

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 2
DOCKET NO.: 2008-0930-AIR-E **TCEQ ID:** RN100214659 **CASE NO.:** 36004
RESPONDENT NAME: Clearstream Wastewater Systems, Incorporated

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 checked="" 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 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: Silsbee Plastics, 2987 Old Evadale Road, Silsbee, Hardin County</p> <p>TYPE OF OPERATION: Septic tank manufacturing plant</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" 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 October 20, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Daniel Siringi, Enforcement Division, Enforcement Team 5, MC R-10, (409) 899-8799; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Mr. Brady Grubbs, Vice President, Clearstream Wastewater Systems, Incorporated, 4899 Highway 69 South, Lumberton, Texas 77657 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: March 31, 2008</p> <p>Date of NOV/NOE Relating to this Case: May 29, 2008 (NOE)</p> <p>Background Facts: This was a record review.</p> <p>AIR</p> <p>Failure to timely submit two deviation reports ("DRs") and properly certify a corresponding annual compliance certification ("ACC"). Specifically, the Respondent reported three deviations on the current ACC (for the period ending February 8, 2008) which should have been reported in a DR and ACC for the period ending February 8, 2007 and a DR for the period ending August 8, 2007 [30 TEX. ADMIN. CODE §§ 116.115(c), 122.143(4), 122.145(2)(A), and 122.146(5)(D), Federal Operating Permit No. 1796, General Terms and Conditions, Air Permit No. 26245, General Condition 10, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>	<p>Total Assessed: \$4,750</p> <p>Total Deferred: \$950 <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: \$3,800</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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that, on March 7, 2008, the Respondent reported the three deviations which were not previously reported.</p>

Additional ID No(s): HF0034K



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision June 12, 2008

DATES	Assigned	2-Jun-2008	Screening	4-Jun-2008	EPA Due	
	PCW	25-Jun-2008				

RESPONDENT/FACILITY INFORMATION	
Respondent	Clearstream Wastewater Systems, Incorporated
Reg. Ent. Ref. No.	RN100214659
Facility/Site Region	10-Beaumont
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	36004	No. of Violations	1
Docket No.	2008-0930-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Daniel Siringi
Admin. Penalty \$ Limit Minimum	\$0	EC's Team	Enforcement Team 5
Maximum	\$10,000		

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$5,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	20.0% Enhancement	Subtotals 2, 3, & 7	\$1,000
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Notes	Enhancement for one 1660 order in the past five years at this plant.
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Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes	The Respondent does not meet the culpability criteria.
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Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$1,250
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$75	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$1,500	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$4,750
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	
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Final Penalty Amount	\$4,750
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$4,750
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DEFERRAL	20.0% Reduction	Adjustment	-\$950
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes	Deferral offered for expedited settlement.
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PAYABLE PENALTY	\$3,800
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Screening Date 4-Jun-2008

Docket No. 2008-0930-AIR-E

PCW

Respondent Clearstream Wastewater Systems, Incorporated

Policy Revision 2 (September 2002)

Case ID No. 36004

PCW Revision June 12, 2008

Reg. Ent. Reference No. RN100214659

Media [Statute] Air

Enf. Coordinator Daniel Siringi

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)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 20%

>> 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

Enhancement for one 1660 order in the past five years at this plant.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 20%

Screening Date 4-Jun-2008	Docket No. 2008-0930-AIR-E	PCW				
Respondent Clearstream Wastewater Systems, Incorporated	<i>Policy Revision 2 (September 2002)</i>					
Case ID No. 36004	<i>PCW Revision June 12, 2008</i>					
Reg. Ent. Reference No. RN100214659						
Media [Statute] Air						
Enf. Coordinator Daniel Siringi						
Violation Number <input type="text" value="1"/>						
Rule Cite(s)	30 Tex. Admin. Code §§ 116.115(c), 122.143(4), 122.145(2)(A), 122.146(5)(D), Federal Operating Permit ("FOP") No. 1796, General Terms and Conditions, Air Permit No. 26245, General Condition 10 and Tex. Health & Safety Code § 382.085(b)					
Violation Description	Failed to timely submit two deviation reports ("DRs") and properly certify a corresponding annual compliance certification ("ACC"). Specifically, the Respondent reported three deviations on the current ACC (for the period ending February 8, 2008) which should have been reported in a DR and ACC for the period ending February 8, 2007 and a DR for the period ending August 8, 2007.					
Base Penalty		<input type="text" value="\$10,000"/>				
>> Environmental, Property and Human Health Matrix						
OR	Harm					
	Release	Major	Moderate		Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0%"/>	
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>		
>> Programmatic Matrix						
	Falsification	Major	Moderate	Minor	Percent <input type="text" value="25%"/>	
	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>		
Matrix Notes	<input type="text" value="100% of the rule requirement was not met."/>					
Adjustment					<input type="text" value="\$7,500"/>	
					<input type="text" value="\$2,500"/>	
Violation Events						
Number of Violation Events		<input type="text" value="2"/>	Number of violation days			<input type="text" value="367"/>
<i>mark only one with an x</i>	daily	<input type="text"/>				Violation Base Penalty <input type="text" value="\$5,000"/>
	monthly	<input type="text"/>				
	quarterly	<input type="text"/>				
	semiannual	<input type="text"/>				
	annual	<input type="text"/>				
	single event	<input checked="" type="text" value="x"/>				
<input type="text" value="Two single events are recommended."/>						
Good Faith Efforts to Comply						
		<input type="text" value="25.0%"/>	Reduction		<input type="text" value="\$1,250"/>	
		Before NOV	NOV to EDRP/Settlement Offer			
Extraordinary	<input type="text"/>	<input type="text"/>				
Ordinary	<input checked="" type="text" value="x"/>	<input type="text"/>				
N/A	<input type="text"/>	(mark with x)				
Notes	<input type="text" value="The Respondent achieved compliance on March 7, 2008."/>					
Violation Subtotal					<input type="text" value="\$3,750"/>	
Economic Benefit (EB) for this violation						
Statutory Limit Test						
Estimated EB Amount		<input type="text" value="\$75"/>	Violation Final Penalty Total		<input type="text" value="\$4,750"/>	
This violation Final Assessed Penalty (adjusted for limits)					<input type="text" value="\$4,750"/>	

Economic Benefit Worksheet

Respondent Clearstream Wastewater Systems, Incorporated
Case ID No. 36004
Reg. Ent. Reference No. RN100214659
Media Air
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				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,500	6-Mar-2007	7-Mar-2008	1.01	\$75	n/a	\$75

Notes for DELAYED costs

Estimated cost of preparing and submitting reports in a timely manner. The date required is the date the first deviations were required to be reported and the final date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$75

Compliance History

Customer/Respondent/Owner-Operator:	CN601068992 Clearstream Wastewater Systems, Inc.	Classification: AVERAGE	Rating: 3.66																														
Regulated Entity:	RN100214659 SILSBEE PLASTICS	Classification: AVERAGE	Site Rating: 5.63																														
ID Number(s):	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">AIR OPERATING PERMITS</td> <td style="width: 25%;">ACCOUNT NUMBER</td> <td style="width: 25%;">HF0034K</td> </tr> <tr> <td>AIR OPERATING PERMITS</td> <td>PERMIT</td> <td>1796</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>PERMIT</td> <td>11967</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>PERMIT</td> <td>13602</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>PERMIT</td> <td>26245</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>ACCOUNT NUMBER</td> <td>HF0034K</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>AFS NUM</td> <td>4819900034</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>REGISTRATION</td> <td>76543</td> </tr> <tr> <td>STORMWATER</td> <td>PERMIT</td> <td>TXRNEU395</td> </tr> <tr> <td>STORMWATER</td> <td>PERMIT</td> <td>TXRNEV365</td> </tr> </table>			AIR OPERATING PERMITS	ACCOUNT NUMBER	HF0034K	AIR OPERATING PERMITS	PERMIT	1796	AIR NEW SOURCE PERMITS	PERMIT	11967	AIR NEW SOURCE PERMITS	PERMIT	13602	AIR NEW SOURCE PERMITS	PERMIT	26245	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HF0034K	AIR NEW SOURCE PERMITS	AFS NUM	4819900034	AIR NEW SOURCE PERMITS	REGISTRATION	76543	STORMWATER	PERMIT	TXRNEU395	STORMWATER	PERMIT	TXRNEV365
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AIR NEW SOURCE PERMITS	REGISTRATION	76543																															
STORMWATER	PERMIT	TXRNEU395																															
STORMWATER	PERMIT	TXRNEV365																															
Location:	2987 OLD EVADALE RD, SILSBEE, TX, 77656		Rating Date: 9/1/2007 Repeat Violator: NO																														
TCEQ Region:	REGION 10 - BEAUMONT																																
Date Compliance History Prepared:	June 03, 2008																																
Agency Decision Requiring Compliance History:	Enforcement																																
Compliance Period:	June 03, 2003 to June 03, 2008																																

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

Name: Daniel Siringi Phone: (409) 899-8799

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? Clearstream Wastewater Systems, Inc.
4. If Yes, who was/were the prior owner(s)? Silsbee Plastics, Inc.
5. When did the change(s) in ownership occur? 12/24/2003

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: 05/24/2004 ADMINORDER 2003-1276-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

30 TAC Chapter 122, SubChapter B 122.146(2)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: O-01796 OP

Description: Failure to supply the required annual compliance certification within 30 days after the end of the certification period.

- 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 | 06/25/2003 | (112717) |
| 2 | 02/12/2004 | (258850) |
| 3 | 04/07/2004 | (266072) |
| 4 | 10/13/2004 | (292644) |
| 5 | 07/12/2005 | (395826) |
| 6 | 05/08/2006 | (465252) |
| 7 | 04/20/2007 | (542591) |
| 8 | 05/29/2008 | (641028) |

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

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
CLEARSTREAM WASTEWATER
SYSTEMS, INCORPORATED
RN100214659

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§
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BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2008-0930-AIR-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 Clearstream Wastewater Systems, Incorporated ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a septic tank manufacturing plant at 2987 Old Evadale Road in Silsbee, Hardin County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about June 3, 2008.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Four Thousand Seven Hundred Fifty Dollars (\$4,750) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Three Thousand Eight Hundred Dollars (\$3,800) of the administrative penalty and Nine Hundred Fifty Dollars (\$950) is deferred contingent upon the Respondent'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 the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent 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 the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that on March 7, 2008, the Respondent reported the three deviations which were not previously reported.
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 the Respondent 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 Plant, the Respondent is alleged to have failed to timely submit two deviation reports ("DRs") and properly certify a corresponding annual compliance certification ("ACC"), in violation of 30 TEX. ADMIN. CODE §§ 116.115(c), 122.143(4), 122.145(2)(A), 122.146(5)(D), Federal Operating Permit ("FOP") No. 1796, General Terms and Conditions, Air Permit No. 26245, General Condition 10 and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on March 31, 2008. Specifically, the Respondent reported three deviations on the current ACC (for the period ending February 8, 2008) which should have been reported in a DR and ACC for the period ending February 8, 2007 and a DR for the period ending August 8, 2007.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent'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: Clearstream Wastewater Systems, Incorporated, Docket No. 2008-0930-AIR-E" to:

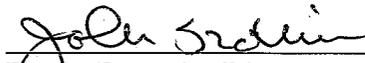
Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

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

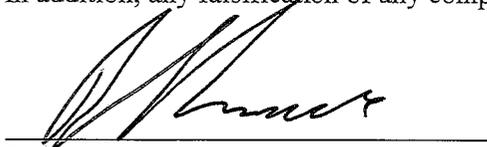
10/2/2008
Date

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:

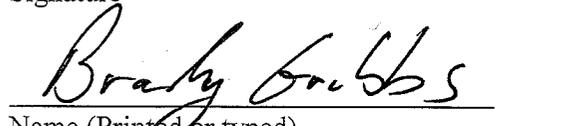
- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement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



Signature

8-11-08
Date



Name (Printed or typed)
Authorized Representative of
Clearstream Wastewater Systems, Incorporated

VP
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.

Faint, illegible text at the top of the page, possibly a header or title.

Second section of faint, illegible text, appearing as several lines of a letter or document.

Handwritten signature or name, slanted downwards.

Handwritten signature or name, slanted downwards.