

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.: 2006-0018-IHW-E TCEQ ID: RN102095882 CASE NO.: 27827**  
**RESPONDENT NAME: CSA LIMITED, INC.**

<b>ORDER TYPE:</b>		
<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	
<b>CASE TYPE:</b>		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input checked="" 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><b>SITE WHERE VIOLATION(S) OCCURRED:</b> 16212 State Highway 249, Houston, Harris County</p> <p><b>TYPE OF OPERATION:</b> aerosol packaging plant</p> <p><b>SMALL BUSINESS:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on December 17, 2007. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney:</b> Ms. Kathleen Decker, Litigation Division, MC 175, (512) 239-6500  Ms. Jennifer Cook, Litigation Division, MC 175, (512) 239-1873  <b>SEP Coordinator:</b> Ms. Sharon Blue, Litigation Division, MC 175, (512) 239-2223  <b>TCEQ Enforcement Coordinator:</b> Mr. Audra Ruble, Air Enforcement Section, MC R-14, (361) 825-3126  <b>TCEQ Regional Contact:</b> Ms. Nicole Bealle, Houston Regional Office, MC R-12, (713) 767-3623  <b>Respondent:</b> Mr. Marty York, Manager, Regulatory &amp; Safety Group, CSA Limited, Inc., 16212 State Highway 249, Houston, Texas 77086-1014  <b>Respondent's Attorney:</b> Mr. Peter Blute, Attorney at Law, 7676 Hillmont, Suite 150, Houston, Texas 77040</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b></p> <p><input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p><b>Date of Complaints Relating to this Case:</b> None</p> <p><b>Dates of Investigation Relating to this Case:</b> September 21, 2005</p> <p><b>Date of NOE Relating to this Case:</b> December 15, 2005</p> <p><b>Background Facts:</b> An EDPRP was filed on June 5, 2006. The matter was referred to SOAH and a signed Agreed Order was received on September 27, 2007.</p> <p>The Respondent in this case does not owe any other penalties according to the Administrative Penalty Database Report.</p> <p><b>IHW:</b></p> <p>1. Failed to update the Notice of Registration (NOR). Specifically, the NOR did not reflect: the roll-off box holding refuse waste; NOR tank 001 and NOR containers 003, 007, 008, 009, and 010 taken out of service; NOR unit 006 as RCRA-permit; and the status of Waste Streams 00021011, 0004011, 00011011, and 0007207H [30 TEX. ADMIN. CODE § 335.6(c)].</p> <p>2. Failed to obtain a structural integrity tank system assessment by a registered professional engineer and to meet secondary containment requirements for tanks used to store hazardous waste. Specifically, a written assessment of NOR 004 and 005 tanks was not obtained. Also, the secondary containment for NOR 004 did not have a containment wall surrounding the tank, the concrete pad was without a polymer coating, and the concrete at the south side of the tank had cracks and gaps [30 TEX. ADMIN. CODE § 335.69(a)(1)(B) and 40 CODE OF FEDERAL REGULATIONS § 265.192 and 265.193].</p>	<p><b>Total Assessed:</b> \$65,392</p> <p><b>Total Deferred:</b> \$0</p> <p><b>SEP Conditional Offset:</b> \$32,696</p> <p><b>Total Paid/Due to General Revenue:</b> \$1,196/\$31,500</p> <p>The Respondent has paid \$1,196 of the administrative penalty. The remaining amount of \$31,500 of the administrative penalty shall be payable in thirty-five monthly payments of \$900 each. The remaining \$32,696 of the administrative penalty shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project (SEP) described in Attachment "A" to the Agreed Order.</p> <p><b>Site Compliance History Classification</b> <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b> <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Action(s) Taken:</b></p> <p>The Executive Director recognizes that on April 6, 2006, the Respondent submitted a plan describing the emergency response arrangements agreed to by local police departments, fire departments, hospitals, contractors and State and local emergency response teams.</p> <p><b>Ordering Provision(s):</b></p> <p>The Respondent shall implement and complete a Supplemental Environmental Project as defined in Attachment "A" of the Agreed Order.</p> <p><b>Technical Requirement(s):</b></p> <p>The Respondent shall undertake the following technical requirements:</p> <ol style="list-style-type: none"> <li>1. Within 30 days:             <ol style="list-style-type: none"> <li>a. Properly dispose of all wastes stored in NOR tanks 004 and 005 in excess of authorized accumulation time frame;</li> <li>b. Submit a complete notification of all solid waste management activities (i.e., notification information on each waste and waste management units) conducted at the Facility;</li> <li>c. Obtain a structural integrity tank system assessment by a registered professional engineer for NOR 004 and 005 tanks;</li> <li>d. Have a secondary containment in place for all tanks accumulating waste;</li> <li>e. Perform closures for NOR container units 003, 007, 008, 009, and 010 and NOR tank 001; and,</li> <li>f. Conduct hazardous waste determinations on all waste generated at the Facility.</li> </ol> </li> <li>2. Within 75 days, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 1.</li> </ol>

3. Failed to perform proper closure procedures for units containing industrial solid waste. Specifically NOR container units 003, 007, 008, 009, and 010 and NOR tank 001 were removed from service without following proper closure procedures [30 TEX. ADMIN. CODE § 335.8].

4. Failed to conduct adequate waste determinations on waste generated at the Facility. Specifically, waste stream 0007207H was designated with the incorrect EPA hazardous waste code [30 TEX. ADMIN. CODE § 335.62 and 40 CODE OF FEDERAL REGULATIONS § 262.11].

5. Failed to have a plan describing the emergency response arrangements agreed to by local police departments, fire departments, hospitals, contractors, and the State and local emergency response teams [30 TEX. ADMIN. CODE § 335.69(a)(4) and 40 CODE OF FEDERAL REGULATIONS § 265.52].

6. Failed to obtain authorization to store hazardous waste at the Facility. Specifically, accumulation time frames for NOR tanks 004 and 005 were exceeded [30 TEX. ADMIN. CODE § 335.2(a)].

Attachment A

Docket Number: 2006-0018-IHW-E

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

**Respondent:** CSA Limited, Inc.

**Penalty Amount:** Sixty-Five Thousand Three Hundred Ninety-Two Dollars  
(\$65,392)

**SEP Amount:** Thirty-Two Thousand Six Hundred Ninety-Six Dollars  
(\$32,696)

**Type of SEP:** Pre-approved

**Third-Party Recipient:** Keep Texas Beautiful - *Stop Trashing Texas Program*

**Location of SEP:** Harris County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

A. Project

The Respondent shall contribute the SEP Amount to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the Keep Texas Beautiful ("KTB") Stop Trashing Texas Program will perform a SEP in Harris County pursuant to the agreement between KTB and the TCEQ. SEP monies will be used to promote the cleanup statewide of unauthorized trash dumps by supplying project coordination, labor, supplies, and materials for clean up events and by providing assistance with disposal fees for proper disposal of wastes collected at the events. Trash dump cleanups may be coordinated with waste collection facilities and/or local governments to employ heavy machinery for the removal of large waste items. To the maximum extent possible, cleanups shall be accomplished with the use of volunteers from community groups, private companies, schools, and youth organizations.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will help rid communities of the dangers and health threats associated with illegal trash dumps. Trash dump clean ups will help reduce the impact of solid waste on our environment and reduce the threat of pollution that may be caused by chemicals leaching from illegally dumped materials.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Keep Texas Beautiful  
Attention: Katie Sternberg, Projects Coordinator  
1524 South IH-35, Suite 150  
Austin, Texas 78704

**3. Records and Reporting**

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Litigation Division  
Attention: SEP Coordinator, MC 175  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

**4. Failure to Fully Perform**

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

In the event of incomplete performance, the Respondent shall submit a check for any amount due

with a notation that the payment is for a “SEP Refund” including the docket number of the case. The Respondent shall make the check out to “Texas Commission on Environmental Quality” and mail it to:

Litigation Division  
Attention: SEP Coordinator, MC 175  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

**5. Publicity**

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

**6. Clean Texas Program**

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

**7. Other SEPs by TCEQ or Other Agencies**

The SEP identified in this Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



**Penalty Calculation Worksheet (PCW)**  
 Policy Revision 2 (September 2002) PCW Revision May 19, 2005

<b>DATES</b>	<b>Assigned</b>	19-Dec-2005	<b>Screening</b>	03-Jan-2006	<b>EPA Due</b>	
	<b>PCW</b>	17-Aug-2007				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	CSA Limited, Inc.
<b>Reg. Ent. Ref. No.</b>	RN102095882
<b>Facility/Site Region</b>	12-Houston
<b>Major/Minor Source</b>	Major Source

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	27827	<b>No. of Violations</b>	6
<b>Docket No.</b>	2006-0018-IHW-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Industrial and Hazardous Waste	<b>Enf. Coordinator</b>	Audra L. Ruble
<b>Multi-Media</b>		<b>EC's Team</b>	5
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$10,000

**Penalty Calculation Section**

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$53,600
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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.

<b>Compliance History</b>	22% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$11,792
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**Notes** The respondent received 11 NOVs with other violations.

<b>Culpability</b>	No	0% Enhancement	<b>Subtotal 4</b>	\$0
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**Notes** The respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply</b>	0% Reduction	<b>Subtotal 5</b>	\$0
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	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with a small x)

**Notes** The respondent is not yet in compliance.

<b>Economic Benefit</b>	0% Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts	\$319	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$5,500	

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$65,392
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

**Notes**

<b>Final Penalty Amount</b>	\$65,392
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$65,392
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<b>DEFERRAL</b>	<b>Adjustment</b>	\$0
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Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

**Notes** No deferral is offered with non-expedited cases.

<b>PAYABLE PENALTY</b>	\$65,392
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**Screening Date** 03-Jan-2006 **Docket No.** 2006-0018-IHW-E **PCW**  
**Respondent** CSA Limited, Inc. *Policy Revision 2 (September 2002)*  
**Case ID No.** 27827 *PCW Revision May 19, 2005*  
**Reg. Ent. Reference No.** RN102095882  
**Media [Statute]** Industrial and Hazardous Waste  
**Enf. Coordinator** Audra L. Ruble

**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 ( <i>number of NOVs meeting criteria</i> )	0	0%
	Other written NOVs	11	22%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	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 ( <i>number of judgements or consent decrees meeting criteria</i> )	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 ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	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 ( <i>number of audits for which notices were</i>	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	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)** **22%**

>> **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 received 11 NOVs with other violations.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** **22%**

<b>Screening Date</b>	03-Jan-2006	<b>Docket No.</b>	2006-0018-IHW-E	<b>PCW</b>
<b>Respondent</b>	CSA Limited, Inc.	<i>Policy Revision 2 (September 2002)</i>		
<b>Case ID No.</b>	27827	<i>PCW Revision May 19, 2005</i>		
<b>Reg. Ent. Reference No.</b>	RN102095882			
<b>Media [Statute]</b>	Industrial and Hazardous Waste			
<b>Enf. Coordinator</b>	Audra L. Ruble			
<b>Violation Number</b>	1			
<b>Primary Rule Cite(s)</b>	30 Tex. Admin. Code § 335.6(c)			
<b>Secondary Rule Cite(s)</b>				
<b>Violation Description</b>	Failure to update the Notice of Registration (NOR), as documented during an investigation conducted on September 21, 2005. Specifically, the NOR did not reflect: the roll-off box holding refuse waste; NOR tank 001 and NOR containers 003, 007, 008, 009, and 010 taken out of service; NOR unit 006 as RCRA-permit exempt; and the status of Waste Streams 00021011, 0004011, 00011011, and 0007207H.			
<b>Base Penalty</b>				\$10,000

>> **Environmental, Property and Human Health Matrix**

OR	<b>Harm</b>			Percent	
	<b>Release</b>	Major	Moderate		Minor
	Actual				
	Potential				

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
				X	

Matrix Notes: Less than 30% of the rule requirement was not met.

**Adjustment** -\$9,900

**Base Penalty Subtotal** \$100

**Violation Events**

Number of Violation Events: 1

mark only one use a small x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	X

**Violation Base Penalty** \$100

One single event is recommended.

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
Estimated EB Amount: \$47	Violation Final Penalty Total: \$122
This violation Final Assessed Penalty (adjusted for limits): \$122	

### Economic Benefit Worksheet

Respondent: CSA Limited, Inc.  
 Case ID No: 27827  
 Reg. Ent. Reference No: RN102095882  
 Media [Statute]: Industrial and Hazardous Waste  
 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	\$1,000	21-Sep-2005	31-Aug-2006	0.9	\$47	n/a	\$47
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

The delayed cost includes the estimated amount required to update the NOR, calculated from the date of investigation to the estimated date of compliance.

**Avoided Costs**

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$1,000

**TOTAL** \$47

<b>Screening Date</b>	03-Jan-2006	<b>Docket No.</b>	2006-0018-IHW-E	<b>PCW</b>
<b>Respondent</b>	CSA Limited, Inc.		Policy Revision 2 (September 2002)	
<b>Case ID No.</b>	27827		PCW Revision May 19, 2005	
<b>Reg. Ent. Reference No.</b>	RN102095882			
<b>Media [Statute]</b>	Industrial and Hazardous Waste			
<b>Enf. Coordinator</b>	Audra L. Ruble			
<b>Violation Number</b>	2			
<b>Primary Rule Cite(s)</b>	30 Tex. Admin. Code § 335.69(a)(1)(B)			
<b>Secondary Rule Cite(s)</b>	40 Code of Federal Regulations § 265.192 and 265.193			
<b>Violation Description</b>	Failed to obtain a structural integrity tank system assessment by a registered professional engineer and to meet secondary containment requirements for tanks used to store hazardous waste, as documented during an investigation conducted on September 21, 2005. Specifically, a written assessment of NOR 004 and 005 tanks was not obtained. Also, the secondary containment for NOR 004 did not have a containment wall surrounding the tank, the concrete pad was without a polymer coating, and the concrete at the south side of the tank had cracks and gaps.			
<b>Base Penalty</b>	\$10,000			

>> **Environmental, Property and Human Health Matrix**

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				25%
Potential		X		

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent

**Matrix Notes**  
 Human health or the environment will or could be exposed to pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

**Adjustment** -\$7,500

**Base Penalty Subtotal** \$2,500

**Violation Events**

Number of Violation Events

mark only one use a small x	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	X
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>

**Violation Base Penalty** \$5,000

Two quarterly events are recommended from the date of the inspection, September 21, 2005, to the date of screening, January 3, 2006.

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
<b>Estimated EB Amount</b> <input type="text" value="\$90"/>	<b>Violation Final Penalty Total</b> <input type="text" value="\$6,100"/>
<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$6,100"/>	

### Economic Benefit Worksheet

**Respondent** CSA Limited, Inc.  
**Case ID No.** 27827  
**Reg. Ent. Reference No.** RN102095882  
**Media [Statute]** Industrial and Hazardous Waste  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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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	\$1,000	21-Sep-2005	31-Aug-2006	0.9	\$3	\$63	\$66
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)	\$500	21-Sep-2005	31-Aug-2006	0.9	\$24	n/a	\$24

**Notes for DELAYED costs**  
 The delayed cost includes the estimated amount required to obtain a structural integrity tank system assessment by a registered professional engineer and to meet secondary containment requirements for tanks used to store hazardous waste, calculated from the date of investigation to the estimated date of compliance.

Avoided Costs							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

**Notes for AVOIDED costs**

Approx. Cost of Compliance \$1,500

**TOTAL** \$90

**Screening Date** 03-Jan-2006 **Docket No.** 2006-0018-IHW-E **PCW**  
**Respondent** CSA Limited, Inc. *Policy Revision 2 (September 2002)*  
**Case ID No.** 27827 *PCW Revision May 19, 2005*  
**Reg. Ent. Reference No.** RN102095882  
**Media [Statute]** Industrial and Hazardous Waste  
**Enf. Coordinator** Audra L. Ruble  
**Violation Number** 3  
**Primary Rule Cite(s)** 30 Tex. Admin. Code § 335.8  
**Secondary Rule Cite(s)**  
**Violation Description** Failure to perform proper closure procedures for units containing industrial solid waste, as documented during an investigation conducted on September 21, 2005. Specifically, NOR container units 003, 007, 008, 009, and 010 and NOR tank 001 were removed from service without following proper closure procedures.  
**Base Penalty** \$10,000

>> **Environmental, Property and Human Health Matrix**

		Harm			
Release		Major	Moderate	Minor	
Actual					Percent 25%
Potential			X		

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent

**Matrix Notes** Human health or the environment will or could be exposed to pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

**Adjustment** -\$7,500

**Base Penalty Subtotal** \$2,500

**Violation Events**

**Number of Violation Events** 2  
*mark only one use a small x*  

daily	
monthly	
quarterly	X
semiannual	
annual	
single event	

**Violation Base Penalty** \$5,000

Two quarterly events are recommended from the date of the inspection, September 21, 2005, to the date of screening, January 3, 2006.

**Economic Benefit (EB) for this violation** **Statutory Limit Test**

**Estimated EB Amount** \$47 **Violation Final Penalty Total** \$6,100  
**This violation Final Assessed Penalty (adjusted for limits)** \$6,100

### Economic Benefit Worksheet

**Respondent:** CSA Limited, Inc.  
**Case ID No.:** 27827  
**Reg. Ent. Reference No.:** RN102095882  
**Media [Statute]:** Industrial and Hazardous Waste  
**Violation No.:** 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	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	\$1,000	21-Sep-2005	31-Aug-2006	0.9	\$47	n/a	\$47
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: The delayed cost includes the estimated amount required to perform proper closure procedures for units containing industrial solid waste, calculated from the date of investigation to the estimated date of compliance.

Avoided Costs							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs:

Approx. Cost of Compliance

**TOTAL**

<b>Screening Date</b>	03-Jan-2006	<b>Docket No.</b>	2006-0018-IHW-E	<b>PCW</b>
<b>Respondent</b>	CSA Limited, Inc.		<i>Policy Revision 2 (September 2002)</i>	
<b>Case ID No.</b>	27827	<i>PCW Revision May 19, 2005</i>		
<b>Reg. Ent. Reference No.</b>	RN102095882			
<b>Media [Statute]</b>	Industrial and Hazardous Waste			
<b>Enf. Coordinator</b>	Audra L. Ruble			
<b>Violation Number</b>	<input type="text" value="4"/>			
<b>Primary Rule Cite(s)</b>	<input type="text" value="30 Tex. Admin. Code § 335.62"/>			
<b>Secondary Rule Cite(s)</b>	<input type="text" value="40 Code of Federal Regulations § 262.11"/>			
<b>Violation Description</b>	Failure to conduct adequate waste determinations on waste generated at the facility, as documented during an investigation conducted on September 21, 2005. Specifically, waste stream 0007207H was designated with the incorrect EPA hazardous waste code.			
<b>Base Penalty</b>	<input type="text" value="\$10,000"/>			

>> **Environmental, Property and Human Health Matrix**

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

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent <input type="text"/>
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	
<b>Matrix Notes</b>	<input type="text" value="Improper handling of the waste could occur as a result of this violation."/>				

**Adjustment**

**Base Penalty Subtotal**

**Violation Events**

Number of Violation Events

<i>mark only one use a small x</i>	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input checked="" type="checkbox"/>

**Violation Base Penalty**

**Economic Benefit (EB) for this violation**      **Statutory Limit Test**

<b>Estimated EB Amount</b>	<input type="text" value="\$33"/>	<b>Violation Final Penalty Total</b>	<input type="text" value="\$1,220"/>
<b>This violation Final Assessed Penalty (adjusted for limits)</b>		<input type="text" value="\$1,220"/>	

### Economic Benefit Worksheet

**Respondent:** CSA Limited, Inc.  
**Case ID No.:** 27827  
**Reg. Ent. Reference No.:** RN102095882  
**Media [Statute]:** Industrial and Hazardous Waste  
**Violation No.:** 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	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)	\$500	21-Sep-2005	31-Aug-2006	0.9	\$2	\$31	\$33
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: The delayed cost includes the estimated amount required to conduct adequate waste determinations on waste generated at the facility, calculated from the date of investigation to the estimated date of compliance.

**Avoided Costs**

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$500

**TOTAL** \$33

<b>Screening Date</b>	03-Jan-2006	<b>Docket No.</b>	2006-0018-IHW-E	<b>PCW</b>
<b>Respondent</b>	CSA Limited, Inc.	<i>Policy Revision 2 (September 2002)</i>		
<b>Case ID No.</b>	27827	<i>PCW Revision May 19, 2005</i>		
<b>Reg. Ent. Reference No.</b>	RN102095882			
<b>Media [Statute]</b>	Industrial and Hazardous Waste			
<b>Enf. Coordinator</b>	Audra L. Ruble			
<b>Violation Number</b>	5			
<b>Primary Rule Cite(s)</b>	30Tex. Admin. Code § 335.69(a)(4)			
<b>Secondary Rule Cite(s)</b>	40 Code of Federal Regulations § 265.52			
<b>Violation Description</b>	Failure to have a complete plan describing the emergency response arrangements agreed to by local police departments, fire departments, hospitals, contractors, and State and local emergency response teams, as documented during an investigation conducted on September 21, 2005.			
<b>Base Penalty</b>				\$10,000

>> **Environmental, Property and Human Health Matrix**

OR	<b>Harm</b>				Percent
	<b>Release</b>	Major	Moderate	Minor	
	Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Potential	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	25%

>> **Programmatic Matrix**

	<b>Falsification</b>	Major	Moderate	Minor	Percent
	<input type="checkbox"/>				

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

**Adjustment** -\$7,500

**Base Penalty Subtotal** \$2,500

**Violation Events**

Number of Violation Events

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

**Violation Base Penalty** \$2,500

One single event is recommended.

**Economic Benefit (EB) for this violation**      **Statutory Limit Test**

<b>Estimated EB Amount</b>	\$36	<b>Violation Final Penalty Total</b>	\$3,050
<b>This violation Final Assessed Penalty (adjusted for limits)</b>		\$3,050	

### Economic Benefit Worksheet

**Respondent** CSA Limited, Inc.  
**Case ID No.** 27827  
**Reg. Ent. Reference No.** RN102095882  
**Media [Statute]** Industrial and Hazardous Waste  
**Violation No.** 5

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)	\$500	21-Sep-2005	30-Sep-2006	1.0	\$2	\$34	\$36
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**  
 The delayed cost includes the estimated amount required to have a plan describing the arrangements agreed to by local police departments, fire departments, hospitals, contractors, and State and local emergency response teams, calculated from the date of investigation to the estimated date of compliance.

Avoided Costs							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

**Notes for AVOIDED costs**

Approx. Cost of Compliance \$500

**TOTAL** \$36

<b>Screening Date</b>	03-Jan-2006	<b>Docket No.</b>	2006-0018-IHW-E	<b>PCW</b>
<b>Respondent</b>	CSA Limited, Inc.	Policy Revision 2 (September 2002)		
<b>Case ID No.</b>	27827	PCW Revision May 19, 2005		
<b>Reg. Ent. Reference No.</b>	RN102095882			
<b>Media [Statute]</b>	Industrial and Hazardous Waste			
<b>Enf. Coordinator</b>	Audra L. Ruble			
<b>Violation Number</b>	<input type="text" value="6"/>			
<b>Primary Rule Cite(s)</b>	<input type="text" value="30 Tex. Admin. Code § 335.2(a)"/>			
<b>Secondary Rule Cite(s)</b>				
<b>Violation Description</b>	Failure to obtain authorization to store hazardous waste at the facility, as documented during an investigation conducted on September 21, 2005. Specifically, accumulation time frames for NOR tanks 004 and 005 were exceeded.			
<b>Base Penalty</b>	<input type="text" value="\$10,000"/>			

>> **Environmental, Property and Human Health Matrix**

OR	<b>Harm</b>				Percent <input type="text"/>
	<b>Release</b>	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	
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

**Adjustment**

**Base Penalty Subtotal**

**Violation Events**

Number of Violation Events

mark only one use a small x	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input checked="" type="text" value="X"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>

**Violation Base Penalty**

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
Estimated EB Amount <input type="text" value="\$66"/>	Violation Final Penalty Total <input type="text" value="\$48,800"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$48,800"/>	

### Economic Benefit Worksheet

**Respondent** CSA Limited, Inc.  
**Case ID No.** 27827  
**Reg. Ent. Reference No.** RN102095882  
**Media [Statute]** Industrial and Hazardous Waste  
**Violation No.** 6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost <small>No commas or \$</small>	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)	\$1,000	21-Sep-2005	31-Aug-2006	0.9	\$3	\$63	\$66
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: The delayed cost includes the estimated amount required to obtain authorization to store hazardous waste at the facility, calculated from the date of investigation to the estimated date of compliance.

**Avoided Costs**

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs:

Approx. Cost of Compliance \$1,000

**TOTAL** \$66

# Compliance History

Customer/Respondent/Owner-Operator:	CN600368997    CSA Limited, Inc.	Classification: AVERAGE	Rating: 1.19
Regulated Entity:	RN102095882    CSA	Classification: AVERAGE	Site Rating: 1.19
ID Number(s):	INDUSTRIAL AND HAZARDOUS WASTE GENERATION INDUSTRIAL AND HAZARDOUS WASTE GENERATION  WASTEWATER WASTEWATER AIR NEW SOURCE PERMITS AIR NEW SOURCE PERMITS AIR NEW SOURCE PERMITS STORMWATER	SOLID WASTE REGISTRATION # (SWR) EPA ID  PERMIT PERMIT PERMIT ACCOUNT NUMBER AFS NUM PERMIT	31504  TXD026575878  WQ0004084000 TPDES0063878 17012 HG1322H 0926 TXR05N739
Location:	16212 STATE HIGHWAY 249, HOUSTON, TX, 77086	Rating Date: September 01 05	Repeat Violator: NO
TCEQ Region:	REGION 12 - HOUSTON		
Date Compliance History Prepared:	January 13, 2006		
Agency Decision Requiring Compliance	Enforcement		
Compliance Period:	January 02, 2001 to January 02, 2006		
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History			
Name:	<u>Joseph Daley</u>	Phone:	<u>239-3308</u>

## 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?   | <u>N/A</u> |
| 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  | 07/25/2005 | (395348) |
| 2  | 08/04/2003 | (147807) |
| 3  | 01/27/2003 | (192739) |
| 4  | 01/18/2002 | (192738) |
| 5  | 12/27/2002 | (192737) |
| 6  | 01/18/2002 | (192736) |
| 7  | 12/02/2002 | (192735) |
| 8  | 01/18/2002 | (192734) |
| 9  | 10/21/2002 | (192733) |
| 10 | 11/06/2001 | (192732) |
| 11 | 09/20/2002 | (192731) |
| 12 | 08/19/2002 | (192730) |
| 13 | 07/22/2002 | (192729) |
| 14 | 06/20/2002 | (192728) |

15 05/22/2002 (192727)  
16 04/23/2002 (192726)  
17 04/22/2002 (192725)  
18 02/24/2003 (192724)  
19 04/22/2002 (192723)  
20 04/30/2001 (192722)  
21 12/15/2005 (433373)  
22 08/31/2001 (80580)  
23 09/13/2001 (80581)  
24 05/05/2005 (378614)  
25 07/03/2003 (127365)

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

Date: 07/01/2003 (127365)

Classification: Minor

Self Report? NO

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: PERMIT IA

Description: Failure to maintain compliance with permitted chlorine limit.

Date: 12/31/2002 (192739)

Classification: Moderate

Self Report? YES

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: 12/31/2001 (192738)

Classification: Moderate

Self Report? YES

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 (192735)

Classification: Moderate

Self Report? YES

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: 10/31/2001 (192734)

Classification: Moderate

Self Report? YES

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 (192733)

Classification: Moderate

Self Report? YES

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 (192731)

Classification: Moderate

Self Report? YES

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 (192730)

Classification: Moderate

Self Report? YES

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 (192729) Classification: Moderate  
Self Report? YES  
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 (192727) Classification: Moderate  
Self Report? YES  
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 (192725) Classification: Moderate  
Self Report? YES  
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  
CSA LIMITED, INC.  
RN102095882**

§  
§  
§  
§  
§

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2006-0018-IHW-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 CSA Limited, Inc. ("CSA") under the authority of the TEX. HEALTH & SAFETY CODE ch. 361 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Litigation Division, and CSA appear before the Commission and together stipulate that:

1. CSA owns and operates an aerosol packaging plant at 16212 State Highway 249 in Houston, Harris County, Texas (the "Facility").
2. This Agreed Order is entered pursuant to TEX. WATER CODE §§ 7.051 and 7.070. The Commission has jurisdiction of this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 361.
3. The Commission and CSA agree that the Commission has jurisdiction to enter this Agreed Order, and that CSA is subject to the Commission's jurisdiction.
4. CSA received notice of the violations alleged in Section II ("Allegations") on or about December 20, 2005.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by CSA of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of sixty-five thousand three hundred ninety-two dollars (\$65,392.00) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Thirty-two thousand six hundred ninety-six dollars (\$32,696.00) shall be conditionally offset by CSA's completion of a Supplemental

Environmental Project as defined in Attachment A and incorporated herein by reference. CSA's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement. CSA has paid one thousand one hundred ninety-six dollars (\$1,196.00) of the remaining administrative penalty. The remaining amount of thirty-one thousand five hundred dollars (\$31,500.00) of the administrative penalty shall be payable in thirty-five monthly payments of nine hundred dollars (\$900.00) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If CSA fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, including the payment schedule, the Executive Director may, at his option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of CSA to meet the payment schedule of this Agreed Order constitutes the failure of CSA to timely and satisfactorily comply with all of the terms of this Agreed Order.

7. Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and CSA 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 April 6, 2006, CSA submitted a plan describing the emergency response arrangements agreed to by local police departments, fire departments, hospitals, contractors and State and local emergency response teams in accordance with 30 TEX. ADMIN. CODE § 335.69.
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 CSA 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, CSA is alleged to have:

1. Failed to update the Notice of Registration (NOR), in violation of 30 TEX. ADMIN. CODE § 335.6(c), as documented during an investigation conducted on September 21, 2005. Specifically, the NOR did not reflect: the roll-off box holding refuse waste; NOR tank 001 and NOR containers 003, 007, 008, 009, and 010 taken out of service; NOR unit 006 as RCRA-permit exempt; and the status of Waste Streams 00021011, 0004011, 00011011, and 0007207H.
2. Failed to obtain a structural integrity tank system assessment by a registered professional engineer and to meet secondary containment requirements for tanks used to store hazardous waste, in violation of 30 TEX. ADMIN. CODE § 335.69(a)(1)(B) and 40 CODE OF FEDERAL REGULATIONS § 265.192 and 265.193, as documented during an investigation conducted on September 21, 2005. Specifically, a written assessment of NOR 004 and 005 tanks was not obtained. Also, the secondary containment for NOR 004 did not have a containment wall surrounding the tank, the concrete pad was without a polymer coating, and the concrete at the south side of the tank had cracks and gaps.
3. Failed to perform proper closure procedures for units containing industrial solid waste, in violation of 30 TEX. ADMIN. CODE § 335.8, as documented during an investigation conducted on September 21, 2005. Specifically NOR container units 003, 007, 008, 009, and 010 and NOR tank 001 were removed from service without following proper closure procedures.
4. Failed to conduct adequate waste determinations on waste generated at the Facility, in violation of 30 TEX. ADMIN. CODE § 335.62 and 40 CODE OF FEDERAL REGULATIONS § 262.11, as documented during an investigation conducted on September 21, 2005. Specifically waste stream 0007207H was designated with the incorrect EPA hazardous waste code.
5. Failed to have a plan describing the emergency response arrangements agreed to by local police departments, fire departments, hospitals, contractors, and State and local emergency response teams, in violation of 30 TEX. ADMIN. CODE § 335.69(a)(4) and 40 CODE OF FEDERAL REGULATIONS § 265.52, as documented during an investigation conducted on September 21, 2005.
6. Failure to obtain authorization to store hazardous waste at the Facility, in violation of 30 TEX. ADMIN. CODE § 335.2(a), as documented during an investigation conducted on September 21, 2005. Specifically, accumulation time frames for NOR tanks 004 and 005 were exceeded.

### III. DENIALS

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

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that CSA pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and CSA'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: CSA Limited, Inc., Docket No. 2006-0018-IHW-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. CSA shall implement and complete a Supplemental Environmental Project in accordance with TEX. WATER CODE § 7.067. Thirty-two thousand six hundred ninety-six dollars (\$32,696.00) of the assessed penalty shall be offset with the condition that CSA implement the SEP defined in Attachment A. CSA's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. It is further ordered that CSA shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Agreed Order, CSA shall:
    - i. Properly dispose of all wastes stored in NOR tanks 004 and 005 in excess of authorized accumulation time frame.
    - ii. Submit a complete notification of all solid waste management activities (i.e., notification information on each waste and waste management units) conducted at the Facility, in accordance with of 30 TEX. ADMIN. CODE § 335.6.

- iii. Obtain a structural integrity tank system assessment by a registered professional engineer for NOR 004 and 005 tanks, in accordance with of 30 TEX. ADMIN. CODE § 335.69.
  - iv. Have secondary containment in place for all tanks accumulating waste, in accordance with of 30 TEX. ADMIN. CODE § 335.69.
  - v. Perform closures for NOR container units 003, 007, 008, 009, and 010 and NOR tank 001 in accordance with of 30 TEX. ADMIN. CODE § 335.8.
  - vi. Conduct hazardous waste determinations on all waste generated at the Facility, in accordance with of 30 TEX. ADMIN. CODE § 335.62.
- b. Within 75 days after the effective date of this Agreed Order, CSA shall submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision 3.a.i. through 3.a.vi.

The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:

Ms. Nicole Bealle  
Waste Section Manager  
Houston Regional Office  
Texas Commission on Environmental Quality  
5424 Polk Avenue, Ste. H  
Houston, Texas 77023-1452

4. The provisions of this Agreed Order shall apply to and be binding upon CSA. CSA 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.
5. If CSA fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, CSA's failure to comply is not a violation of this Agreed Order. CSA shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. CSA shall notify the Executive Director within seven days after CSA becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by CSA shall be made in writing to the Executive Director. Extensions are not effective until CSA receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. This Agreed Order, issued by the Commission, shall not be admissible against CSA 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.
8. 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.

9. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to CSA, or three days after the date on which the Commission mails notice of the Order to CSA, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

CSA Limited, Inc.  
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**SIGNATURE PAGE**

**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

For the Commission

*John Gruen Perdue*

For the Executive Director

*11/28/07*

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 CSA's failure to comply with the Ordering Provisions, if any, in this order and/or CSA's failure to timely pay the penalty amount, may result in:

- A negative impact on CSA's compliance history;
- Greater scrutiny of any permit applications submitted by CSA;
- 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 CSA;
- Automatic referral to the Attorney General's Office of any future enforcement actions against CSA; and
- TCEQ seeking other relief as authorized by law.

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

*Marty A. York*

Signature

SEPTEMBER 28, 2007

Date

MARTY A. YORK

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

MANAGER, REGULATORY AND SAFETY GROUP

Title

**Attachment A**  
**Docket Number: 2006-0018-IHW-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

**Respondent:** CSA Limited, Inc.

**Penalty Amount:** Sixty-Five Thousand Three Hundred Ninety-Two Dollars  
(\$65,392)

**SEP Amount:** Thirty-Two Thousand Six Hundred Ninety-Six Dollars  
(\$32,696)

**Type of SEP:** Pre-approved

**Third-Party Recipient:** Keep Texas Beautiful - *Stop Trashing Texas Program*

**Location of SEP:** Harris County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

A. Project

The Respondent shall contribute the SEP Amount to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the Keep Texas Beautiful ("KTB") Stop Trashing Texas Program will perform a SEP in Harris County pursuant to the agreement between KTB and the TCEQ. SEP monies will be used to promote the cleanup statewide of unauthorized trash dumps by supplying project coordination, labor, supplies, and materials for clean up events and by providing assistance with disposal fees for proper disposal of wastes collected at the events. Trash dump cleanups may be coordinated with waste collection facilities and/or local governments to employ heavy machinery for the removal of large waste items. To the maximum extent possible, cleanups shall be accomplished with the use of volunteers from community groups, private companies, schools, and youth organizations.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will help rid communities of the dangers and health threats associated with illegal trash dumps. Trash dump clean ups will help reduce the impact of solid waste on our environment and reduce the threat of pollution that may be caused by chemicals leaching from illegally dumped materials.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Keep Texas Beautiful  
Attention: Katie Sternberg, Projects Coordinator  
1524 South IH-35, Suite 150  
Austin, Texas 78704

**3. Records and Reporting**

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Litigation Division  
Attention: SEP Coordinator, MC 175  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

**4. Failure to Fully Perform**

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

In the event of incomplete performance, the Respondent shall submit a check for any amount due

with a notation that the payment is for a “SEP Refund” including the docket number of the case. The Respondent shall make the check out to “Texas Commission on Environmental Quality” and mail it to:

Litigation Division  
Attention: SEP Coordinator, MC 175  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

**5. Publicity**

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

**6. Clean Texas Program**

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

**7. Other SEPs by TCEQ or Other Agencies**

The SEP identified in this Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.