

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2006-0863-IWD-E **TCEQ ID:** RN102096666 **CASE NO.:** 30065
RESPONDENT NAME: Ohmstede Ltd.

ORDER TYPE:

<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> EMERGENCY ORDER	

CASE TYPE:

<input type="checkbox"/> AGRICULTURE	<input type="checkbox"/> AIR	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE	<input type="checkbox"/> MUNICIPAL SOLID WASTE
<input type="checkbox"/> OCCUPATIONAL CERTIFICATION	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> RADIOACTIVE WASTE
<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL	<input type="checkbox"/> USED OIL
<input type="checkbox"/> USED OIL FILTER	<input checked="" type="checkbox"/> WATER QUALITY		

SITE WHERE VIOLATION(S) OCCURRED: Ohmstede LaPorte Plant, located at 12415 LaPorte Road on the north side of State Highway 225, approximately 0.5 miles west of the intersection of State Highway 225 and State Highway 146, LaPorte, Harris County

TYPE OF OPERATION: Fabricated plate work facility

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 11, 2006. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: None

TCEQ Enforcement Coordinator: Mr. John Muennink, Enforcement Division, Enforcement Section III, MCR-14, (361) 825-3423; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896

Central Office Investigator: Ms. Mae Harper, Enforcement Division, Compliance Monitoring Team, MC 224, (512) 239-2547

Respondent: Mr. John Marcotte, Environmental Manager, Ohmstede Ltd., 895 North Main Street, Beaumont, Texas 77704

C T Corporation System, Registered Agent, Ohmstede, Inc., 1021 Main Street, Houston, Texas 77002

Mr. Herschel Lain, Plant Manager, Ohmstede Ltd., 12415 Highway 225, LaPorte Texas 77571

Respondent's Attorney: Not represented by counsel on this enforcement matter

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 of Complaint Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: June 1, 2006</p> <p>Date of NOE Relating to this Case: June 20, 2006 (NOE)</p> <p>Background Facts: This was a routine record review. One violation was documented:</p> <p>WATER</p> <p>Failed to comply with the permitted effluent limitations [30 TEX. ADMIN. CODE § 305.125(1), Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0001318000 Effluent Limitations and Monitoring Requirements No. 1, and TEX. WATER CODE § 26.121(a)].</p>	<p>Total Assessed: \$6,000</p> <p>Total Deferred: \$1,200 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$4,800</p> <p>Site Compliance History Classification: <input type="checkbox"/> High <input checked="" type="checkbox"/> Avg. <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification: <input type="checkbox"/> High <input checked="" type="checkbox"/> Avg. <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that on January 31, 2006, Ohmstede achieved compliance with permitted effluent limitations for ("TPDES") Permit No. WQ0001318000 by:</p> <ul style="list-style-type: none"> a. Reconfiguring storm water flow to storm water outfalls to prevent storm water from entering the shop during heavy rain events; b. Cleaning out test pits to remove sludge to find and /or eliminate potential sources of copper; c. Replacing all floats at the Facility to allow proper retention time to improve overall performance of the Facility; d. Training employees to use oil socks and pads when using diesel powered equipment to prevent any form of petroleum product from entering the test pits; e. Removing sludge from sumps to find and /or eliminate potential sources of copper; f. Removing and replacing media from sand filter and recharging charcoal filter to provide further capture of total suspended solids and total organic carbon; g. Removing waste sludge from the waste sludge tank to prevent build-up of contamination so as not to reintroduce contaminants back into the holding tank and Facility; and h. Training employees on the use and disposal of any copper-based material allowed in the shop.



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision May 19, 2005

DATES	Assigned	26-Jun-2006	Screening	30-Jun-2006	EPA Due	
	PCW	01-Dec-2006				

RESPONDENT/FACILITY INFORMATION	
Respondent	Ohmstede Ltd.
Reg. Ent. Ref. No.	RN102096666
Facility/Site Region	12-Houston < Major/Minor Source Minor Source <

CASE INFORMATION			
Enf./Case ID No.	30065	No. of Violations	1
Docket No.	2006-0863-IWD-E	Order Type	1660 <
Media Program(s)	Water Quality <	Enf. Coordinator	John Muennink
Multi-Media		EC's Team	Enforcement Team 6 <
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 90% Enhancement Subtotals 2, 3, & 7

Notes

Culpability 0% Enhancement Subtotal 4

Notes

Good Faith Effort to Comply 25% Reduction Subtotal 5

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input checked="" type="checkbox"/>	<input type="text"/>
N/A	<input type="text"/>	(mark with a small x)

Notes

Economic Benefit 0% Enhancement* Subtotal 6

Total EB Amounts	<input type="text" value="\$126"/>	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	<input type="text" value="\$3,000"/>	

SUM OF SUBTOTALS 1-7 Final Subtotal

OTHER FACTORS AS JUSTICE MAY REQUIRE 9% Reduction Adjustment

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

Notes

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

PAYABLE PENALTY

Screening Date 30-Jun-2006 **Docket No.** 2006-0868-IWD-E **PCW**
Respondent Ohmstede Ltd. *Policy Revision 2 (September 2002)*
Case ID No. 30065 *PCW Revision May 19, 2005*
Reg. Ent. Reference No. RN10209666
Media [Statute] Water Quality
Enf. Coordinator John Muennink

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)	18	90%
	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	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%
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%

Please Enter Yes or No

Adjustment Percentage (Subtotal 2) 90%

>> **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 an enhancement due to 18 monthly self-reported effluent violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 90%

Screening Date 30-Jun-2006 **Docket No.** 2006-0863-IWD-E **PCW**
Respondent Ohmstede Ltd. *Policy Revision 2 (September 2002)*
Case ID No. 30065 *PCW Revision May 19, 2005*
Reg. Ent. Reference No. RN102096666
Media [Statute] Water Quality
Enf. Coordinator John Muennink
Violation Number
Primary Rule Cite(s)
Secondary Rule Cite(s)
Violation Description
Base Penalty

>> **Environmental, Property and Human Health Matrix**

		Harm			
Release		Major	Moderate	Minor	
OR	Actual	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	Percent <input type="text" value="10%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> **Programmatic Matrix**

		Falsification	Major	Moderate	Minor	
		<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text"/>
Matrix Notes	<input type="text" value="A simplified model was used to evaluate copper to determine whether the discharged amounts of the pollutants exceeded the levels protective of human health or environmental receptors. Total suspended solids, biochemical oxygen demand, and oil and grease were also considered. The amounts discharged at the time of the violations were insignificant and did not exceed levels that are protective of human health or environmental receptors."/>					

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

	daily	<input type="text"/>
	monthly	<input type="text"/>
mark only one	quarterly	<input checked="" type="checkbox"/>
use a small x	semiannual	<input type="checkbox"/>
	annual	<input type="checkbox"/>
	single event	<input type="checkbox"/>

Violation Base Penalty

Economic Benefit (EB) for this violation

Estimated EB Amount

Statutory Limit Test

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Ohmstede Ltd.
 Case ID No. 30065
 Reg. Ent. Reference No. RN102096666
 Media [Statute] 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
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
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)	\$3,000	31-Mar-2005	31-Jan-2006	0.8	\$126	n/a	\$126

Notes for DELAYED costs: The approximate cost to conduct additional sampling and plant maintenance from the date required (March 31, 2005) through the date of compliance (January 31, 2006).

Item Description	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)
Disposal	\$0
Personnel	\$0
Inspection/Reporting/Sampling	\$0
Supplies/equipment	\$0
Financial Assurance [2]	\$0
ONE-TIME avoided costs [3]	\$0
Other (as needed)	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance **\$3,000** TOTAL **\$126**

Effluent Limit Violation Table for Violation No. 1

Respondent	Ohmstede Ltd.
ID Number(s)	TPDES Permit No. WQ0001318000; Enforcement Case No. 30065
Docket No.	2006-0863-IWD-E
Enf. Coordinator	Carolyn V. Lind

Effluent Parameter	BOD Daily Maximum Concentration mg/L	TSS Daily Average Concentration mg/L	TSS Daily Maximum Concentration mg/L	Copper Daily Average Concentration mg/L	Copper Daily Maximum Concentration mg/L	Oil & Grease Daily Maximum Concentration mg/L
Permit Limit	45	30	45	0.037	0.078	15
Month/Year						
March 2005	c	41.2	56	c	c	c
April 2005	56.7	36.7	66	0.072	0.155	c
June 2005	c	32.8	61	c	c	c
July 2005	c	32	46	0.052	c	19
August 2005	c	c	46	c	c	20
September 2005	c	c	c	c	0.084	c
October 2005	c	c	46	c	0.112	c
December 2005	c	c	c	c	0.107	c
biochemical oxygen demand - BOD; total suspended solids - TSS; milligrams per liter - mg/L; compliant - c						

Compliance History

Customer/Respondent/Owner-Operator:	CN601578784	OHMSTEDE LTD.	Classification: AVERAGE	Rating: 1.00
Regulated Entity:	RN102096666	OHMSTEDE LAPORTE PLANT	Classification: AVERAGE	Rating: 1.00
ID Numbers(s):	WASTEWATER		PERMIT	WQ0001318000
	WASTEWATER		PERMIT	TPDES0008184
	WASTEWATER		PERMIT	TX0008184
	WASTEWATER LICENSING		LICENSE	WQ0001318000
	AIR NEW SOURCE PERMITS		ACCOUNT NUMBER	HG0527R
	AIR NEW SOURCE PERMITS		PERMIT	1217
	AIR NEW SOURCE PERMITS		PERMIT	23469
	AIR NEW SOURCE PERMITS		PERMIT	38057
Location:	12415 LAPORTE ROAD ON THE NORTH SIDE OF STATE HIGHWAY 225, APPROXIMATELY 0.5 MILES WEST OF THE INTERSECTION OF STATE HIGHWAY 225 AND STATE HIGHWAY 146 IN LAPORTE HARRIS COUNTY		Rating Date: 09/01/2005	Repeat Violator: NO
TCEQ Region:	REGION 12 - HOUSTON			
Date Compliance History Prepared:	June 28, 2006			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	June 28, 2001 to June 28, 2006			

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

Name: Carolyn V. Lind Phone: (903) 535-5145

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? | <u>N/A</u> |
| 4. If Yes, who was/were the prior owner(s)? | <u>N/A</u> |
| 5. When did the change(s) in ownership occur? | <u>N/A</u> |

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 dates of investigations.

1	11/01/2001	(161168)
2	10/10/2002	(161169)
3	11/19/2001	(161170)
4	09/13/2002	(161166)
5	09/20/2001	(161165)
6	11/21/2002	(161172)
7	08/19/2002	(161163)
8	12/19/2001	(161174)
9	08/20/2001	(161162)
10	03/07/2003	(26440)
11	01/24/2002	(161176)

12	07/12/2002	(161160)
13	01/21/2003	(161177)
14	07/23/2001	(161159)
15	06/24/2002	(161157)
16	07/18/2005	(441045)
17	05/13/2002	(161154)
18	02/17/2004	(296593)
19	08/22/2005	(441046)
20	04/21/2004	(352650)
21	03/21/2003	(296594)
22	09/20/2005	(441047)
23	07/21/2004	(352651)
24	03/18/2004	(296595)
25	08/19/2004	(352652)
26	05/12/2003	(296596)
27	04/22/2003	(161152)
28	09/17/2004	(352653)
29	04/22/2002	(161151)
30	06/23/2003	(296597)
31	10/21/2004	(352654)
32	06/17/2004	(296598)
33	07/18/2003	(296599)
34	08/13/2003	(296600)
35	09/17/2003	(296601)
36	02/22/2006	(468813)
37	10/20/2003	(296602)
38	03/21/2002	(161149)
39	11/21/2003	(296603)
40	03/17/2005	(382082)
41	12/30/2002	(296604)
42	11/19/2004	(382083)
43	12/18/2003	(296605)
44	11/19/2004	(382084)
45	03/20/2006	(468814)
46	01/23/2004	(296606)
47	12/16/2004	(382085)
48	02/20/2003	(161147)
49	01/18/2005	(382086)
50	02/22/2002	(161146)
51	10/09/2005	(468815)
52	05/19/2003	(46731)
53	11/18/2005	(468816)
54	07/06/2005	(395911)
55	12/19/2005	(468817)
56	02/17/2005	(430105)
57	04/22/2005	(430106)
58	01/19/2006	(468818)
59	05/23/2005	(430107)
60	06/20/2005	(430108)
61	06/21/2006	(481005)

E. Written notices of violations (NOV).

Date: 09/30/2002 (161169)

Self Report? YES

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

Classification:

Moderate

Date: 05/31/2002 (161157)

Self Report? YES

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

Classification:

Moderate

Date: 03/31/2003 (161152)

Self Report? YES

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

Classification:

Moderate

Date: 02/28/2003	(296594)	Classification	Moderate
Self Report? YES:			
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: 06/30/2004	(352651)	Classification:	Moderate
Self Report? YES			
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: 04/30/2003	(296596)	Classification:	Moderate
Self Report? YES			
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: 02/28/2002	(161149)	Classification:	Moderate
Self Report? YES			
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: 01/31/2003	(161147)	Classification:	Moderate
Self Report? YES			
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: 12/31/2004	(382086)	Classification:	Moderate
Self Report? YES			
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: 03/07/2003	(26440)	Classification:	Moderate
Self Report? YES			
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: 09/30/2005	(468815)	Classification:	Moderate
Self Report? YES			
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: 10/31/2005	(468816)	Classification:	Moderate
Self Report? YES			
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: 03/31/2005	(430106)	Classification:	Moderate
Self Report? YES			
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: 04/30/2005	(430107)	Classification:	Moderate
Self Report? YES			
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	(468818)	Classification:	Moderate
Self Report? YES			
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: 06/30/2005 (441045) Classification: Moderate
Self Report? YES
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: 07/31/2005 (441046) Classification: Moderate
Self Report? YES
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: 08/30/2005 (4410475) Classification: Moderate
Self Report? YES
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
OHMSTEDE LTD.
RN102096666

§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2006-0863-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 Ohmstede Ltd. ("Ohmstede") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and Ohmstede appear before the Commission and together stipulate that:

1. Ohmstede owns and operates a fabricated plate work facility located at 12415 LaPorte Road on the north side of State Highway 225, approximately 0.5 miles west of the intersection of State Highway 225 and State Highway 146 in LaPorte, Harris County, Texas (the "Facility").
2. Ohmstede has discharged industrial waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Commission and Ohmstede agree that the Commission has jurisdiction to enter this Agreed Order, and that Ohmstede is subject to the Commission's jurisdiction.
4. Ohmstede received notice of the violations alleged in Section II ("Allegations") on or about June 25, 2006.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Ohmstede of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Six Thousand Dollars (\$6,000) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Ohmstede has paid Four Thousand Eight Hundred Dollars (\$4,800) of the administrative penalty and One Thousand Two Hundred Dollars (\$1,200) is deferred contingent upon Ohmstede'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 Ohmstede fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Ohmstede 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 Ohmstede 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 on January 31, 2006, Ohmstede achieved compliance with permitted effluent limitations for Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0001318000 by:
 - a. Reconfiguring storm water flow to storm water outfalls to prevent storm water from entering the shop during heavy rain events;
 - b. Cleaning out test pits to remove sludge to find and /or eliminate potential sources of copper;
 - c. Replacing all floats at the Facility to allow proper retention time to improve overall performance of the Facility;
 - d. Training employees to use oil socks and pads when using diesel powered equipment to prevent any form of petroleum product from entering the test pits;
 - e. Removing sludge from sumps to find and /or eliminate potential sources of copper;
 - f. Removing and replacing media from sand filter and recharging charcoal filter to provide further capture of total suspended solids ("TSS") and total organic carbon ("TOC");
 - g. Removing waste sludge from the waste sludge tank to prevent build-up of contamination so as not to reintroduce contaminants back into the holding tank and Facility; and
 - h. Training employees on the use and disposal of any copper-based material allowed in the shop.
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 Ohmstede 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.

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes that this is crucial for ensuring transparency and accountability in the organization's operations.

2. The second part of the document outlines the various methods and tools used to collect and analyze data. It highlights the need for consistent and reliable data collection processes to support effective decision-making.

3. The third part of the document focuses on the role of technology in data management and analysis. It discusses how modern software solutions can streamline data collection, storage, and reporting, thereby improving efficiency and accuracy.

4. The fourth part of the document addresses the challenges associated with data management, such as data quality, security, and privacy. It provides strategies to mitigate these risks and ensure that data is used responsibly and ethically.

5. The fifth part of the document discusses the importance of data governance and the establishment of clear policies and procedures. It stresses that a strong data governance framework is essential for maintaining data integrity and compliance with regulatory requirements.

6. The sixth part of the document explores the benefits of data-driven decision-making and how it can lead to improved performance and innovation. It provides examples of how data analysis has been used to identify trends and opportunities for growth.

7. The seventh part of the document discusses the role of data in strategic planning and the development of long-term goals. It emphasizes that data provides valuable insights into the organization's current state and future potential.

8. The eighth part of the document addresses the importance of data literacy and the need for ongoing training and development. It suggests that all employees should have a basic understanding of data and its applications to make informed decisions.

9. The ninth part of the document discusses the role of data in customer relationship management and the importance of understanding customer needs and preferences. It highlights how data analysis can help identify patterns in customer behavior and tailor marketing efforts accordingly.

10. The tenth part of the document concludes by summarizing the key points discussed and emphasizing the overall importance of data in driving organizational success. It encourages a data-driven culture where information is used to guide all aspects of the organization's operations.

II. ALLEGATIONS

As owner and operator of the Facility, Ohmstede is alleged to have failed to comply with the permitted effluent limitations for the months listed in the following table, in violation of 30 TEX. ADMIN. CODE § 305.125(1), TPDES Permit No. WQ0001318000 Effluent Limitations and Monitoring Requirements No. 1, and TEX. WATER CODE § 26.121(a), as documented during a record review conducted on June 1, 2006:

Effluent Parameter	BOD Daily Maximum Concentration mg/L	TSS Daily Average Concentration mg/L	TSS Daily Maximum Concentration mg/L	Copper Daily Average Concentration mg/L	Copper Daily Maximum Concentration mg/L	Oil & Grease Daily Maximum Concentration mg/L
Permit Limit	45	30	45	0.037	0.078	15
Month /Year						
March 2005	c	41.2	56	c	c	c
April 2005	56.7	36.7	66	0.072	0.155	c
June 2005	c	32.8	61	c	c	c
July 2005	c	32	46	0.052	c	19
August 2005	c	c	46	c	c	20
September 2005	c	c	c	c	0.084	c
October 2005	c	c	46	c	0.112	c
December 2005	c	c	c	c	0.107	c
biochemical oxygen demand - BOD; milligrams per liter - mg/L; compliant - c						

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Ohmstede pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Ohmstede'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: Ohmstede Ltd., Docket No. 2006-0863-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

The following table shows the results of the experiment. The data is presented in a table with columns for 'Time (min)', 'Temperature (°C)', and 'Concentration (g/L)'. The table contains several rows of data points, which are somewhat faint but appear to follow a general trend of increasing temperature and concentration over time.

Time (min)	Temperature (°C)	Concentration (g/L)
0	20	0.5
10	25	1.0
20	30	1.5
30	35	2.0
40	40	2.5
50	45	3.0
60	50	3.5
70	55	4.0
80	60	4.5
90	65	5.0
100	70	5.5

The results indicate a clear positive correlation between time, temperature, and concentration. As time progresses, both the temperature and the concentration of the system increase, suggesting an exothermic process or a reaction that generates heat and a byproduct.

The data points are consistent with the theoretical model proposed in the introduction. The observed increase in temperature and concentration over time supports the hypothesis that the reaction is self-accelerating under the given conditions.

In conclusion, the experiment successfully demonstrated the relationship between time, temperature, and concentration. The data shows a steady increase in both variables over the 100-minute period, which is in line with the expected behavior of the system.

Ohmstede Ltd.

DOCKET NO. 2006-0863-IWD-E

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2. The provisions of this Agreed Order shall apply to and be binding upon Ohmstede. Ohmstede 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.
3. This Agreed Order, issued by the Commission, shall not be admissible against Ohmstede 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.
4. 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.
5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Ohmstede, or three days after the date on which the Commission mails notice of the Order to Ohmstede, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes the need for transparency and accountability in financial reporting.

2. The second part of the document outlines the various methods and techniques used to collect and analyze data. It includes a detailed description of the experimental procedures and the statistical tools employed.

3. The third part of the document presents the results of the study, including a comparison of the different methods and a discussion of the factors that influence the outcomes. It also includes a table summarizing the key findings.

4. The fourth part of the document discusses the implications of the study and provides recommendations for future research. It highlights the need for further investigation into the underlying mechanisms and the potential applications of the findings.

5. The fifth part of the document concludes the study and provides a final summary of the key points. It reiterates the importance of the research and the need for continued efforts in this field.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

12/8/04

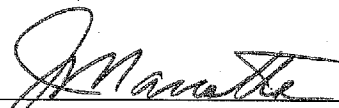
Date

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, if any, 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 my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by me;
- 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 against me;
- Automatic referral to the Attorney General's Office of any future enforcement actions against me; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature

10-2-06

Date

JOHN MARCOTTE

Name (Printed or typed)
Authorized Representative of
Ohmstede Ltd.

VP, SH&E

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.

10/10/10

[Handwritten signature]

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