0805-AIR-E

Page 3 of 3

<p>Special Condition No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>3) Failure to conduct stack testing on EPN COOL1. Specifically, Special Condition No. 9 requires that it be sampled 180 days after the issuance of the permit dated October 21, 2004, which was no later than April 19, 2005 [30 TEX. ADMIN. CODE § 116.115(b)(2)(F), Air Permit No. 7711A, Special Condition No. 9, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>		
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Additional ID No(s): DB0378S

Mr. Doug Harris
Page 2

bcc: Ms. Suzanne Walrath, Coordinator, Enforcement Division
Ms. Melissa Keller, SEP Coordinator, Enforcement Division

Air/DB 03788/COSW.

Buddy Garcia, *Chairman*
Larry R. Soward, *Commissioner*
Bryan W. Shaw, Ph.D., *Commissioner*
Mark R. Vickery, P.G., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

January 9, 2009

Mr. Doug Harris, Plant Engineer
Building Materials Corporation of America
2600 Singleton Boulevard
Dallas, Texas 75212

Re: Agreed Order, Building Materials Corporation of America
GAF Materials Corporation of America, 2600 Singleton Boulevard, Dallas, Dallas County
RN100788959
Docket No. 2008-0805-Air-E; Enforcement Case No. 35904

Dear Mr. Harris:

This is to inform you that Texas Commission on Environmental Quality (TCEQ or Commission) consideration of the Agreed Order in the above-referenced matter will be at:

9:30 AM, Wednesday, January 28, 2009
Room 201S, Building E, Technical Park Center
12118 North IH-35 at Yager Lane
Austin, Texas

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You or your representative(s) may attend the Agenda meeting if you choose to, but it is not required.

Enclosed is a copy of the Executive Summary submitted to the Chief Clerk's Office. This summary is provided to the Commissioners prior to the Agenda meeting. The Executive Director will recommend that the Agreed Order be granted by the Commission.

Thank you for your cooperation in the settlement of this case. Should you have any questions, please contact Ms. Suzanne Walrath, the Enforcement Coordinator assigned to this matter, at (512) 239-2134.

Sincerely,

Karen Santiesteban

Karen Santiesteban
Enforcement Division

Enclosure

cc: Manager, Air Section, DFW Regional Office, TCEQ
Mr. David Fuelleman, Plant Manager, Building Materials Corporation of America, 2600
Singleton Boulevard, Dallas, Texas 75212

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RESPONDENT NAME: Building Materials Corporation of America
DOCKET NO.: 2008-0805-AIR-E

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Additional ID No(s): DB0378S

Mr. Doug Harris
Page 2

bcc: Ms. Suzanne Walrath, Coordinator, Enforcement Division
Ms. Melissa Keller, SEP Coordinator, Enforcement Division

AP/DB-0378-S/CO

Buddy Garcia, *Chairman*
Larry R. Soward, *Commissioner*
Bryan W. Shaw, Ph.D., *Commissioner*
Mark R. Vickery, P.G., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

January 2, 2009

Mr. David Fuelleman
Plant Manager
GAF Elk Materials Corporation
2600 Singleton Boulevard
Dallas, Texas 75212

Re: Notification of Audit Letter Dated July 31, 2008
Texas Environmental, Health, and Safety Audit Privilege Act
Building Materials Corporation of America, 2600 Singleton Boulevard, Dallas, Dallas County
RN100788959

Dear Mr. Fuelleman:

We are in receipt of your letter dated July 31, 2008, in which you state that Building Materials Corporation of America (aka GAF Materials) is planning to commence a self-audit pursuant to the Texas Environmental, Health, and Safety Audit Privilege Act ("the Audit Act"). Please excuse our delay in responding to your notice. It appears that the audit will include a review of Building Materials Corporation of America's compliance with requirements of the Clean Air Act Title V operating permit program ("Title V"). Please be advised that, with regard to Title V violations, consideration for immunity from administrative and civil penalties afforded by the Audit Act is made on a case-by-case basis and granted only when violations are discovered during a voluntary environmental audit that exceeds the "reasonable inquiry" required by 40 Code of Federal Regulations Part 70.5(d). Reasonable inquiry is discussed in Texas Commission on Environmental Quality ("TCEQ") Audit Act Guidance Document, RG-173.

Thank you for working with the TCEQ to ensure compliance with state environmental laws. If you have any questions regarding this matter, please contact me at 512/239-1445.

Sincerely,

A handwritten signature in black ink, appearing to read "C. Bing".

Cari Bing, Enforcement Coordinator
Enforcement Division

cc: Mr. Tony Walker, Regional Director, Dallas/Fort Worth Regional Office, TCEQ
Mr. Cullen McMorrow, Attorney, Litigation Division, TCEQ

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JAN 28 2009
TCEQ
CENTRAL FILE ROOM

Mr. David Fuelleman
Page 2

bcc: Ms. Cari Bing, Enforcement Coordinator, Enforcement Division, TCEQ
Central Records, MC 213, Building E, 1st Floor [Air - DB0378S]
Enforcement Division Reader File