

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2006-1943-IWD-E **TCEQ ID:** RN102457082 **CASE NO.:** 31628
RESPONDENT NAME: Cooper Concrete Co.

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 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>SITE WHERE VIOLATION(S) OCCURRED: Cooper Concrete Garland Plant, 1100 North 5th Street, Garland, Dallas County</p> <p>TYPE OF OPERATION: Ready-mix concrete plant</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input 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 April 2, 2007. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Harvey Wilson, Enforcement Division, Enforcement Section II, MC 219, (512) 239-0321; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896 Respondent: Mr. Tom Cooper, President, Cooper Concrete Co., P.O. Box 461118, Garland, Texas 75046 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: October 5, 2006</p> <p>Date of NOE Relating to this Case: October 27, 2006 (NOE)</p> <p>Background Facts: This was a routine record review. Two violations were documented.</p> <p>WATER</p> <p>1) Failed to comply with the permit limit for total suspended solids and pH for the period June 1, 2005 through May 30, 2006 [General Permit No. TXG110417 Section C, 30 TEX. ADMIN. CODE § 305.125(1), and TEX. WATER CODE § 26.121(a)].</p> <p>2) Failed to submit monitoring results at the intervals specified in the Permit. Specifically, an incomplete report was filed for May of 2006 [General Permit No. TXG110417 Section C, 30 TEX. ADMIN. CODE § 305.125(1), and TEX. WATER CODE § 26.121(a)].</p>	<p>Total Assessed: \$28,435</p> <p>Total Deferred: \$5,687 <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: \$1,748 (remaining \$21,000 to be paid in 21 payments of \$1,000 each)</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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Immediately after the effective date of this Agreed Order, begin submitting the monitoring results at the intervals specified in General Permit No. TXG110417;</p> <p>b. Within 30 days after effective date of this Agreed Order, submit a revised monitoring report for May 2006 to include all permitted parameters; and</p> <p>c. Within 60 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of General Permit TXG110417. The certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance.</p>



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision December 8, 2006

TCEQ

DATES	Assigned	30-Oct-2006	Screening	3-Nov-2006	EPA Due	
	PCW	6-Nov-2006				

RESPONDENT/FACILITY INFORMATION			
Respondent	Cooper Concrete Co.		
Reg. Ent. Ref. No.	RN102457082		
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	31628	No. of Violations	2
Docket No.	2006-1943-IWD-E	Order Type	1660
Media Program(s)	Water Quality	Enf. Coordinator	Harvey Wilson
Multi-Media		EC's Team	EnforcementTeam 4
Admin. Penalty \$	Limit Minimum	\$0	Maximum
			\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$12,100
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	135% Enhancement	Subtotals 2, 3, & 7	\$16,335
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Notes: A 135% enhancement is recommended.

Culpability	No	0% Enhancement	Subtotal 4	\$0
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Notes: Respondent does not meet the culpability criteria.

Good Faith Effort to Comply	0% Reduction	Subtotal 5	\$0
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	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	\$245	0% Enhancement*	Subtotal 6	\$0
Approx. Cost of Compliance	\$2,600	*Capped at the Total EB \$ Amount		

SUM OF SUBTOTALS 1-7	Final Subtotal	\$28,435
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OTHER FACTORS AS JUSTICE MAY REQUIRE		Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes:

Final Penalty Amount	\$28,435
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$28,435
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DEFERRAL	20% Reduction	Adjustment	-\$5,687
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Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$22,748
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Screening Date 3-Nov-2006

Docket No. 2006-1943-IWD-E

PCW

Respondent Cooper Concrete Co.

Policy Revision 2 (September 2002)

Case ID No. 31628

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN102457082

Media [Statute] Water Quality

Enf. Coordinator Harvey Wilson

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)	23	115%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
	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%
<i>Please Enter Yes or No</i>			
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) 135%

>> 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

A 135% enhancement is recommended.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 135%

Screening Date 3-Nov-2006

Docket No. 2006-1943-IWD-E

PCW

Respondent Cooper Concrete Co.

Policy Revision 2 (September 2002)

Case ID No. 31628

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN102457082

Media [Statute] Water Quality

Enf. Coordinator Harvey Wilson

Violation Number 1

Rule Cite(s) General Permit No. TXG110417 Section C, 30 Tex. Admin. Code § 305.125(1), and Tex. Water Code § 26.121(a)

Violation Description Failed to comply with the permit limit for total suspended solids and pH as depicted in the attached table.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Harm			Percent	
	Release	Major	Moderate		Minor
	Actual				X
Potential				10%	

>> 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 \$9,000

\$1,000

Violation Events

Number of Violation Events 12 Number of violation days 152

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

Violation Base Penalty \$12,000

Twelve quarterly events are recommended based on four events at each outfall: Outfall 001A, Outfall 002A, and Outfall 003A.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$239

Violation Final Penalty Total \$28,200

This violation Final Assessed Penalty (adjusted for limits) \$28,200

Economic Benefit Worksheet

Respondent: Cooper Concrete Co.
Case ID No.: 31628
Reg. Ent. Reference No.: RN102457082
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
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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				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)	\$2,500	1-Jul-2005	31-May-2007	1.9	\$239	n/a	\$239

Notes for DELAYED costs

The estimated cost of additional oversight that may have prevented the noncompliances. The Date Required is the first day of noncompliance. The Final Date is the estimated 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

Approx. Cost of Compliance

\$2,500

TOTAL

\$239

Screening Date 3-Nov-2006

Docket No. 2006-1943-IWD-E

PCW

Respondent Cooper Concrete Co.

Policy Revision 2 (September 2002)

Case ID No. 31628

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN102457082

Media [Statute] Water Quality

Enf. Coordinator Harvey Wilson

Violation Number 2

Rule Cite(s) General Permit No. TXG110417 Section C, 30 Tex. Admin. Code § 305.125(1), and Tex. Water Code § 26.121(a)

Violation Description Failed to submit complete monitoring results at the intervals specified in the Permit. Specifically, the report filed for May of 2006 was incomplete.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes

Less than 30% of the rule requirements were not met.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 1

1 Number of violation days

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$100

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$5

Violation Final Penalty Total \$235

This violation Final Assessed Penalty (adjusted for limits) \$235

Economic Benefit Worksheet

Respondent: Cooper Concrete Co.
Case ID No.: 31628
Reg. Ent. Reference No.: RN102457082
Media: Water Quality
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				0.0	\$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)	\$100	1-May-2006	31-May-2007	1.1	\$5	n/a	\$5

Notes for DELAYED costs

The estimated cost of submitting the results at the intervals specified in the Permit. Date Required is the date the report was required. Final Date is the date the report should have been submitted.

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

Approx. Cost of Compliance

\$100

TOTAL

\$5

Effluent Limit Violation Table

table rev. 12/11/20

Respondent	Cooper Concrete Co.
ID Number(s)	RN102457082 - Case No. 31628
Docket Number	2006-1943-IWD- E
Enf. Coordinator	Harvey Wilson

Corresponds to Violation Number:

1

EFFLUENT PARAMETER

Permit Limit

<i>Month/Year</i>	pH Maximam (Concentration Limit-9.0 mg/L)			TSS Daily Maximum (Concentration Limit - 65 mg/L)								
	Outfall 001A	Outfall 002A	Outfall 003A	Outfall 001A	Outfall 002A	Oufall 003A						
July 2005	9.38	10.3	9.57	206	256	152						
October 2005	9.8	9.62	9.98	111	89	c						
January 2006	10.5	9.85	9.3	353	664	571						
February 2006	c	c	c	c	c	70						
May 2006	9.45	9.35	9.2	c	c	e						

Name
milligrams per liter
compliant (no excursions)

Abbreviation
mg/L
c

Compliance History

Customer/Respondent/Owner-Operator:	CN600727416	Cooper Concrete Co.	Classification: AVERAGE	Rating: 2.59
Regulated Entity:	RN102457082	COOPER CONCRETE GARLAND PLANT	Classification: AVERAGE	Site Rating: 2.18
ID Number(s):	PETROLEUM STORAGE TANK REGISTRATION WASTE WATER GENERAL PERMIT	REGISTRATION PERMIT		19695 TXG110417
Location:	1100 N 5TH ST, GARLAND, TX, 75040		Rating Date: 9/1/2006 Repeat Violator: NO	
TCEQ Region:	REGION 04 - DFW METROPLEX			
Date Compliance History Prepared:	November 03, 2006			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	November 03, 2001 to November 03, 2006			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History				
Name:	Harvey Wilson	Phone:	239-0321	

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 Effective Date: 05/09/2005 ADMINORDER 2004-0760-WQ-E
Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

Rqmt Prov: Effluent Limits PERMIT
Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data.

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 | 10/18/2004 | (370117) |
| N/A | | |
| 2 | 02/12/2004 | (332192) |
| 3 | 04/12/2004 | (332193) |
| 4 | 04/12/2004 | (332194) |
| 5 | 07/24/2003 | (332195) |
| 6 | 10/27/2006 | (515396) |
| 7 | 11/14/2005 | (495708) |
| 8 | 07/24/2003 | (332196) |
| 9 | 11/14/2005 | (495709) |
| 10 | 12/11/2003 | (332197) |
| 11 | 11/14/2005 | (495710) |
| 12 | 07/15/2005 | (448901) |
| 13 | 01/19/2006 | (495711) |

14 02/12/2004 (332198)
 15 07/15/2005 (448902)
 16 02/12/2004 (332199)
 17 07/15/2005 (448903)
 18 01/19/2006 (495712)
 19 02/12/2004 (332200)
 20 07/15/2005 (448904)

21 01/19/2006 (495713)
 22 07/15/2005 (448905)
 23 02/12/2004 (332201)
 24 02/12/2004 (332202)
 25 04/14/2005 (429330)
 26 04/14/2005 (429331)
 27 04/14/2005 (429332)
 28 04/16/2003 (244830)
 29 04/16/2003 (244831)
 30 04/16/2003 (244832)
 31 11/14/2002 (244833)
 32 11/14/2002 (244834)
 33 11/14/2002 (244835)
 34 11/14/2002 (244836)
 35 01/27/2003 (244837)
 36 01/27/2003 (244838)
 37 01/27/2003 (244839)
 38 01/27/2003 (244840)
 39 01/25/2005 (391836)
 40 03/14/2004 (259064)
 41 01/25/2005 (391837)
 42 07/09/2004 (370111)
 43 01/25/2005 (391838)
 44 07/09/2004 (370112)
 45 07/09/2004 (370113)
 46 04/20/2006 (508004)
 47 07/09/2004 (370114)
 48 04/20/2006 (508005)
 49 10/18/2004 (370115)
 50 10/18/2004 (370116)
 51 04/20/2006 (508006)

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

Date: 09/30/2004 (370117)
 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: 01/31/2004 (332192)
 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: 03/31/2004 (332194)
 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: 07/31/2005 (495708)
 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: 05/31/2003 (332196)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 06/30/2003 (332197)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 10/31/2005 (495711)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 09/30/2003 (332200)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 12/31/2003 (332202)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 04/03/2005 (448901)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 04/30/2005 (448902)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 02/28/2005 (429331)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 02/28/2003 (244831)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 08/31/2002 (244835)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 12/31/2002 (244840)
 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: 10/31/2004 (391836)
 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: 11/30/2004 (391837)
 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: 04/30/2004 (370111)
 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: 05/30/2004 (370112)
 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 (508004)
 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: 06/30/2004 (370114)
 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 (508005)
 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
 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
COOPER CONCRETE CO.
RN102457082

§ BEFORE THE
§ TEXAS COMMISSION ON
§ ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2006-1943-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 Cooper Concrete Co. ("Cooper Concrete") under the authority of Tex. Water Code chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and Cooper Concrete appear before the Commission and together stipulate that:

1. Cooper Concrete owns and operates a ready-mix concrete plant at 1100 North 5th Street in Garland, Dallas County, Texas (the "Plant").
2. Cooper Concrete has discharged industrial waste into or adjacent to any water in the state under Tex. Water Code ch. 26
3. The Commission and Cooper Concrete agree that the Commission has jurisdiction to enter this Agreed Order, and that Cooper Concrete is subject to the Commission's jurisdiction.
4. Cooper Concrete received notice of the violations alleged in Section II ("Allegations") on or about November 1, 2006.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Cooper Concrete of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Twenty-Eight Thousand Four Hundred Thirty-Five Dollars (\$28,435) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Cooper Concrete has paid One Thousand Seven Hundred Forty-Eight Dollars (\$1,748) of the administrative penalty and Five Thousand Six Hundred Eighty-Seven Dollars (\$5,687) is deferred contingent upon Cooper Concrete's timely and satisfactory compliance with

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 and strategic planning.

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 integration. It provides strategies to overcome these challenges and ensure that the organization's data is reliable and secure.

5. The fifth part of the document discusses the importance of data governance and the role of leadership in ensuring that data is used ethically and responsibly. It emphasizes the need for clear policies and procedures to guide data management practices.

6. The sixth part of the document explores the future of data management and the potential of emerging technologies like artificial intelligence and machine learning. It discusses how these technologies can enhance data analysis and provide valuable insights for the organization.

7. The seventh part of the document provides a summary of the key points discussed and offers recommendations for implementing effective data management practices. It encourages the organization to embrace a data-driven culture and invest in the necessary resources and skills.

8. The eighth part of the document concludes with a final statement on the importance of data in driving organizational success. It reiterates the need for continuous improvement and innovation in data management to stay competitive in a rapidly changing market.

all the terms of this Agreed Order. If Cooper Concrete fails to timely and satisfactorily comply with all requirements of this Agreed Order, including the payment schedule, the Executive Director may require Cooper Concrete to pay all or part of the deferred penalty.

The remaining amount of Twenty-One Thousand Dollars (\$21,000) of the administrative penalty shall be payable in 21 monthly payments of One Thousand Dollars (\$1,000) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If Cooper Concrete fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of Cooper Concrete to meet the payment schedule of this Agreed Order constitutes the failure by Cooper Concrete to timely and satisfactorily comply with all the terms of this Agreed Order.

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 Cooper Concrete 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 Cooper Concrete 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 Plant, Cooper Concrete is alleged to have:

1. Failed to comply with the permit limit for total suspended solids and pH for the period June 1, 2005 through May 30, 2006, in violation of General Permit No. TXG110417 Section C, 30 TEX. ADMIN. CODE § 305.125(1), and TEX. WATER CODE § 26.121(a), as documented during a record review conducted on October 5, 2006, as depicted in the table below.

The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes that proper record-keeping is essential for the transparency and accountability of the organization.

In the second section, the document outlines the specific procedures for handling financial matters, including budgeting, reporting, and auditing. It provides detailed instructions on how to ensure that all financial data is correctly recorded and verified.

The third part of the document focuses on the operational aspects of the organization, detailing the roles and responsibilities of various departments and staff members. It aims to clarify the workflow and ensure that all tasks are completed efficiently.

Finally, the document concludes with a summary of the key points and a call to action, urging all staff members to adhere to the guidelines and procedures outlined throughout the document.

The document is intended to serve as a comprehensive guide for all employees, ensuring that everyone is on the same page and working towards the same goals.

It is the responsibility of all staff members to read and understand the contents of this document and to apply the guidelines in their daily work. Any questions or concerns should be directed to the appropriate management level.

The document is effective as of the date of its issuance and will be reviewed periodically to ensure it remains relevant and up-to-date.

Thank you for your attention and cooperation. We look forward to a successful and productive year ahead.

Appendix A

This section contains additional information and data related to the main body of the document.

The following table provides a detailed breakdown of the financial data mentioned in the main text, showing the trends and variations over the specified period.

EFFLUENT PARAMETER

Permit Limit

<i>Month/Year</i>	pH Maximum (Concentration Limit-9.0 mg/L)				TSS Daily Maximum (Concentration Limit - 65 mg/L)		
	Outfall 001A	Outfall 002A	Outfall 003A	Outfall 001A	Outfall 002A	Outfall 003A	
July 2005	9.38	10.3	9.57	206	256	152	
October 2005	9.8	9.62	9.98	111	89	c	
January 2006	10.5	9.85	9.3	353	664	571	
February 2006	c	c	c	c	c	70	
May 2006	9.45	9.35	9.2	c	c	c	

- Failed to submit monitoring results at the intervals specified in the Permit, in violation of General Permit No. TXG110417 Section C, 30 TEX. ADMIN. CODE § 305.125(1), and TEX. WATER CODE § 26.121(a), as documented during a record review conducted on October 5, 2006. Specifically, an incomplete report was filed for May of 2006.

III. DENIALS

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

IV. ORDERING PROVISIONS

- It is, therefore, ordered by the TCEQ that Cooper Concrete pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Cooper Concrete'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: Cooper Concrete Co., Docket No. 2006-1943-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

- It is further ordered that Cooper Concrete shall undertake the following technical requirements:

- a. Immediately after the effective date of this Agreed Order, begin submitting the monitoring results at the intervals specified in General Permit No. TXG110417;
- b. Within 30 days after effective date of this Agreed Order, submit a revised monitoring report for May 2006 to include all permitted parameters; and
- c. Within 60 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of General Permit TXG110417. The certification shall include detailed supporting documentation including photographs, 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 this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, 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 Quality Section, Manager
Dallas/Fort Worth Regional Office
Texas Commission on Environmental Quality
2301 Gravel Drive
Fort Worth, Texas 76118-6951

3. The provisions of this Agreed Order shall apply to and be binding upon Cooper Concrete. Cooper Concrete is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the operations referenced in this Agreed Order.
4. If Cooper Concrete 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, Cooper Concrete's failure to comply is not a violation of this Agreed Order. Cooper Concrete shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Cooper Concrete shall notify the Executive Director within seven days after Cooper Concrete becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

...the ... of ...

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 Cooper Concrete shall be made in writing to the Executive Director. Extensions are not effective until Cooper Concrete 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 Cooper Concrete 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 Cooper Concrete, or three days after the date on which the Commission mails notice of the Order to Cooper Concrete, 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

5/21/07

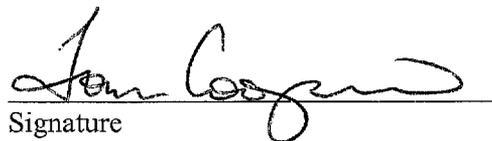
Date

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

1-29-07

Date

Tom Cooper

Name (Printed or typed)
Authorized Representative of
Cooper Concrete Co.

President

Title

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

THE UNIVERSITY OF CHICAGO

PH.D. THESIS

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I hereby certify that this is a true and correct copy of the original as submitted to the University of Chicago Library.

Signature of the Librarian
Date

Signature of the Author

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