

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2007-0227-IWD-E **TCEQ ID:** RN102075686 **CASE NO.:** 32635
RESPONDENT NAME: Ameri-Forge Limited

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: 13770 Industrial Road, Houston, Harris County</p> <p>TYPE OF OPERATION: Metal fabricating facility</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: No complaints were received. 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 June 25, 2007. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Craig Fleming, Enforcement Division, Enforcement Team 3, MC 149, (512) 239-5806; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896 Respondent: Mr. Joe N. Taylor, Vice President Support Services, Ameri-Forge Limited, 13770 Industrial Road, Houston, Texas 77015-6821; Mr. David Heminger, President and CEO, Ameri-Forge Limited, Post Office Box 9849, Houston, Texas 77213 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 of Complaint Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: January 25, 2007</p> <p>Date of NOE Relating to this Case: February 5, 2007 (NOE)</p> <p>Background Facts: This was a routine record review. One violation was documented.</p> <p>WATER</p> <p>Failed to comply with the permitted effluent limits at outfall 001 [TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(a), and TPDES Permit No. 03767, Effluent Limitations and Monitoring Requirements for Outfall 001].</p>	<p>Total Assessed: \$7,080</p> <p>Total Deferred: \$1,416 <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: \$5,664</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>Corrective Actions Taken:</p> <p>The Executive Director recognizes that Ameri-Forge has implemented the following corrective measures at the Facility:</p> <p>a. Retained a new entity to serve as its designated wastewater treatment operator in March 2006;</p> <p>b. Licensed one of its employees as a Class D wastewater treatment operator in March 2006; and</p> <p>c. Compliance with the Facility's effluent limits was achieved on November 30, 2006.</p>



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision January 9, 2007

DATES	Assigned	12-Feb-2007	Screening	13-Feb-2007	EPA Due	
	PCW	14-Feb-2007				

RESPONDENT/FACILITY INFORMATION	
Respondent	Ameri-Forge Limited
Reg. Ent. Ref. No.	RN102075686
Facility/Site Region	12-Houston
Major/Minor Source	Minor

CASE INFORMATION				
Enf./Case ID No.	32635	No. of Violations	1	
Docket No.	2007-0227-IWD-E	Order Type	1660	
Media Program(s)	Water Quality	Enf. Coordinator	J. Craig Fleming	
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*

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

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

Notes

Culpability Enhancement *Subtotal 4*

Notes

Good Faith Effort to Comply Reduction *Subtotal 5*

Before NOV NOV to EDRP/Settlement Offer

Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input checked="" type="checkbox"/>	<input type="text"/>
N/A	<small>(mark with x)</small>	

Notes

Total EB Amounts *Subtotal 6*
Approx. Cost of Compliance *0% Enhancement**
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 *Final Subtotal*

OTHER FACTORS AS JUSTICE MAY REQUIRE *Adjustment*

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

Notes

Final Penalty Amount

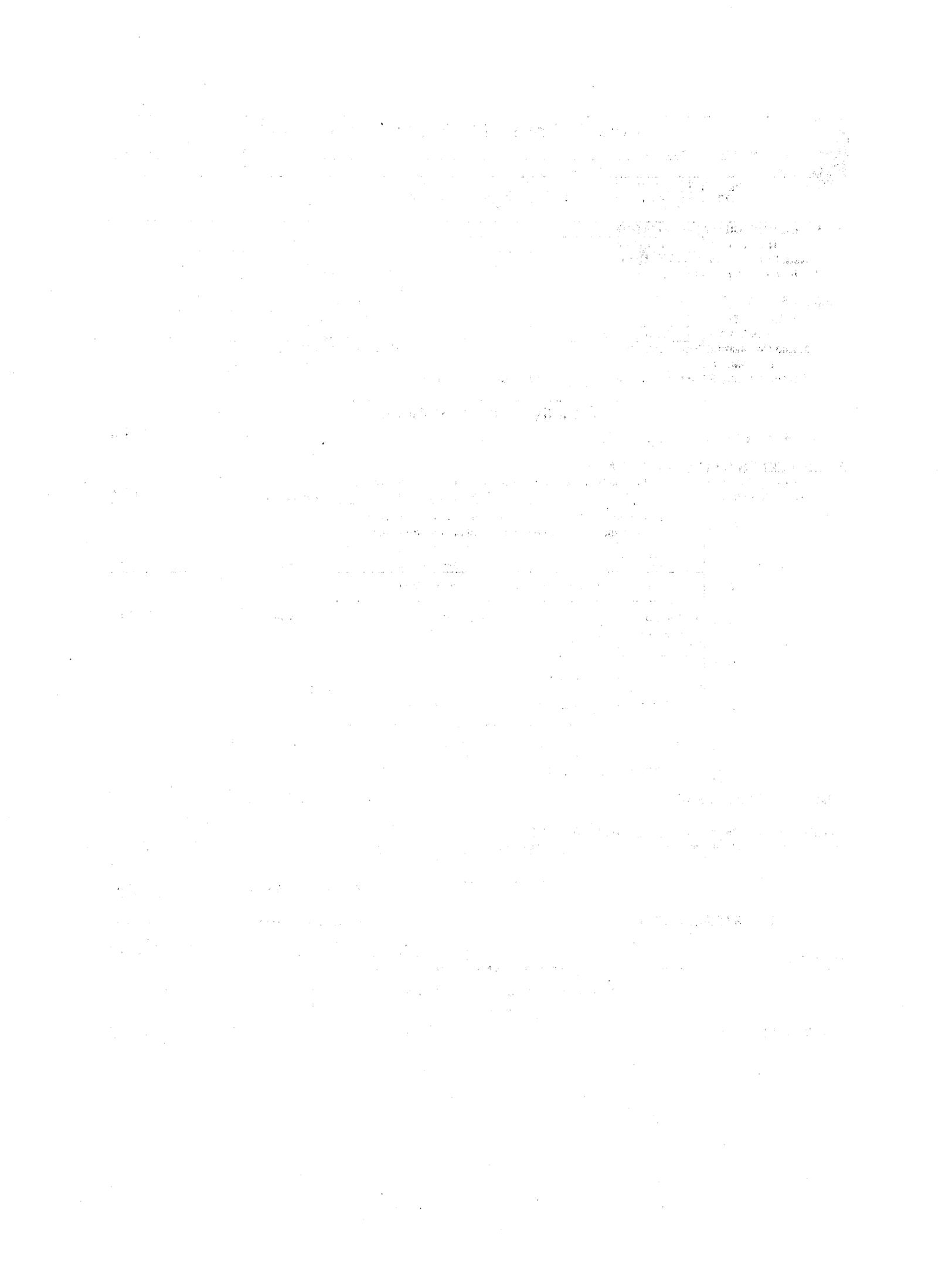
STATUTORY LIMIT ADJUSTMENT *Final Assessed Penalty*

DEFERRAL Reduction *Adjustment*

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

Notes

PAYABLE PENALTY



Screening Date 13-Feb-2007

Docket No. 2007-0227-IWD-E

PCW

Respondent Ameri-Forge Limited

Policy Revision 2 (September 2002)

Case ID No. 32635

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN102075686

Media [Statute] Water Quality

Enf. Coordinator J. Craig Fleming

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)	32	160%
	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	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 judgments 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)	1	-1%
	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) 161%

>> 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 32 same or similar NOVs, one non-similar NOV in the past 5 years, and one letter of an intended audit.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 161%

Screening Date 13-Feb-2007

Docket No. 2007-0227-IWD-E

PCW

Respondent Ameri-Forge Limited

Policy Revision 2 (September 2002)

Case ID No. 32635

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN102075686

Media [Statute] Water Quality

Enf. Coordinator J. Craig Fleming

Violation Number 1

Rule Cite(s) Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(a), and TPDES Permit No. 03767, Effluent Limitations and Monitoring Requirements for Outfall 001

Violation Description Failed to comply with the permitted effluent limits at outfall 001. Specifically, the Facility exceeded effluent limits during the months of November 2005, and January, February, March, and October 2006, as documented during a record review conducted on January 25, 2007.

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

A simplified model was used to evaluate ammonia nitrogen ("NH3-N") to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. As a result of these discharges, 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 as a result of the violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 3

151 Number of violation days

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

Violation Base Penalty \$3,000

Three quarterly events are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$108

Violation Final Penalty Total \$7,080

This violation Final Assessed Penalty (adjusted for limits) \$7,080

Economic Benefit Worksheet

Respondent Ameri-Forge Limited
Case ID No. 32635
Reg. Ent. Reference No. RN102075686
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				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)	\$2,000	1-Nov-2005	30-Nov-2006	1.1	\$108	n/a	\$108

Notes for DELAYED costs

The estimated cost for additional oversight and sampling which could have reduced or alleviated the exceedances. The Date Required was the date the noncompliance started. The Final Date is the 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

NA

Approx. Cost of Compliance \$2,000

TOTAL \$108

Effluent Violation Table
 Ameri-Forge Limited
 TPDES Permit No. 03767 (Outfall 001A)
 Docket No. 2007-0227-IWD-E

Permitted Effluent Limits	Monitoring Period End Date				
	November 2005	January 2006	February 2006	March 2006	October 2006
Ammonia-Nitrogen Total Daily Avg. Limit of 3.0 (in mg/L)	5.2	C	6.1	4.5	C
Ammonia-Nitrogen Total Daily Max. Limit of 10.0 (in mg/L)	13.2	C	22.9	C	C
Total Suspended Solids Daily Avg. 15.0 (in mg/L)	C	15.7	C	C	C
Total Suspended Solids Daily Max 40.(in mg/L)	C	51.9	C	C	C
Dissolved Oxygen Min. 4.0 (in mg/L)	C	C	3.6	C	3.0
pH Max (9.0 SU)	C	C	C	C	9.3

Avg. = average	mg/L = milligrams per Liter	lbs/day = pounds per day	SU = standard units
C = compliant	Max. = maximum	Min. = minimum	

Compliance History

Customer/Respondent/Owner-Operator:	CN601591332	Ameri-Forge Limited	Classification: AVERAGE	Rating: 5.40
Regulated Entity:	RN102075686	HARRIS COUNTY FACILITY	Classification: AVERAGE	Site Rating: 7.80
ID Number(s):	INDUSTRIAL AND HAZARDOUS WASTE GENERATION INDUSTRIAL AND HAZARDOUS WASTE GENERATION AIR NEW SOURCE PERMITS AIR NEW SOURCE PERMITS AIR NEW SOURCE PERMITS WASTEWATER WASTEWATER WASTEWATER WASTEWATER WASTEWATER WASTEWATER LICENSING STORMWATER			EPA ID SOLID WASTE REGISTRATION # (SWR) PERMIT ACCOUNT NUMBER ACCOUNT NUMBER PERMIT PERMIT PERMIT PERMIT PERMIT LICENSE PERMIT TXR000026690 82538 33969 HG9608W HG1414B WQ0003767000 TPDES0113972 TX0113972 WQ0003767000 TX0113972 WQ0003767000 TXR05Q796
Location:	13770 INDUSTRIAL RD, HOUSTON, TX, 77015			
TCEQ Region:	REGION 12 - HOUSTON			
Date Compliance History Prepared:	February 15, 2007			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	February 13, 2002 to February 13, 2007			

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

Name: J. Craig Fleming Phone: (512) 239-5806

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? | Yes |
| 3. If Yes, who is the current owner? | <u>Ameri-Forge Limited</u> |
| 4. If Yes, who was/were the prior owner(s)? | Ameri-Forge Corporation |
| 5. When did the change(s) in ownership occur? | 4/3/2003 |

Components (Multimedia) for the Site :

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

N/A

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

N/A

C. Chronic excessive emissions events.

N/A

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

- | | | |
|----|------------|----------|
| 1 | 02/19/2002 | (282769) |
| 2 | 04/19/2002 | (229017) |
| 3 | 05/31/2002 | (229019) |
| 4 | 07/01/2002 | (229021) |
| 5 | 07/10/2002 | (229011) |
| 6 | 07/25/2002 | (229023) |
| 7 | 08/06/2002 | (229014) |
| 8 | 08/19/2002 | (229025) |
| 9 | 09/23/2002 | (229027) |
| 10 | 11/04/2002 | (325130) |
| 11 | 11/25/2002 | (229030) |
| 12 | 12/27/2002 | (229032) |

13	02/03/2003	(229034)
14	02/28/2003	(229012)
15	03/31/2003	(229015)
16	04/25/2003	(325123)
17	05/19/2003	(31839)
18	05/23/2003	(325124)
19	06/30/2003	(325125)
20	08/05/2003	(325127)
21	08/22/2003	(150621)
22	08/25/2003	(325128)
23	10/07/2003	(325129)
24	10/17/2003	(325131)
25	11/17/2003	(325132)
26	12/29/2003	(325133)
27	01/20/2004	(325134)
28	02/17/2004	(325121)
29	04/05/2004	(325122)
30	04/23/2004	(491244)
31	05/21/2004	(491246)
32	06/22/2004	(325126)
33	07/15/2004	(278783)
34	07/28/2004	(491249)
35	08/31/2004	(491251)
36	10/19/2004	(491253)
37	10/22/2004	(491255)
38	11/19/2004	(491257)
39	12/20/2004	(491259)
40	01/24/2005	(491261)
41	02/28/2005	(491240)
42	03/17/2005	(373001)
43	03/21/2005	(491242)
44	04/15/2005	(491245)
45	05/16/2005	(491247)
46	06/06/2005	(394785)
47	06/07/2005	(491248)
48	07/20/2005	(491250)
49	08/15/2005	(491252)
50	09/19/2005	(491254)
51	10/17/2005	(491256)
52	11/01/2005	(436040)
53	11/21/2005	(491258)
54	12/20/2005	(491260)
55	01/19/2006	(491262)
56	02/13/2006	(491241)
57	03/16/2006	(491243)
58	04/28/2006	(505702)
59	05/30/2006	(505703)
60	06/27/2006	(505704)
61	08/24/2006	(527962)
62	09/07/2006	(527961)
63	09/25/2006	(527963)
64	02/06/2007	(537959)

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

Date 02/28/2002 (229014)

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 (229017)

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 04/30/2002 (229019)
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 (229021)
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 06/30/2002 (229023)
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 (229025)
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 08/31/2002 (229027)
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 (325130)
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 (229030)
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 (229032)
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 (229034)
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 (229012)
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 (229015)
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 03/31/2003 (325123)
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 04/30/2003 (325124)
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 05/19/2003 (31839)
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to maintain compliance with the permit limits for Total Suspended Solids (TSS), Ammonia Nitrogen (NH3N), Carbonaceous Biochemical Oxygen Demand (CBOD) and Dissolved Oxygen (DO).
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to maintain compliance with permit limits for daily average dry weather flow.
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to maintain compliance with the permit effluent limits for Ammonia Nitrogen (NH3N). The NH3N sample grabbed during the investigation was noncompliant.
Date 05/31/2003 (325125)
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 (325127)
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 (325128)
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 (325129)
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 (325131)
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 10/31/2003 (325132)
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 (325133)
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 (325134)

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 (325126)
 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 07/14/2004 (278783)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Rqmt Prov: PERMIT 03767-000
 Description: Failure to comply with the permitted grab limits for Ammonia Nitrogen (NH3N).
 Date 03/16/2005 (373001)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 319, SubChapter A 319.5(b)
 Rqmt Prov: PERMIT No. 03767-000 Page 12, No. 8
 PERMIT No. 03767-000 Page 2, No. 1
 Description: Failure to monitor the effluent temperature and to monitor the rain gauge at the
 frequency specified by the permit.
 Self Report? NO Classification: Minor
 Rqmt Prov: PERMIT No. 03767-000 Page 2, No. 1
 Description: Failure to accurately report the sample measurement frequency for effluent
 temperature.
 Date 04/30/2005 (491247)
 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 (491260)
 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 (491241)
 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 (491243)
 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 03/31/2006 (505702)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date 10/31/2006
 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.

Notice of Intent Date: 12/06/2005 (450659)
 No DOV Associated

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
AMERI-FORGE LIMITED
RN102075686

§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2007-0227-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 Ameri-Forge Limited ("Ameri-Forge") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and Ameri-Forge appear before the Commission and together stipulate that:

1. Ameri-Forge owns and operates a metal fabricating facility at 13770 Industrial Road in Houston, Harris County, Texas (the "Facility").
2. Ameri-Forge has discharged industrial waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Commission and Ameri-Forge agree that the Commission has jurisdiction to enter this Agreed Order, and that Ameri-Forge is subject to the Commission's jurisdiction.
4. Ameri-Forge received notice of the violations alleged in Section II ("Allegations") on or about February 10, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Ameri-Forge of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Seven Thousand Eighty Dollars (\$7,080) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Ameri-Forge has paid Five Thousand Six Hundred Sixty-Four Dollars (\$5,664) of the administrative

penalty and One Thousand Four Hundred Sixteen Dollars (\$1,416) is deferred contingent upon Ameri-Forge'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 Ameri-Forge fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Ameri-Forge to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and Ameri-Forge have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that Ameri-Forge has implemented the following corrective measures at the Facility:
 - a. Retained a new entity to serve as its designated wastewater treatment operator in March 2006;
 - b. Licensed one of its employees as a Class D wastewater treatment operator in March 2006; and
 - c. Compliance with the Facility's effluent limits was achieved on November 30, 2006.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Ameri-Forge has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, Ameri-Forge is alleged to have failed to comply with the permitted effluent limits at outfall 001, in violation of TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(a), and TPDES Permit No. 03767, Effluent Limitations and Monitoring Requirements for Outfall 001, as documented during a record review conducted on January 25, 2007, as depicted in the table below.

Effluent Violation Table
 Ameri-Forge Limited
 TPDES Permit No. 03767 (Outfall 001A)

Permitted Effluent Limits	Monitoring Period End Date				
	November 2005	January 2006	February 2006	March 2006	October 2006
Ammonia-Nitrogen Total Daily Avg. Limit of 3.0 (in mg/L)	5.2	C	6.1	4.5	C
Ammonia-Nitrogen Total Daily Max. Limit of 10.0 (in mg/L)	13.2	C	22.9	C	C
Total Suspended Solids Daily Avg. 15.0 (in mg/L)	C	15.7	C	C	C
Total Suspended Solids Daily Max 40.(in mg/L)	C	51.9	C	C	C
Dissolved Oxygen Min. 4.0 (in mg/L)	C	C	3.6	C	3.0
pH Max (9.0 SU)	C	C	C	C	9.3

Avg. = average	mg/L = milligrams per Liter.	lbs/day = pounds per day	SU = standard units
C = compliant	Max. = maximum	Min. = minimum	

III. DENIALS

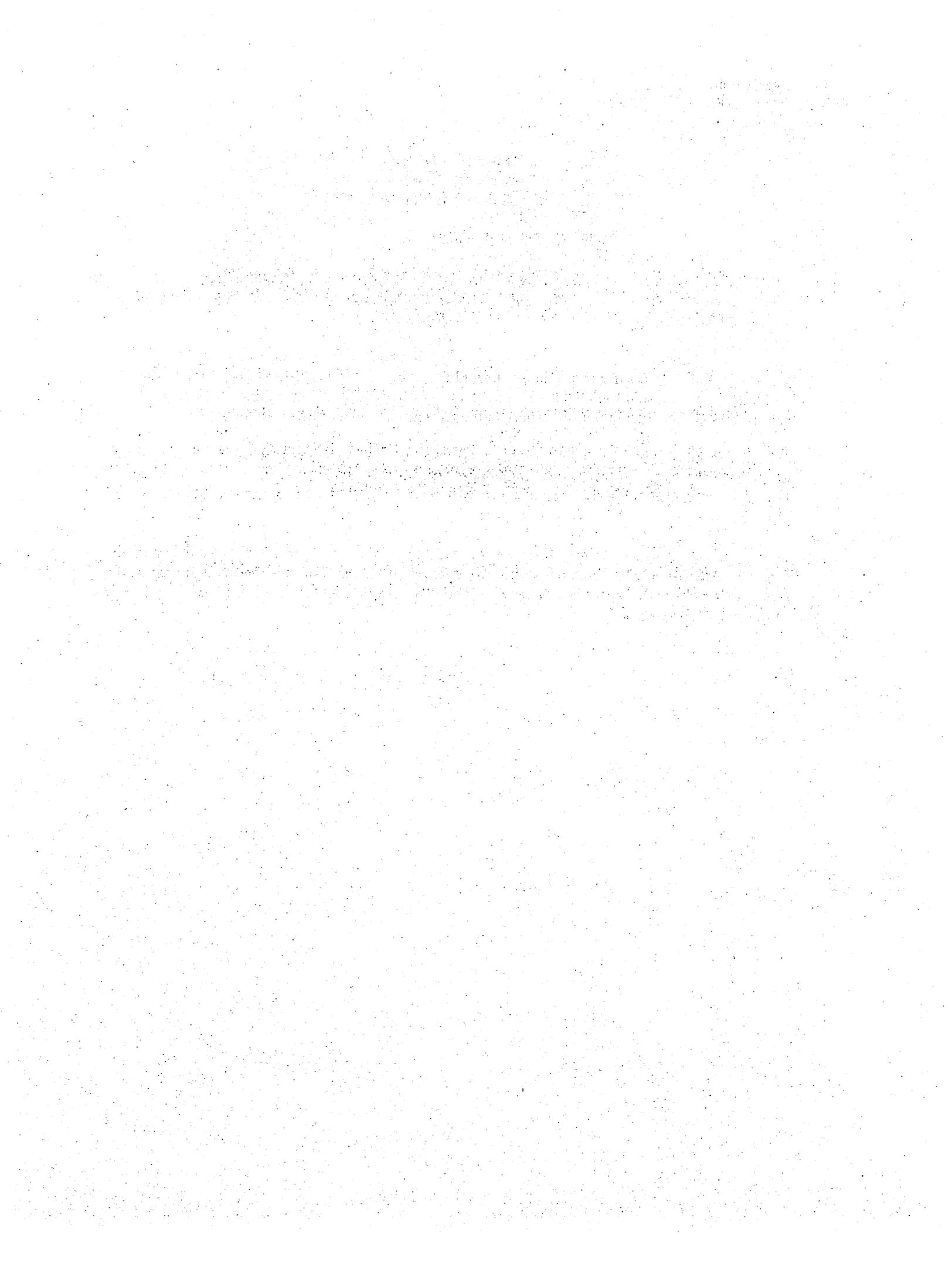
Ameri-Forge generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Ameri-Forge pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Ameri-Forge'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: Ameri-Forge Limited, Docket No. 2007-0227-IWD-E" to:

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

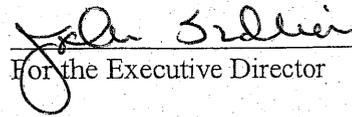
2. The provisions of this Agreed Order shall apply to and be binding upon Ameri-Forge. Ameri-Forge is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
3. This Agreed Order, issued by the Commission, shall not be admissible against Ameri-Forge 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 Ameri-Forge, or three days after the date on which the Commission mails notice of the Order to Ameri-Forge, 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

7/30/07
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

4-23-07
Date

Joe N. Taylor

Name (Printed or typed)
Authorized Representative of
Ameri-Forge Limited

V.P. Support Services

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.

