

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2007-1070-IWD-E **TCEQ ID:** RN102076163 **CASE NO.:** 34000

RESPONDENT NAME: Printpack, Inc.

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: Printpack Orange Plant, located at Farm-to-Market Road 1006, in the southwest quadrant of the Farm-to-Market Road 1006 intersection with Foreman Road, approximately one mile north of Cow Bayou and 1000 feet south of Round Bunch Road, Orange County</p> <p>TYPE OF OPERATION: Wastewater treatment 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 November 26, 2007. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Heather Brister, Enforcement Division, Enforcement Team 1, MC 169, (254) 761-3048; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Mr. Douglas Cook, Director of Engineering, Printpack, Inc., 4335 Wendell Drive SW, Atlanta, Georgia 30336 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: June 8, 2007</p> <p>Date of NOV/NOE Relating to this Case: June 21, 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 permit effluent limits for Chemical Oxygen Demand and Total Copper [TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0002858000, Effluent Limitations and Monitoring Requirement No. 1].</p>	<p>Total Assessed: \$3,060</p> <p>Total Deferred: \$612 <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: \$2,448</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 Printpack has achieved compliance with the permitted effluent limitations during March 2007, by overhauling the cooling system and changing the water source for the cooling system.</p>

Additional ID No(s): TX0101192 and WQ0002858000



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision May 25, 2007

DATES	Assigned	25-Jun-2007	Screening	26-Jun-2007	EPA Due	
	PCW	27-Jun-2007				

RESPONDENT/FACILITY INFORMATION	
Respondent	Printpak, Inc.
Reg. Ent. Ref. No.	RN102076163
Facility/Site Region	10-Beaumont
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	34000	No. of Violations	1
Docket No.	2007-1070-IWD-E	Order Type	1660
Media Program(s)	Water Quality	Enf. Coordinator	Heather Brister
Multi-Media		EC's Team	EnforcementTeam 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

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

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

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

Notes

The penalty is enhanced because the Respondent self-reported five months of effluent violations, and received one NOV for a violation that is not the same or similar to those cited in this action.

Culpability Enhancement **Subtotal 4**

Notes

The Respondent does not meet the culpability criteria.

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

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

Notes

The Respondent became compliant with permitted effluent limitations during March 2007, by overhauling the cooling system and changing the water source for the cooling system.

Total EB Amounts	\$5,000
Approx. Cost of Compliance	\$100,000

0% Enhancement*
*Capped at the Total EB \$ Amount

Subtotal 6

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

Deferral offered for expedited settlement.

PAYABLE PENALTY

PCW

Screening Date 26-Jun-2007

Docket No. 2007-1070-IWD-E

Policy Revision 2 (September 2002)

Respondent Printpack, Inc.

Case ID No. 34000

PCW Revision May 25, 2007

Reg. Ent. Reference No. RN102076163

Media [Statute] Water Quality

Enf. Coordinator Heather Brister

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)	5	25%
	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 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) 27%

>> 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 penalty is enhanced because the Respondent self-reported five months of effluent violations, and received one NOV for a violation that is not the same or similar to those cited in this action.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 27%

Screening Date 26-Jun-2007	Docket No. 2007-1070-IWD-E	PCW
Respondent Printpack, Inc.	<small>Policy Revision 2 (September 2002)</small>	
Case ID No. 34000	<small>PCW Revision May 25, 2007</small>	
Reg. Ent. Reference No. RN102076163		
Media [Statute] Water Quality		
Enf. Coordinator Heather Brister		
Violation Number	1	
Rule Cite(s)	Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0002858000, Effluent Limitations and Monitoring Requirement No. 1	
Violation Description	Failed to comply with permit effluent limits as documented by a TCEQ record review of self-reported data conducted on June 8, 2007. See attached table.	
Base Penalty		\$10,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Percent <input type="text" value="0%"/>

Matrix Notes

A simplified model was used to evaluate chemical oxygen demand (COD), copper, and flow 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 have been exposed to insignificant amounts of pollutants which do not exceed levels harmful to human health or environmental receptors.

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

Three quarterly events are recommended.

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Printpack, Inc.
Case ID No. 34000
Reg. Ent. Reference No. RN102076163
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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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)	\$100,000	31-Mar-2006	31-Mar-2007	1.0	\$5,000	n/a	\$5,000

Notes for DELAYED costs

Estimated cost to overhaul the cooling towers and changing the water source for the cooling system. Date Required is the initial month of noncompliance. 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

Approx. Cost of Compliance

\$100,000

TOTAL

\$5,000

Effluent Limit Violation Table

Respondent	Printpack, Inc.
ID Number(s)	WQ0002858000
Docket Number	2007-1070-IWD-E
Enf. Coordinator	Heather Brister

Corresponds to Violation Number:

1

<i>EFFLUENT PARAMETER</i>					
<i>Permit Limit</i>					
	Chemical Oxygen Demand Daily Average 150 Milligrams per Liter	Chemical Oxygen Demand Daily Maximum 200 Milligrams per Liter	Total Copper Daily Average Concentration 0.051 Milligrams per Liter (Dec. 21, 2001 - Nov. 15, 2006)	Total Copper Daily Average Concentration 0.048 Milligrams per Liter (Nov. 16, 2006 - March 1, 2011)	Total Copper Daily Maximum Concentration 0.109 Milligrams per Liter (Dec. 21, 2001 - Mar. 1, 2006)
<i>Month/Year</i>					
Mar-06	227.4	368	c	N/A	c
Oct-06	c	c	0.075	N/A	0.175
Feb-07	c	c	N/A	0.065	N/A

c - compliant

Compliance History

Customer/Respondent/Owner-Operator: CN600329916 Printpack, Inc. Classification: AVERAGE Rating: 0.58
 Regulated Entity: RN102076163 PRINTPACK ORANGE PLANT Classification: AVERAGE Site Rating: 0.25
 ID Number(s):

WASTEWATER	PERMIT	WQ0002858000
WASTEWATER	PERMIT	TPDES0101192
WASTEWATER	PERMIT	TX0101192
AIR NEW SOURCE PERMITS	PERMIT	12507
AIR NEW SOURCE PERMITS	PERMIT	36201
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	OC0005N
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1810168
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD000803437
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	31161
WASTEWATER LICENSING	LICENSE	WQ0002858000

Rating Date: 9/1/2006 Repeat Violator: NO

Location: located at Farm-to-Market Road 1006, in the southwest quadrant of the Farm-to-Market Road 1006 intersection with Foreman Road approximately one mile north of Cow Bayou and 1000 feet south of Round Bunch Road, Orange County, Texas

TCEQ Region: REGION 10 - BEAUMONT
 Date Compliance History Prepared: June 26, 2007
 Agency Decision Requiring Compliance History: Enforcement

Compliance Period: June 26, 2002 to June 26, 2007

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

Name: Heather Brister Phone: 512-239-1203

Site Compliance History Components

- | | |
|--|-----|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership of the site during the compliance period? | No |
| 3. If Yes, who is the current owner? | N/A |
| 4. If Yes, who was/were the prior owner(s)? | N/A |
| 5. When did the change(s) in ownership occur? | N/A |

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
N/A
- B. Any criminal convictions of the state of Texas and the federal government.
N/A
- C. Chronic excessive emissions events.
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
 - 1 07/22/2002 (220137)
 - 2 08/21/2002 (220140)
 - 3 09/23/2002 (220142)
 - 4 10/23/2002 (220145)
 - 5 11/21/2002 (220148)
 - 6 12/18/2002 (220151)
 - 7 01/24/2003 (220154)
 - 8 02/20/2003 (321431)
 - 9 03/21/2003 (321440)
 - 10 04/22/2003 (220128)
 - 11 05/19/2003 (34559)

12	05/20/2003	(321434)
13	06/20/2003	(321435)
14	07/17/2003	(321436)
15	08/15/2003	(321438)
16	08/21/2003	(321437)
17	10/17/2003	(321439)
18	11/04/2003	(253202)
19	12/19/2003	(321441)
20	01/21/2004	(321442)
21	02/23/2004	(321432)
22	04/22/2004	(363517)
23	05/19/2004	(321433)
24	05/21/2004	(363518)
25	06/23/2004	(363519)
26	06/28/2004	(274090)
27	07/21/2004	(363520)
28	08/18/2004	(363521)
29	09/20/2004	(363522)
30	10/20/2004	(363523)
31	11/18/2004	(388297)
32	12/20/2004	(388298)
33	01/20/2005	(388299)
34	02/22/2005	(425851)
35	03/18/2005	(425852)
36	03/23/2005	(373592)
37	04/19/2005	(425853)
38	05/19/2005	(425854)
39	06/13/2005	(425855)
40	07/13/2005	(446348)
41	08/19/2005	(446349)
42	09/13/2005	(446350)
43	10/21/2005	(478830)
44	11/15/2005	(478831)
45	12/20/2005	(478832)
46	01/10/2006	(478833)
47	02/22/2006	(478828)
48	03/22/2006	(478829)
49	04/21/2006	(504844)
50	05/22/2006	(504845)
51	06/20/2006	(504846)
52	07/18/2006	(527150)
53	08/16/2006	(527151)
54	09/15/2006	(527152)
55	10/17/2006	(550988)
56	11/21/2006	(550989)
57	12/19/2006	(550990)
58	06/21/2007	(563652)

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

Date: **11/30/2002** (220151)
 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** (220154)
 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: 05/16/2003 (34559)

Self Report? NO Classification: Minor

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

Description: Failure to replace the casing vent screens on Well # 1.

Self Report? NO Classification: Minor

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

Description: Failure to provide a concrete sealing block on Well # 1 that extends at least 36 inches in all directions from the well casing. During the investigation, it was noted that the sealing block on Well # 1 extended about 12 inches from the well casing.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)[G]

Description: Failure to employ an operator with a Class "D" or higher license. During the investigation, the operator stated that he had failed to renew his license.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.44(h)(1)[G]

Description: Failure to protect the public drinking water supply system from potential contamination hazards. During the investigation, it was noted that the water system did not have the required backflow prevention assemblies on the water lines to the chilled water makeup tank and one of the cooling towers.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(iv)

30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)[G]

Description: Failure to keep monthly flushing records.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(3)(A)

Description: Failure to provide the proper size hypochlorination pump at Water Plant # 1. During the investigation, it was noted that the hypochlorination pump at Water Plant # 1 was operating at nearly 100 percent capacity and the water system's chlorine residual sample records frequently showed chlorine residual levels around

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter F 290.110(f)(1)[G]

30 TAC Chapter 290, SubChapter F 290.110(f)(3)

Description: Failure to record the sites where chlorine residual sample were taken.

Date: 03/31/2006 (504844)

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 (550989)

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: 02/28/2007

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
PRINTPACK, INC.
RN102076163**

§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2007-1070-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 Printpack, Inc. ("Printpack") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and Printpack appear before the Commission and together stipulate that:

1. Printpack owns and operates a wastewater treatment plant located at Farm-to-Market Road 1006, in the southwest quadrant of the Farm-to-Market Road 1006 intersection with Foreman Road approximately one mile north of Cow Bayou and 1000 feet south of Round Bunch Road, Orange County, Texas (the "Facility").
2. Printpack has discharged industrial waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Commission and Printpack agree that the Commission has jurisdiction to enter this Agreed Order, and that Printpack is subject to the Commission's jurisdiction.
4. Printpack received notice of the violations alleged in Section II ("Allegations") on or about June 26, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Printpack of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Three Thousand Sixty Dollars (\$3,060) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Printpack

has paid Two Thousand Four Hundred Forty Eight Dollars (\$2,448) of the administrative penalty and Six Hundred Twelve Dollars (\$612) is deferred contingent upon Printpack'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 Printpack fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Printpack 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 Printpack 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 Printpack has achieved compliance with the permitted effluent limitations during March 2007, by overhauling the cooling system and changing the water source for the cooling system.
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 Printpack 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, Printpack is alleged to have failed to comply with permit effluent limits, in violation of TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0002858000, Effluent Limitations and Monitoring Requirement No. 1, as documented during a record review conducted on June 8, 2007, and as shown in the following table:

EFFLUENT PARAMETER					
Permit Limit					
	Chemical Oxygen Demand Daily Average 150 Milligrams per Liter	Chemical Oxygen Demand Daily Maximum 200 Milligrams per Liter	Total Copper Daily Average Concentration 0.051 Milligrams per Liter (Dec. 21, 2001 - Nov. 15, 2006)	Total Copper Daily Average Concentration 0.048 Milligrams per Liter (Nov. 16, 2006 - Mar. 1, 2011)	Total Copper Daily Maximum Concentration 0.109 Milligrams per Liter (Dec. 21, 2001 - Mar. 1, 2006)
Month/Year					
Mar-06	227.4	368	c	N/A	c
Oct-06	c	c	0.075	N/A	0.175
Feb-07	c	c	N/A	0.065	N/A

c - compliant

DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Printpack pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Printpack'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: Printpack, Inc., Docket No. 2007-1070-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 Printpack. Printpack 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 Printpack 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 Printpack, or three days after the date on which the Commission mails notice of the Order to Printpack, 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

John Szallie

For the Executive Director

12/7/07

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 indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

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

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

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

Douglas Cook

Signature

9/19/07

Date

Douglas Cook

Name (Printed or typed)
Authorized Representative of
Printpack, Inc.

Director of Engineering

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.

