

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

**DOCKET NO.:** 2007-0931-IWD-E **TCEQ ID:** RN102286374 **CASE NO.:** 33791

**RESPONDENT NAME:** Dome Petrochemical, L.C.

|   |   |  |
|---|---|--|
| <b>ORDER TYPE:</b>  |   |  |
| <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                    |  |
| <b>CASE TYPE:</b>   |   |  |
| <input 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 checked="" 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><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Cedar Bayou Plant, 6655 West Bay Road, adjacent and east of Cedar Bayou, approximately 2.5 miles south of State Highway 146 at Cedar Bayou Bridge, and northeast of the City of Baytown, Chambers County</p> <p><b>TYPE OF OPERATION:</b> Wastewater treatment facility for an organic chemical and petroleum processing plant</p> <p><b>SMALL BUSINESS:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on October 29, 2007. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b><br/> <b>TCEQ Attorney/SEP Coordinator:</b> None<br/> <b>TCEQ Enforcement Coordinator:</b> Ms. Catherine Albrecht, Enforcement Division, Enforcement Team 1, MC R-12; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171<br/> <b>Respondent:</b> Mr. Rodman Eggen, President, Dome Petrochemical, L.C., 6655 West Bay Road, Baytown, Texas 77520<br/> <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p> |   |  |

**VIOLATION SUMMARY CHART:**

| VIOLATION INFORMATION  | PENALTY CONSIDERATIONS  | CORRECTIVE ACTIONS TAKEN/REQUIRED   |
|--|---|---|
| <p><b>Type of Investigation:</b><br/> <input type="checkbox"/> Complaint<br/> <input type="checkbox"/> Routine<br/> <input type="checkbox"/> Enforcement Follow-up<br/> <input checked="" type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Record Review Relating to this Case:</b> February 26, 2007</p> <p><b>Date of NOE Relating to this Case:</b> April 25, 2007 (NOE)</p> <p><b>Background Facts:</b> This was a routine record review investigation for compliance with the water quality program. One significant program violation was observed.</p> <p><b>WATER</b></p> <p>Failure to comply with permitted effluent limits [30 TEX. ADMIN. CODE § 305.125(1), Texas Pollutant Discharge Elimination System Permit No. WQ0004116000, Effluent Limitations and Monitoring Requirements No. 1, and TEX. WATER CODE § 26.121(a)].</p> | <p><b>Total Assessed:</b> \$5,400</p> <p><b>Total Deferred:</b> \$1,080<br/> <input checked="" type="checkbox"/> Expedited Settlement<br/> <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$4,320</p> <p><b>Site Compliance History Classification</b><br/> <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b><br/> <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p> | <p><b>Ordering Provisions:</b></p> <p>The Order will require the Respondent to submit written certification of compliance with the permitted effluent limits of TPDES Permit No. WQ0004116000 and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance within 60 days after the effective date of this Agreed Order.</p> |

Additional ID No(s): WQ0004116000



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision May 25, 2007

|              |          |             |           |             |         |  |
|--------------|----------|-------------|-----------|-------------|---------|--|
| <b>DATES</b> | Assigned | 30-Apr-2007 | Screening | 13-Jun-2007 | EPA Due |  |
|              | PCW      | 13-Jun-2007 |           |             |         |  |

|  |                          |
|--|--------------------------|
| <b>RESPONDENT/FACILITY INFORMATION</b> |                          |
| Respondent                             | Dome Petrochemical, L.C. |
| Reg. Ent. Ref. No.                     | RN102286374              |
| Facility/Site Region                   | 12-Houston               |
| Major/Minor Source                     | Minor                    |

|                         |                 |                   |                    |          |
|-------------------------|-----------------|-------------------|--------------------|----------|
| <b>CASE INFORMATION</b> |                 |                   |                    |          |
| Enf./Case ID No.        | 33791           | No. of Violations | 1                  |          |
| Docket No.              | 2007-0931-IWD-E | Order Type        | 1660               |          |
| Media Program(s)        | Water Quality   | Enf. Coordinator  | Catherine Albrecht |          |
| Multi-Media             |                 | EC's Team         | EnforcementTeam 1  |          |
| Admin. Penalty \$       | Limit Minimum   | \$0               | Maximum            | \$10,000 |

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** *Subtotal 1*

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

**Compliance History** 50% Enhancement *Subtotals 2, 3, & 7*

Notes: The Respondent has ten months of self-reported effluent violations.

**Culpability** No 0% Enhancement *Subtotal 4*

Notes: The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply** 0% Reduction *Subtotal 5*

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.

0% Enhancement\* *Subtotal 6*

|                            |          |                                   |
|----------------------------|----------|-----------------------------------|
| Total EB Amounts           | \$3,936  | *Capped at the Total EB \$ Amount |
| Approx. Cost of Compliance | \$25,000 |                                   |

**SUM OF SUBTOTALS 1-7** *Final Subtotal*

**OTHER FACTORS AS JUSTICE MAY REQUIRE** -10% *Adjustment*

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes: Recommend reduction in the penalty so that the monthly self-reported violations don't overly impact the penalty amount.

*Final Penalty Amount*

**STATUTORY LIMIT ADJUSTMENT** *Final Assessed Penalty*

**DEFERRAL** 20% Reduction *Adjustment*

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**

Screening Date 13-Jun-2007

Docket No. 2007-0931-IWD-E

PCW

Respondent Dome Petrochemical, L.C.

Policy Revision 2 (September 2002)

Case ID No. 33791

PCW Revision May 25, 2007

Reg. Ent. Reference No. RN102286374

Media [Statute] Water Quality

Enf. Coordinator Catherine Albrecht

### 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 ( <i>number of NOVs meeting criteria</i> )  | 10                | 50%     |
|                               | Other written NOVs  | 0                 | 0%      |
| Orders                        | Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )   | 0                 | 0%      |
|                               | Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission. | 0                 | 0%      |
| Judgments and Consent Decrees | Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgments or consent decrees meeting criteria</i> )                                | 0                 | 0%      |
|                               | Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government   | 0                 | 0%      |
| Convictions                   | Any criminal convictions of this state or the federal government ( <i>number of counts</i> )  | 0                 | 0%      |
| Emissions                     | Chronic excessive emissions events ( <i>number of events</i> )  | 0                 | 0%      |
| Audits                        | Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )      | 0                 | 0%      |
|                               | Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )   | 0                 | 0%      |

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) 50%

>> 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 has ten months of self-reported effluent violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 50%

|                                |  |   |                 |            |
|--------------------------------|--|---|-----------------|------------|
| <b>Screening Date</b>          | 13-Jun-2007  | <b>Docket No.</b>                         | 2007-0931-IWD-E | <b>PCW</b> |
| <b>Respondent</b>              | Dome Petrochemical, L.C.   | <i>Policy Revision 2 (September 2002)</i> |                 |            |
| <b>Case ID No.</b>             | 33791  | <i>PCW Revision May 25, 2007</i>          |                 |            |
| <b>Reg. Ent. Reference No.</b> | RN102286374  |   |                 |            |
| <b>Media [Statute]</b>         | Water Quality  |   |                 |            |
| <b>Enf. Coordinator</b>        | Catherine Albrecht   |   |                 |            |
| <b>Violation Number</b>        | 1  |   |                 |            |
| <b>Rule Cite(s)</b>            | 30 Tex. Admin. Code § 305.125(1), TPDES Permit No. WQ0004116000, Effluent Limitations and Monitoring Requirements No. 1, and Tex. Water Code § 26.121(a) |   |                 |            |
| <b>Violation Description</b>   | Failed to comply with permitted effluent limits. See attached table.   |   |                 |            |
| <b>Base Penalty</b>            |  |   |                 | \$10,000   |

>> Environmental, Property and Human Health Matrix

|           |                |       |          |                    |
|-----------|----------------|-------|----------|--------------------|
| OR        | <b>Harm</b>    |       |          |                    |
|           | <b>Release</b> | Major | Moderate | Minor              |
|           | Actual         |       |          | X                  |
| Potential |                |       |          | <b>Percent</b> 10% |

>> Programmatic Matrix

|  |               |       |          |       |                   |
|--|---------------|-------|----------|-------|-------------------|
|  | Falsification | Major | Moderate | Minor | <b>Percent</b> 0% |
|  |               |       |          |       |                   |

**Matrix Notes**  
 A simplified model was used to evaluate the effects of contaminants on human health and the environment. Failure to comply with permit limits resulted in the exposure of an insignificant amount of contaminants which did not exceed levels protective of human health and the environment.

**Adjustment** \$9,000

\$1,000

Violation Events

Number of Violation Events  Number of violation days

|                         |              |                      |
|-------------------------|--------------|----------------------|
| mark only one with an x | daily        | <input type="text"/> |
|                         | monthly      | <input type="text"/> |
|                         | quarterly    | X                    |
|                         | semiannual   | <input type="text"/> |
|                         | annual       | <input type="text"/> |
|                         | single event | <input type="text"/> |

**Violation Base Penalty** \$4,000

Four quarterly events are recommended.

|  |  |
|--|--|
| <b>Economic Benefit (EB) for this violation</b>  | <b>Statutory Limit Test</b>  |
| Estimated EB Amount <input type="text" value="\$3,936"/>   | Violation Final Penalty Total <input type="text" value="\$5,400"/> |
| This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$5,400"/> |  |

## Economic Benefit Worksheet

Respondent: Dome Petrochemical, L.C.  
 Case ID No. 33791  
 Reg. Ent. Reference No. RN102286374  
 Media Water Quality  
 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                |          |            |            | 0.0 | \$0   | \$0     | \$0     |
| Buildings                |          |            |            | 0.0 | \$0   | \$0     | \$0     |
| Other (as needed)        |          |            |            | 0.0 | \$0   | \$0     | \$0     |
| Engineering/construction | \$25,000 | 1-Dec-2006 | 1-Mar-2008 | 2.2 | \$187 | \$3,749 | \$3,936 |
| Land                     |          |            |            | 0.0 | \$0   | n/a     | \$0     |
| Record Keeping System    |          |            |            | 0.0 | \$0   | n/a     | \$0     |
| Training/Sampling        |          |            |            | 0.0 | \$0   | n/a     | \$0     |
| Remediation/Disposal     |          |            |            | 0.0 | \$0   | n/a     | \$0     |
| Permit Costs             |          |            |            | 0.0 | \$0   | n/a     | \$0     |
| Other (as needed)        |          |            |            | 0.0 | \$0   | n/a     | \$0     |

**Notes for DELAYED costs**  
 Estimated costs of an engineering assessment and modifications of the treatment system to ensure compliance with permit limits. Date required is the first violation month in this case. Final date is the projected date of compliance.

### Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

|                               |  |  |  |     |     |     |     |
|-------------------------------|--|--|--|-----|-----|-----|-----|
| Disposal                      |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| Personnel                     |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| Inspection/Reporting/Sampling |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| Supplies/equipment            |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| Financial Assurance [2]       |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs [3]    |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| Other (as needed)             |  |  |  | 0.0 | \$0 | \$0 | \$0 |

**Notes for AVOIDED costs**

|                                   |          |              |         |
|-----------------------------------|----------|--------------|---------|
| <b>Approx. Cost of Compliance</b> | \$25,000 | <b>TOTAL</b> | \$3,936 |
|-----------------------------------|----------|--------------|---------|

Respondent: Dome Petrochemical, L.C.  
 ID Number: RN102286374  
 Docket Number: 2007-0931-IWD-E  
 Enf. Coordinator: Catherine Albrecht

Corresponds to Violation Number: 1

OUTFALL 001 EFFLUENT PARAMETERS

| Month/Year | TSS Dly<br>Avg Limit<br>of 20.0<br>(in mg/L) | TSS Dly<br>Max Limit<br>of 40.0<br>(in mg/L) | CBOD Dly<br>Avg Limit<br>of 20.0<br>(in mg/L) | CBOD Dly<br>Max Limit<br>of 40.0<br>(in mg/L) | NH3-N Dly<br>Avg Limit<br>of 2.0<br>(in mg/L) | O&G Dly<br>Max Limit<br>of 10.0<br>(in mg/L) |
|------------|--|--|---|---|---|--|
| Dec-2005   | 31.0   | c  | c   | c   | 3.0   | c  |
| Jan-2006   | 44.0   | 44.0   | 36.0  | c   | c   | c  |
| Feb-2006   | 28.0   | c  | c   | c   | c   | c  |
| May-2006   | 132.0  | 132.0  | c   | c   | c   | c  |
| Jun-2006   | 55.0   | 55.0   | 77.0  | 77.0  | c   | c  |
| Aug-2006   | 175.0  | 175.0  | c   | c   | c   | c  |
| Sep-2006   | c  | 180.0  | c   | c   | c   | 114.0  |
| Oct-2006   | 101.0  | 101.0  | c   | c   | c   | c  |

Abbreviations: Total Suspended Solids ("TSS"); Carbonaceous Biochemical Oxygen Demand ("CBOD"); Ammonia-Nitrogen ("NH3-N"); Oil and Grease ("O&G"); Daily ("Dly"); Average ("Avg"); Maximum ("Max"); milligrams per liter ("mg/L"); and compliant ("c")



## Compliance History

Customer/Respondent/Owner-Operator: CN601182496 Dome Petrochemical, L.C. Classification: AVERAGE Rating: 0.25  
Regulated Entity: RN102286374 CEDAR BAYOU PLANT Classification: AVERAGE Site Rating: 1.30  
ID Number(s): WASTEWATER PERMIT WQ0004116000  
WASTEWATER PERMIT TPDES0098604  
WASTEWATER PERMIT TX0098604  
Location: 6655 West Bay Road, adjacent and east of Cedar Bayou, approximately 2.5 miles south of State Highway 146 at Cedar Bayou Bridge, and northeast of the City of Baytown, Chambers County Rating Date: September 01 06  
Repeat Violator: NO  
TCEQ Region: REGION 12 - HOUSTON  
Date Compliance History Prepared: June 12, 2007  
Agency Decision Requiring Compliance History: Enforcement  
Compliance Period: June 12, 2002 to June 12, 2007  
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History  
Name: Catherine Albrecht Phone: (713)767-3672

### 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 11/28/2006 (550886)
- 2 11/28/2006 (550887)
- 3 11/28/2006 (550888)
- 4 11/28/2006 (550889)
- 5 11/28/2006 (550890)
- 6 11/28/2006 (550892)
- 7 11/28/2006 (550873)
- 8 11/28/2006 (550875)
- 9 11/28/2006 (550876)
- 10 11/28/2006 (550877)
- 11 11/28/2006 (550878)
- 12 11/28/2006 (550879)
- 13 11/28/2006 (550880)
- 14 11/28/2006 (550881)
- 15 11/28/2006 (550882)
- 16 11/28/2006 (550883)
- 17 11/28/2006 (550884)
- 18 11/28/2006 (550885)
- 19 01/05/2007 (550891)
- 20 01/26/2007 (550893)
- 21 02/20/2007 (550874)
- 22 04/25/2007 (542163)

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

Date: 11/30/2005 (550890)  
Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]  
Description: Failure to meet the limit for one or more permit parameter

Date: 12/31/2005 (550892)  
Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]  
Description: Failure to meet the limit for one or more permit parameter

Date: 01/31/2006 (550873)  
Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]  
Description: Failure to meet the limit for one or more permit parameter

Date: 02/28/2006 (550875)  
Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]  
Description: Failure to meet the limit for one or more permit parameter

Date: 05/31/2006 (550879)  
Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]  
Description: Failure to meet the limit for one or more permit parameter

Date: 06/30/2006 (550881)  
Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]  
Description: Failure to meet the limit for one or more permit parameter

Date: 08/31/2006 (550885)  
Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]  
Description: Failure to meet the limit for one or more permit parameter

Date: 09/30/2006 (550887)  
Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]  
Description: Failure to meet the limit for one or more permit parameter

Date: 10/31/2006 (550889)  
Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]  
Description: Failure to meet the limit for one or more permit parameter

Date: 12/31/2006 (550893)  
Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]  
Description: Failure to meet the limit for one or more permit parameter

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

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
DOME PETROCHEMICAL, L.C.  
RN102286374

§  
§  
§  
§  
§

BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

**AGREED ORDER**  
**DOCKET NO. 2007-0931-IWD-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 Dome Petrochemical, L.C. ("Dome") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and Dome appear before the Commission and together stipulate that:

1. Dome owns and operates a wastewater treatment facility for an organic chemical and petroleum processing plant at 6655 West Bay Road, adjacent and east of Cedar Bayou, approximately 2.5 miles south of State Highway 146 at Cedar Bayou Bridge, and northeast of the City of Baytown in Chambers County, Texas (the "Facility").
2. Dome has caused, suffered, allowed or permitted the discharge of any waste or the performance of any activity in violation of TEX. WATER CODE ch. 26 or any rule, permit, or order of the Commission.
3. The Commission and Dome agree that the Commission has jurisdiction to enter this Agreed Order, and that Dome is subject to the Commission's jurisdiction.
4. Dome received notice of the violations alleged in Section II ("Allegations") on or about April 30, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Dome of any violation alleged in Section II ("Allegations"), nor of any statute or rule.



6. An administrative penalty in the amount of Five Thousand Four Hundred Dollars (\$5,400) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Dome has paid Four Thousand Three Hundred Twenty Dollars (\$4,320) of the administrative penalty and One Thousand Eighty Dollars (\$1,080) is deferred contingent upon Dome'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 Dome fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Dome to pay all or part of the deferred penalty.
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and Dome have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. 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 Dome has not complied with one or more of the terms or conditions in this Agreed Order.
10. 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.
11. 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 Facility, Dome is alleged to have failed to comply with permitted effluent limits, as listed below, in violation of 30 TEX. ADMIN. CODE § 305.125(1), Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0004116000, Effluent Limitations and Monitoring Requirements No. 1, and TEX. WATER CODE § 26.121(a), as documented during a record review conducted on February 26, 2007:

| Month/Year | TSS Dly Avg Limit of 20.0 (in mg/L) | TSS Dly Max Limit of 40.0 (in mg/L) | CBOD Dly Avg Limit of 20.0 (in mg/L) | CBOD Dly Max Limit of 40.0 (in mg/L) | NH3-N Dly Avg Limit of 2.0 (in mg/L) | O&G Dly Max Limit of 10.0 (in mg/L) |
|------------|-------------------------------------|-------------------------------------|--------------------------------------|--------------------------------------|--------------------------------------|-------------------------------------|
| Dec-2005   | 31.0                                | c                                   | c                                    | c                                    | 3.0                                  | c                                   |
| Jan-2006   | 44.0                                | 44.0                                | 36.0                                 | c                                    | c                                    | c                                   |
| Feb-2006   | 28.0                                | c                                   | c                                    | c                                    | c                                    | c                                   |
| May-2006   | 132.0                               | 132.0                               | c                                    | c                                    | c                                    | c                                   |
| Jun-2006   | 55.0                                | 55.0                                | 77.0                                 | 77.0                                 | c                                    | c                                   |
| Aug-2006   | 175.0                               | 175.0                               | c                                    | c                                    | c                                    | c                                   |
| Sep-2006   | c                                   | 180.0                               | c                                    | c                                    | c                                    | 114.0                               |
| Oct-2006   | 101.0                               | 101.0                               | c                                    | c                                    | c                                    | c                                   |

Abbreviations: Total Suspended Solids ("TSS"); Carbonaceous Biochemical Oxygen Demand ("CBOD"); Ammonia-Nitrogen ("NH3-N"); Oil and Grease ("O&G"); Daily ("Dly"); Average ("Avg"); Maximum ("Max"); milligrams per liter ("mg/L"); and compliant ("c")



### III. DENIALS

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

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Dome pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Dome'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: Dome Petrochemical, L.C., Docket No. 2007-0931-IWD-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. It is further ordered that Dome shall, within 60 days after the effective date of this Agreed Order, submit written certification of compliance with the permitted effluent limits of TPDES Permit No. WQ0004116000 as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance. The certification shall 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:



Water Section, Manager  
Houston Regional Office  
Texas Commission on Environmental Quality  
5425 Polk Avenue, Suite H  
Houston, Texas 77023-1486

3. The provisions of this Agreed Order shall apply to and be binding upon Dome. Dome is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If Dome 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, Dome's failure to comply is not a violation of this Agreed Order. Dome shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Dome shall notify the Executive Director within seven days after Dome becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. 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 Dome shall be made in writing to the Executive Director. Extensions are not effective until Dome receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against Dome 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.
7. 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.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Dome, or three days after the date on which the Commission mails notice of the Order to Dome, 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

10/27/2007  
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.

  
\_\_\_\_\_  
Signature

8/22/07  
Date

RODMAN EGGEN  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
Dome Petrochemical, L.C.

Pres  
\_\_\_\_\_  
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.

