EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2006-2243-MLM-E **TCEQ ID:** RN100590207 **CASE NO.:** 31941

RESPONDENT NAME: Texas Polymer Services, Inc.

ORDER TYPE:		
X 1660 AGREED ORDER	__FINDINGS AGREED ORDER	__FINDINGS ORDER FOLLOWING SOAH HEARING
__FINDINGS DEFAULT ORDER	__SHUTDOWN ORDER	__IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
__AMENDED ORDER	__EMERGENCY ORDER	
CASE TYPE:		
__AIR	X MULTI-MEDIA (check all that apply)	X INDUSTRIAL AND HAZARDOUS WASTE
__PUBLIC WATER SUPPLY	__PETROLEUM STORAGE TANKS	__OCCUPATIONAL CERTIFICATION
X WATER QUALITY	__SEWAGE SLUDGE	__UNDERGROUND INJECTION CONTROL
__MUNICIPAL SOLID WASTE	__RADIOACTIVE WASTE	__DRY CLEANER REGISTRATION

SITE WHERE VIOLATION(S) OCCURRED: Texas Polymer Services, 6522 Interstate 10 West, Orange County

TYPE OF OPERATION: Plastics manufacturing

SMALL BUSINESS: ___ Yes __X__ 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 May 28, 2007. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: None

TCEQ Enforcement Coordinator: Ms. Pamela Campbell, Enforcement Division, Enforcement Team 1, MC 169, (512) 239-4493; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896

Respondent: Mr. John E. Vamosi, Corporate Safety & Environmental Manager, Texas Polymer Services, Inc., 6522 Interstate 10 West, Orange, Texas 77632

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

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation: ___ Complaint _X_ Routine ___ Enforcement Follow-up ___ Records Review **Date(s) of Complaints Relating to this Case:** None **Date of Investigation Relating to this Case:** September 21, 2006 **Date of NOE Relating to this Case:** November 15, 2006 (NOE) **Background Facts:** This was a routine investigation. Three violations were documented. **AIR/WASTE** 1) Failed to use a test method sensitive enough to detect the minimum analytical level ("MAL") of 0.005 milligrams per liter ("mg/L") for total zinc. Specifically, the MAL detected by the Texas Polymer's contract laboratory was 0.05 mg/L [30 TEX. ADMIN. CODE § 305.125(1) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 02835 Other Requirements No. 2]. 2) Failed to submit noncompliance notification to the TCEQ for effluent violations which deviated from the permitted limit by more than 40% within five working days of become aware of the noncompliance. Specifically, Texas Polymer failed to notify the TCEQ Region 10 Office and the TCEQ Enforcement Division of five-day biochemical oxygen demand daily average concentration noncompliances that occurred in June 2004, February 2005, and April 2005 [30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. 02835 Monitoring and Reporting Requirements No. 7c]. 3) Failed to prevent the unauthorized discharge of industrial waste into or adjacent to waters of the state. Specifically, Texas Polymer reported the following: diesel fuel was spilled and discharged via outfall 001 on December 7, 2004; acetic acid was spilled into a storm drain and discharged via outfall 003 on April 25, 2005; a leak from an acid tank was discharged via outfall 003 on January 6, 2006; and on	**Total Assessed:** $38,755 **Total Deferred:** $7,751 _X_ Expedited Settlement __Financial Inability to Pay **SEP Conditional Offset:** $0 **Total Paid to General Revenue:** $31,004 **Site Compliance History Classification** __ **High** _X_ **Average** __ **Poor** **Person Compliance History Classification** __ **High** _X_ **Average** __ **Poor** **Major Source:** ___ Yes __X_ No **Applicable Penalty Policy:** September 2002	**Corrective Actions Taken:** The Executive Director recognizes that Texas Polymer has implemented the following corrective measures at the Facility: a. By December 20, 2006, developed standard operating procedures that data entered into the database exceeding 40% of the permitted effluent limit automatically triggers notice that noncompliance notification is required; b. By December 20, 2006, cleaned and disposed of spilled materials noted in the September 21, 2006 investigation, and set up housekeeping procedures to prevent and cleanup accidental spills by purchasing a new trash compactor with containment for the building and catch basins to be placed under the lower outlets of railcars to catch wash down material before it enters the drain. Protective shields have been placed around the cooling tower at Plant 4 to prevent splash-over from the container. Housekeeping procedures have also been established so that spills can be readily identified and cleaned up; and c. By December 20, 2006, notified their contract laboratory that they were using the incorrect zinc parameters. As a result, the laboratory has begun using the correct zinc parameters.

September 21, 2006 spilled talc was noted around the compactor and dumpster on the northwest side of the Facility resulting in a milky effluent. The following spills were noted during the September 21, 2006 investigation: a spill of Celegan (a process material) on the concrete on the northwest side of the Facility; stray pellets and washwater from a railcar being washed was discharged toward the drain to outfall 003; cooling water was splashing out of Cooling Tower No. 4 onto the concrete; and talc was spilled around the compactor in the parking lot on the south side of the Facility [TPDES Permit No. 02835 Permit Conditions No. 2g, TEX. WATER CODE § 26.121(a), and 30 TEX. ADMIN. CODE § 335.4].		

Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002) — *PCW Revision December 8, 2006*

TCEQ

DATES					
Assigned	20-Nov-2006				
PCW	6-Feb-2007	Screening	6-Dec-2006	EPA Due	

RESPONDENT/FACILITY INFORMATION

Respondent	Texas Polymer Services, Inc.		
Reg. Ent. Ref. No.	RN100590207		
Facility/Site Region	10-Beaumont	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	31941	No. of Violations	3
Docket No.	2006-2243-MLM-E	Order Type	1660
Media Program(s)	Water Quality	Enf. Coordinator	Pamela Campbell
Multi-Media	Industrial and Hazardous Waste	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* **$11,500**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History — 247% Enhancement — *Subtotals 2, 3, & 7* **$28,405**

Notes: The Respondent has two NOVs for same or similar violations, one NOV for unrelated violations, one Findings Agreed Order, and has 42 months of self-reported effluent violations.

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

Notes: Respondent does not meet the culpability criteria.

Good Faith Effort to Comply — 10% Reduction — *Subtotal 5* **$1,150**

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

Notes: The Respondent returned to compliance on December 20, 2006.

0% Enhancement* — *Subtotal 6* **$0**

**Capped at the Total EB $ Amount*

Total EB Amounts	$939
Approx. Cost of Compliance	$52,535

SUM OF SUBTOTALS 1-7 — *Final Subtotal* **$38,755**

OTHER FACTORS AS JUSTICE MAY REQUIRE — *Adjustment* **$0**

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

Notes:

Final Penalty Amount **$38,755**

STATUTORY LIMIT ADJUSTMENT — *Final Assessed Penalty* **$38,755**

DEFERRAL — 20% Reduction — *Adjustment* **-$7,751**

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 **$31,004**

Screening Date	6-Dec-2006	**Docket No.** 2006-2243-MLM-E	**PCW**
Respondent	Texas Polymer Services, Inc.		*Policy Revision 2 (September 2002)*
Case ID No.	31941		*PCW Revision December 8, 2006*
Reg. Ent. Reference No.	RN100590207		
Media [Statute]	Water Quality		
Enf. Coordinator	Pamela Campbell		

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*)	44	220%
	Other written NOVs	1	2%
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	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (*number of judgements or consent decrees meeting criteria*)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (*number of counts*)	0	0%
Emissions	Chronic excessive emissions events (*number of events*)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 *(number of audits for which notices were submitted)*	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (*number of audits for which violations were disclosed*)	0	0%
		Please Enter Yes or No	
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 247%

>> 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 two NOVs for same or similar violations, one NOV for unrelated violations, one Findings Agreed Order, and has 42 months of self-reported effluent violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 247%

Screening Date	6-Dec-2006	**Docket No.** 2006-2243-MLM-E	**PCW**
Respondent	Texas Polymer Services, Inc.		*Policy Revision 2 (September 2002)*
Case ID No.	31941		*PCW Revision December 8, 2006*
Reg. Ent. Reference No.	RN100590207		
Media [Statute]	Water Quality		
Enf. Coordinator	Pamela Campbell		

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. 02835 Other Requirements No. 2

Violation Description Failed to use a test method sensitive enough to detect the minimum analytical level ("MAL") of 0.005 milligrams per liter ("mg/L") for total zinc. Specifically, the MAL detected by the Respondent's contract laboratory was 0.05 mg/L.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			x

Percent 5%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Human health or the environment could be exposed to insignificant amounst of pollutants which would not exceed levels that are protective of human health or the environment as a result of this violation.

Adjustment $9,500

$500

Violation Events

Number of Violation Events 1

90 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $500

One single event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $1

Statutory Limit Test

Violation Final Penalty Total $1,685

This violation Final Assessed Penalty (adjusted for limits) $1,685

Economic Benefit Worksheet

Respondent Texas Polymer Services, Inc.
Case ID No. 31941
Reg. Ent. Reference No. RN100590207
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description (No commas or $)	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	$50	21-Sep-2006	20-Dec-2006	0.2	$1	n/a	$1
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	This is the estimated cost to begin using a test method sensitive enough to detect the MAL of 0.005 mg/L for total zinc. The date required is the investigation date and the final date is the date that compliance documentation was received by the TCEQ Region 10 Office.						
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: $50

TOTAL: $1

Screening Date	6-Dec-2006	**Docket No.** 2006-2243-MLM-E	**PCW**
Respondent	Texas Polymer Services, Inc.		*Policy Revision 2 (September 2002)*
Case ID No.	31941		*PCW Revision December 8, 2006*
Reg. Ent. Reference No.	RN100590207		
Media [Statute]	Water Quality		
Enf. Coordinator	Pamela Campbell		

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. 02835 Monitoring and Reporting Requirements No. 7c

Violation Description Failed to submit noncompliance notification to the TCEQ for effluent violations which deviated from the permitted limit by more than 40% within five working days of becoming aware of the noncompliance. Specifically, the Respondent failed to notify the TCEQ Region 10 Office and the TCEQ Enforcement Division of five-day biochemical oxygen demand daily average concentration noncompliances that occurred in June 2004, February 2005, and April 2005.

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 10%

Matrix Notes: 100% of the rule requirement was not met.

Adjustment $9,000

$1,000

Violation Events

Number of Violation Events 3

58 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $3,000

Three single events are recommended, one for each noncompliance notification that was not submitted.

Economic Benefit (EB) for this violation

Estimated EB Amount $33

Statutory Limit Test

Violation Final Penalty Total $10,110

This violation Final Assessed Penalty (adjusted for limits) $10,110

Economic Benefit Worksheet

Respondent Texas Polymer Services, Inc.
Case ID No. 31941
Reg. Ent. Reference No. RN100590207
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description (No commas or $)	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)				0.0	$0	n/a	$0
Notes for DELAYED costs							
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	$25	30-Jan-2004	30-Apr-2005	1.2	$2	$31	$33
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	This is the estimated cost to prepare and submit noncompliance notifications to the TCEQ Region 10 Office and the TCEQ Enforcement Division.						

Approx. Cost of Compliance: $25

TOTAL: $33

Screening Date	6-Dec-2006	**Docket No.** 2006-2243-MLM-E	**PCW**
Respondent	Texas Polymer Services, Inc.		*Policy Revision 2 (September 2002)*
Case ID No.	31941		*PCW Revision December 8, 2006*
Reg. Ent. Reference No.	RN100590207		
Media [Statute]	Water Quality		
Enf. Coordinator	Pamela Campbell		

Violation Number 3

Rule Cite(s) TPDES Permit No. 02835 Permit Conditions No. 2g, Tex. Water Code § 26.121(a), and 30 Tex. Admin. Code § 335.4

Violation Description Failed to prevent the unauthorized discharge of industrial waste into or adjacent to waters of the state. Specifically, the respondent reported the following: diesel fuel was spilled and discharged via outfall 001 on December 7, 2004; acetic acid was spilled into a storm drain and discharged via outfall 003 on April 25, 2005; a leak from an acid tank was discharged via outfall 003 on January 6, 2006; and on September 21, 2006 spilled talc was noted around the compactor and dumpster on the northwest side of the Facility resulting in a milky effluent, as documented during the September 21, 2006 investigation. The following spills were noted during the September 21, 2006 investigation: a spill of Celegan (a process material) on the concrete on the northwest side of the Facility; stray pellets and washwater from a railcar being washed was discharged toward the drain to outfall 003; cooling water was splashing out of Cooling Tower No. 4 onto the concrete; and talc was spilled around the compactor in the parking lot on the south side of the Facility.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			x
Potential			

Percent 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 the environment.

Adjustment $9,000

$1,000

Violation Events

Number of Violation Events 8

8 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $8,000

Eight single events are recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $905

Statutory Limit Test

Violation Final Penalty Total $26,960

This violation Final Assessed Penalty (adjusted for limits) $26,960

Economic Benefit Worksheet

Respondent Texas Polymer Services, Inc.
Case ID No. 31941
Reg. Ent. Reference No. RN100590207
Media Water Quality
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment	$52,460	21-Sep-2006	20-Dec-2006	0.2	$43	$862	$905
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)				0.0	$0	n/a	$0
Notes for DELAYED costs	This is the amount the Respondent spent to install catch basins, purchase a trash compactor, and install protective shields around the cooling tower to prevent unauthorized discharges of industrial waste. The date required is the investigation date and the final date is the date that compliance documentation was received by the TCEQ Region 10 Office.						
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: $52,460

TOTAL: $905

Compliance History

Customer/Respondent/Owner-Operator:	CN601362601	Texas Polymer Services, Inc.	Classification: AVERAGE	Rating: 3.26
Regulated Entity:	RN100590207	TEXAS POLYMER SERVICES	Classification: AVERAGE	Site Rating: 3.26

ID Number(s):

AIR NEW SOURCE PERMITS	PERMIT	14104
AIR NEW SOURCE PERMITS	PERMIT	14840
AIR NEW SOURCE PERMITS	PERMIT	23030
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	OC0056T
AIR NEW SOURCE PERMITS	AFS NUM	0044
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1810187
WASTEWATER	PERMIT	WQ0002835000
WASTEWATER	PERMIT	TPDES0104710
WASTEWATER	PERMIT	TX0104710
WASTEWATER LICENSING	LICENSE	WQ0002835000

Location: 6522 INTERSTATE 10 W, ORANGE, TX, 77632 Rating Date: 9/1/2006 Repeat Violator: NO

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: January 12, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: January 12, 2002 to January 12, 2007

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

Name: Pamela Campbell Phone: 512 239-4493

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.

Effective Date: 12/30/2005 ADMINORDER 2005-0523-IWD-E

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

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 01/14/2003 (21326)
2 07/15/2002 (223307)
3 06/17/2002 (223305)
4 05/22/2002 (223303)
5 02/18/2004 (322731)
6 04/19/2006 (505140)
7 05/19/2006 (505141)
8 04/14/2003 (223301)
9 03/14/2003 (322732)
10 06/09/2006 (505142)
11 04/16/2002 (223300)
12 03/16/2004 (322733)
13 04/09/2004 (267494)

14	05/22/2003	(322734)
15	03/15/2002	(223298)
16	06/16/2003	(322735)
17	07/22/2003	(322736)
18	11/15/2002	(223296)
19	08/18/2003	(322737)
20	02/21/2003	(223295)
21	02/19/2002	(223294)
22	09/08/2003	(322738)
23	08/13/2004	(388677)
24	10/21/2003	(322739)
25	12/15/2004	(388678)
26	11/19/2003	(322740)
27	12/29/2003	(322741)
28	09/18/2003	(248317)
29	01/13/2005	(388679)
30	01/20/2004	(322742)
31	12/06/2002	(13911)
32	02/12/2004	(261797)
33	03/15/2005	(426237)
34	04/18/2005	(426238)
35	11/15/2006	(518641)
36	05/19/2005	(426239)
37	06/15/2005	(426240)
38	02/24/2005	(349902)
39	04/21/2004	(364300)
40	05/17/2004	(364301)
41	06/27/2005	(393888)
42	06/21/2004	(364302)
43	07/23/2004	(364303)
44	09/17/2004	(364304)
45	02/22/2006	(479386)
46	10/15/2004	(364305)
47	03/16/2006	(479387)
48	10/09/2005	(479388)
49	10/13/2004	(336981)
50	08/30/2005	(446605)
51	11/21/2005	(479389)
52	07/18/2005	(446606)
53	08/16/2005	(446607)
54	12/20/2005	(479390)
55	09/19/2005	(446608)
56	11/16/2004	(446609)
57	01/18/2006	(479391)
58	01/21/2003	(223318)
59	12/16/2002	(223316)
60	03/21/2003	(28360)
61	11/15/2002	(223314)
62	10/18/2002	(223312)
63	07/18/2006	(527440)
64	12/19/2002	(18320)
65	08/14/2006	(527441)
66	08/09/2002	(223309)
67	09/12/2006	(527442)

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

Date: 06/30/2002 (223307)

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: 05/31/2002 (223305)

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: 12/19/2002 (18320)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter F 290.110(c)(5)[G]

Description: Failure to collect chlorine residual samples from active service connections which are representative of water throughout the distribution system.

During the investigation, it was noted that the water system was collecting all chlorine residual samples at sample site number two.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.44(h)(4)[G]

Description: Failure to implement a cross connection control program.

During the investigation, it was noted that the water system did not have the required air gaps or backflow prevention assemblies on the water lines to the sewage plant and several parts of the process water system in the plant.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(l)

Description: Failure to flush all dead-end mains monthly.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(1)(A)

Description: Failure to collect bacteriological samples from active service connections which are representative of water throughout the distribution system.

During the investigation, it was noted that the water system was collecting all bacteriological samples at sample site number two.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(4)

Description: Failure to provide a water level indicator on the ground storage tank.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(N)

Description: Failure to replace the broken well meter.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.44(d)[G]

Description: Failure to provide at all times a minimum pressure of 35 psi at at all points within the distribution network.

During the investigation, a pressure reading of 28 psi was taken at the hose bibb at the northeast corner of the plant.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(n)(2)

Description: Failure to draw all known flush valves, gate valves, water lines, and water line sizes on the distribution map.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(2)

Description: Failure to perform the annual internal inspection of the pressure filters.

Date: 04/30/2002 (223303)

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 (322731)

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: 03/31/2002 (223300)

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 (446607)

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: 02/28/2003 (322732)

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: 02/29/2004 (322733)

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: 02/28/2002 (223298)

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: 12/09/2002 (13911)

Self Report? NO Classification: Moderate

Rqmt Prov: OP IA

Description: Failure by Texas Polymer Services, Inc to ensure that all automatic flow measuring devices are accuately calibrated by a trained person annually or as often as necessary to ensure accuracy.

Self Report? NO Classification: Minor

Rqmt Prov: OP IA

Description: Failure by Texas Polymer Services to submit written notification to the Region 10 office when a permitted effluent limitation is exceeded by > 40%.

Self Report? NO Classification: Moderate

Rqmt Prov: OP IA

Description: Failure by Texas Polymer Services to meet the chlorine residual maximum permit limit for effluent from the domestic wastewater treatment plant.

Self Report? NO Classification: Moderate

Rqmt Prov: OP IA

Description: Failure by Texas Polymer Services to ensure that all electronic flow meters are accurately measuring flow.

Date: 04/30/2003 (322734)

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 (322735)

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: 01/31/2003 (223295)

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: 06/30/2003 (322736)

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: 07/31/2003 (322737).

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: 03/31/2005 (426238)

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: 08/31/2003 (322738)

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: 05/31/2005 (426240)

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: 08/31/2005 (446608)

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: 07/31/2004 (388677)

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: 09/30/2003 (322739)

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 (388678)

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: 11/30/2003 (322741)

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: 12/31/2004 (388679)

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 (446609)

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: 02/28/2005 (426237)

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: 04/30/2005 (426239)

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: 02/13/2004 (261797)

Self Report? NO Classification: Moderate

Rqmt Prov: PERMIT IA

Description: Failure to prevent unauthorized discharges into or adjacent to the waters of the state.

Self Report? NO Classification: Moderate

Rqmt Prov: PERMIT IA

Description: Failure to be in compliance with permit limits for chlorine residual

Self Report? NO Classification: Minor

Rqmt Prov: PERMIT IA

Description: Failure to calibrate the secondary flow measuring devices annually

Self Report? NO Classification: Moderate

Rqmt Prov: PERMIT IA

Description: Failure to discharge effluent that is compliant with permitted limitations

Self Report? NO Classification: Minor

Rqmt Prov: PERMIT IA

Description: Failure to report the correct analytical results on the discharge monitoring report

Self Report? NO Classification: Minor

Rqmt Prov: PERMIT IA

Description: Failure to accurately complete the discharge monitoring reports

Self Report? NO Classification: Minor

Rqmt Prov: PERMIT IA

Description: Failure to submit noncompliance notification as required by the permit

Self Report? NO Classification: Moderate

Rqmt Prov: PERMIT IA

Description: Failure to check the colorimeter against standards

Self Report? NO Classification: Minor

Rqmt Prov: PERMIT IA

Description: Failure to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.

Date: 04/30/2004 (364301)

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: 05/31/2004 (364302)

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 (364303)

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: 08/31/2004 (364304)

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 (479386)
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: 09/30/2004 (364305)
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: 09/30/2005 (479388)
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: 11/30/2005 (479390)
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: 12/31/2002 (223318)
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: 11/30/2002 (223316)
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: 01/31/2005 (446605)
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: 10/31/2002 (223314)
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: 09/30/2002 (223312)
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: 06/30/2005 (446606)
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: 12/31/2003 (322742)
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: 07/31/2002 (223309)

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.

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	§	**BEFORE THE**
ENFORCEMENT ACTION	§	
CONCERNING	§	**TEXAS COMMISSION ON**
TEXAS POLYMER SERVICES, INC.	§	
RN100590207	§	**ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2006-2243-MLM-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 Texas Polymer Services, Inc. ("Texas Polymer") under the authority of TEX. WATER CODE chs. 7 and 26 and TEX. HEALTH & SAFETY CODE ch. 361. The Executive Director of the TCEQ, through the Enforcement Division, and Texas Polymer, appear before the Commission and together stipulate that:

1. Texas Polymer owns and operates a plastics manufacturing facility located at 6522 Interstate 10 West in Orange County, Texas (the "Facility").

2. Texas Polymer has discharged industrial waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.

3. Texas Polymer involves or involved the management of industrial solid waste as defined in TEX. HEALTH & SAFETY CODE ch. 361.

4. The Commission and Texas Polymer agree that the Commission has jurisdiction to enter this Agreed Order, and that Texas Polymer is subject to the Commission's jurisdiction.

5. Texas Polymer received notice of the violations alleged in Section II ("Allegations") on or about November 20, 2006.

6. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Texas Polymer of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

7. An administrative penalty in the amount of Thirty-Eight Thousand Seven Hundred Fifty-Five Dollars ($38,755) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Texas Polymer has paid Thirty-One Thousand Four Dollars ($31,004) of the administrative penalty and Seven Thousand Seven Hundred Fifty-One Dollars ($7,751) is deferred contingent upon Texas Polymer'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 Texas Polymer fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Texas Polymer to pay all or part of the deferred penalty.

8. 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.

9. The Executive Director of the TCEQ and Texas Polymer have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.

10. The Executive Director recognizes that Texas Polymer has implemented the following corrective measures at the Facility:

    a. By December 20, 2006, developed standard operating procedures that data entered into the database exceeding 40% of the permitted effluent limit automatically triggers notice that noncompliance notification is required;

    b. By December 20, 2006, cleaned and disposed of spilled materials noted in the September 21, 2006 investigation, and set up housekeeping procedures to prevent and cleanup accidental spills by purchasing a new trash compactor with containment for the building and catch basins to be placed under the lower outlets of railcars to catch wash down material before it enters the drain. Protective shields have been placed around the cooling tower at Plant 4 to prevent splash-over from the container. Housekeeping procedures have also been established so that spills can be readily identified and cleaned up; and

    c. By December 20, 2006, notified their contract laboratory that they were using the incorrect zinc parameters. As a result, the laboratory has begun using the correct zinc parameters.

11. 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 Texas Polymer has not complied with one or more of the terms or conditions in this Agreed Order.

12. 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.

13. 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, Texas Polymer is alleged to have:

1. Failed to use a test method sensitive enough to detect the minimum analytical level ("MAL") of 0.005 milligrams per liter ("mg/L") for total zinc, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 02835 Other Requirements No. 2, as documented during an investigation conducted on September 21, 2006. Specifically, the MAL detected by the Texas Polymer's contract laboratory was 0.05 mg/L.

2. Failed to submit noncompliance notification to the TCEQ for effluent violations which deviated from the permitted limit by more than 40% within five working days of become aware of the noncompliance, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. 02835 Monitoring and Reporting Requirements No. 7c, as documented during an investigation conducted on September 21, 2006. Specifically, Texas Polymer failed to notify the TCEQ Region 10 Office and the TCEQ Enforcement Division of five-day biochemical oxygen demand daily average concentration noncompliances that occurred in June 2004, February 2005, and April 2005.

3. Failed to prevent the unauthorized discharge of industrial waste into or adjacent to waters of the state, in violation of TPDES Permit No. 02835 Permit Conditions No. 2g, TEX. WATER CODE § 26.121(a), and 30 TEX. ADMIN. CODE § 335.4. Specifically, Texas Polymer reported the following: diesel fuel was spilled and discharged via outfall 001 on December 7, 2004; acetic acid was spilled into a storm drain and discharged via outfall 003 on April 25, 2005; a leak from an acid tank was discharged via outfall 003 on January 6, 2006; and on September 21, 2006 spilled talc was noted around the compactor and dumpster on the northwest side of the Facility resulting in a milky effluent, as documented during the September 21, 2006 investigation. The following spills were noted during the September 21, 2006 investigation: a spill of Celegan (a process material) on the concrete on the northwest side of the Facility; stray pellets and washwater from a railcar being washed was discharged toward the drain to outfall 003; cooling water was splashing out of Cooling Tower No. 4 onto the concrete; and talc was spilled around the compactor in the parking lot on the south side of the Facility.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Texas Polymer pay an administrative penalty as set forth in Section I, Paragraph 7 above. The payment of this administrative penalty and Texas Polymer'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: Texas Polymer Services, Inc., Docket No. 2006-2243-MLM-E" to:

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

2. The provisions of this Agreed Order shall apply to and be binding upon Texas Polymer. Texas Polymer 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 Texas Polymer 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 Texas Polymer, or three days after the date on which the Commission mails notice of the Order to Texas Polymer, 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

_____ 6/27/07
For the Executive Director Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity, 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.

John E. Vamosi FEB. 21, 2006
Signature Date

JOHN E. VAMOSI CORP. SAFETY + ENVIRO. MANAGER
Name (Printed or typed) Title
Authorized Representative of
Texas Polymer Services, Inc.

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.