

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 2
DOCKET NO.: 2007-0928-IWD-E **TCEQ ID:** RN102739711 **CASE NO.:** 33790
RESPONDENT NAME: Coastal Chemical Co., L.L.C.

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Coastal Chemical, on the north side of Pasadena Boulevard, approximately 11,500 feet south-southwest of the intersection of State Highway 225 and East Belt Drive, Pasadena, Harris County</p> <p>TYPE OF OPERATION: Industrial wastewater treatment</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 December 17, 2007. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Michael Meyer, Enforcement Division, Enforcement Team 7, MC 128, (512) 239-4492; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Mr. Randy King, President, Coastal Chemical Co., L.L.C., 1312 Industrial, Kilgore, Texas 75662 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 7, 2007</p> <p>Date of NOV/NOE Relating to this Case: April 2, 2007 (NOE)</p> <p>Background Facts: This was a routine record review.</p> <p>WATER</p> <p>1) Failed to comply with permitted effluent limitations for Chemical Oxygen Demand and Oil and Grease [TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 03483, Effluent Limitations and Monitoring Requirements No. 1].</p> <p>2) Failed to submit monitoring data on discharge monitoring reports for the pH minimum during the months of December 2005, January 2006, March 2006, May 2006, June 2006, July 2006, and September 2006 [30 TEX. ADMIN. CODE § 305.125(17), and TPDES Permit No. 03483, Monitoring and Reporting Requirements No. 1].</p>	<p>Total Assessed: \$4,509</p> <p>Total Deferred: \$901 <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: \$3,608</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent returned to compliance with permitted effluent limitations on July 1, 2006 and began implementing record keeping practices to record and report the pH minimum as of April 17, 2007.</p>

Additional ID No(s): WQ0003483000, TPDES0118648, TX0118648



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision May 25, 2007

DATES	Assigned	9-Apr-2007	Screening	20-Apr-2007	EPA Due	
	PCW	13-Jun-2007				

RESPONDENT/FACILITY INFORMATION			
Respondent	Coastal Chemical Co., L.L.C.		
Reg. Ent. Ref. No.	RN102739711		
Facility/Site Region	12-Houston	Major/Minor Source	Minor

CASE INFORMATION				
Enf./Case ID No.	33790	No. of Violations	2	
Docket No.	2007-0928-IWD-E	Order Type	1660	
Media Program(s)	Water Quality	Enf. Coordinator	Laurie Eaves	
Multi-Media		EC's Team	EnforcementTeam 1	
Admin. Penalty \$	Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

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

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History Subtotals 2, 3, & 7

Notes

Culpability Subtotal 4

Notes

Good Faith Effort to Comply Subtotal 5

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		X
N/A		

Notes

0% Enhancement* Subtotal 6
 *Capped at the Total EB \$ Amount

Total EB Amounts	\$74
Approx. Cost of Compliance	\$1,683

SUM OF SUBTOTALS 1-7 Final Subtotal

OTHER FACTORS AS JUSTICE MAY REQUIRE Adjustment

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

Notes

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty

DEFERRAL Adjustment

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

Notes

PAYABLE PENALTY

Screening Date 20-Apr-2007

Docket No. 2007-0928-IWD-E

PCW

Respondent Coastal Chemical Co., L.L.C.

Policy Revision 2 (September 2002)

Case ID No. 33790

PCW Revision May 25, 2007

Reg. Ent. Reference No. RN102739711

Media [Statute] Water Quality

Enf. Coordinator Laurie Eaves

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>)	16	80%
	Other written NOVs	0	0%
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 submitted</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) 80%

>> 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 self-reported 15 months of effluent quality violations and was issued one written NOV including same or similar violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 80%

Screening Date 20-Apr-2007	Docket No. 2007-0928-IWD-E	PCW
Respondent Coastal Chemical Co., L.L.C.	<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 33790	<i>PCW Revision May 25, 2007</i>	
Reg. Ent. Reference No. RN102739711		
Media [Statute] Water Quality		
Enf. Coordinator Laurie Eaves		
Violation Number <input type="text" value="1"/>		
Rule Cite(s)	Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. 03483, Effluent Limitations and Monitoring Requirements No. 1	
Violation Description	Failed to comply with permitted effluent limitations as detailed in the attached effluent violation chart, as documented during a record review conducted on March 7, 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"/>		x
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="10%"/>	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	
					Percent <input type="text" value="0%"/>
Matrix Notes	Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed protective levels.				

Adjustment

Violation Events

Number of Violation Events Number of violation days

<i>mark only one with an x</i>	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

Two quarterly events are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Coastal Chemical Co., L.L.C.
Case ID No. 33790
Reg. Ent. Reference No. RN102739711
Media Water Quality
Violation No. 1

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)	\$1,483	1-Dec-2005	1-Jul-2006	0.6	\$3	\$57	\$60
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
 Estimated cost associated with repairing a gasket and leaking insulation, steam cleaning the tank farm concrete pads and secondary containment walls, and disposing of the resulting fluids. Date required is the date of the initial violation. Final Date is the date of compliance.

Item Description	Item Cost <small>No commas or \$</small>	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	\$1,483	TOTAL	\$60
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Screening Date	20-Apr-2007	Docket No.	2007-0928-IWD-E	PCW
Respondent	Coastal Chemical Co., L.L.C.	<i>Policy Revision 2 (September 2002)</i>		
Case ID No.	33790	<i>PCW Revision May 25, 2007</i>		
Reg. Ent. Reference No.	RN102739711			
Media [Statute]	Water Quality			
Enf. Coordinator	Laurie Eaves			
Violation Number	2			
Rule Cite(s)	30 Tex. Admin. Code § 305.125(17), and TPDES Permit No. 03483, Monitoring and Reporting Requirements No. 1			
Violation Description	Failed to submit monitoring data on discharge monitoring reports for the pH minimum during the months of December 2005, January 2006, March 2006, May 2006, June 2006, July 2006, and September 2006, as documented during a record review conducted on March 7, 2007.			
Base Penalty				\$10,000

>> Environmental, Property and Human Health Matrix

OR	Harm			Percent	
	Release	Major	Moderate		Minor
	Actual	<input type="text"/>	<input type="text"/>		<input type="text"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0%"/>	

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input checked="" type="text" value="x"/>	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	
70% of the requirement was met.					

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

Seven monthly events are recommended, one for each monthly report.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Coastal Chemical Co., L.L.C.
Case ID No. 33790
Reg. Ent. Reference No. RN102739711
Media Water Quality
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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No commas or \$

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$200	1-Dec-2005	17-Apr-2007	1.4	\$14	n/a	\$14
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

Estimated cost associated with implementing record keeping practices on pH. Date required is the initial date the data was not maintained. Final date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$200

TOTAL

\$14

Coastal Chemical Co., L.L.C.
RN102739711
Docket No. 2007-0928-IWD-E

Month	Chemical Oxygen Demand Daily Maximum Limit = 150 mg/L	Oil and Grease Daily Maximum Limit = 10 mg/L
December 2005	496	c
January 2006	756	c
June 2006	c	12

c = compliant

mg/L = milligrams per liter

Compliance History

Customer/Respondent/Owner-Operator: CN600245336 Coastal Chemical Co., L.L.C. Classification: AVERAGE Rating: 2.50
Regulated Entity: RN102739711 COASTAL CHEMICAL Classification: AVERAGE Site Rating: 0.97
ID Number(s): WASTEWATER PERMIT WQ0003483000
WASTEWATER PERMIT TPDES0118648
WASTEWATER PERMIT TX0118648

Location: North side of Pasadena Boulevard, approximately 11,500 feet south-southwest of the intersection of State Highway 225 and East Belt Drive in Pasadena, Harris County

Rating Date: September 01 06

Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: June 13, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: June 13, 2002 to June 13, 2007

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

Name: Laurie Eaves Phone: 512/239-4495

Site Compliance History Components

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

Components (Multimedia) for the Site :

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

N/A

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

N/A

C. Chronic excessive emissions events.

N/A

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

- 1 07/08/2002 (233523)
- 2 08/08/2002 (233526)
- 3 09/09/2002 (233529)
- 4 10/07/2002 (233531)
- 5 11/14/2002 (233534)
- 6 12/09/2002 (233538)
- 7 01/08/2003 (233542)
- 8 02/07/2003 (233507)
- 9 03/05/2003 (233510)
- 10 04/09/2003 (327102)
- 11 05/05/2003 (233517)
- 12 05/30/2003 (327104)
- 13 07/07/2003 (327105)
- 14 08/08/2003 (327106)
- 15 09/04/2003 (327107)
- 16 10/09/2003 (327108)
- 17 11/05/2003 (327109)
- 18 12/08/2003 (327110)
- 19 01/13/2004 (327111)
- 20 01/29/2004 (258807)
- 21 02/04/2004 (327100)
- 22 03/08/2004 (327101)
- 23 04/05/2004 (327103)
- 24 05/06/2004 (366857)
- 25 06/03/2004 (366858)
- 26 07/12/2004 (366859)
- 27 08/11/2004 (366860)
- 28 09/10/2004 (366861)
- 29 10/11/2004 (366862)
- 30 11/04/2004 (366863)
- 31 12/06/2004 (389958)
- 32 01/05/2005 (389959)
- 33 02/07/2005 (427465)

34 05/13/2005 (427466)
35 05/13/2005 (427467)
36 06/02/2005 (427468)
37 07/07/2005 (427469)
38 08/05/2005 (447509)
39 09/12/2005 (447510)
40 10/03/2005 (492411)
41 11/07/2005 (492412)
42 12/07/2005 (492413)
43 01/09/2006 (492414)
44 02/14/2006 (492410)
45 04/10/2006 (506248)
46 05/02/2006 (506249)
47 06/05/2006 (506250)
48 07/05/2006 (528486)
49 08/07/2006 (528487)
50 08/25/2006 (486076)
51 09/08/2006 (528488)
52 10/05/2006 (551847)
53 11/08/2006 (551848)
54 12/04/2006 (551849)
55 02/20/2007 (541241)
56 04/03/2007 (543331)

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

Date: 08/31/2002 (233529)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 09/30/2002 (233531)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 02/28/2003 (233510)

Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 03/31/2003 (327102)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 08/31/2003 (327107)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 04/30/2004 (366857)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 05/31/2004 (366858)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 06/30/2004 (366859)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 07/31/2004 (366860)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 08/31/2004 (366861)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 05/31/2005 (427468)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 07/31/2005 (447509)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 12/31/2005 (492414)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 01/31/2006 (492410)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 06/30/2006 (528486)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 08/25/2006 (486076)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: PERMIT Effluent Limits
Description: Failure to maintain compliance with permit limits for chemical oxygen demand and oil & grease.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 319, SubChapter A 319.7(c)
Description: Failure to maintain copies of the monthly discharge monitoring reports (DMRs).

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 319, SubChapter A 319.7(a)[G]
Description: Failure to maintain copies of the chain of custody records.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 319, SubChapter A 319.11(a)
30 TAC Chapter 319, SubChapter A 319.11(b)
30 TAC Chapter 319, SubChapter A 319.11(c)
Description: Failure to properly collect, preserve, store, transport, and analyze effluent samples.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 319, SubChapter A 319.7(a)[G]
Description: Failure to maintain adequate sampling records.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(9)
Rqmt Prov: PERMIT M&RR, P. 5, No. 7c.
Description: Failure to provide effluent violation notification letters in accordance with the permit requirements and applicable State regulations.

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 COASTAL
CHEMICAL CO., L.L.C.
RN102739711

§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2007-0928-IWD-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Coastal Chemical Co., L.L.C. ("Coastal") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and Coastal appear before the Commission and together stipulate that:

1. Coastal owns and operates an industrial wastewater treatment facility located on the north side of Pasadena Boulevard, approximately 11,500 feet south-southwest of the intersection of State Highway 225 and East Belt Drive in Pasadena, Harris County, Texas (the "Facility").
2. Coastal has discharged industrial wastewater into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Commission and Coastal agree that the Commission has jurisdiction to enter this Agreed Order, and that Coastal is subject to the Commission's jurisdiction.
4. Coastal received notice of the violations alleged in Section II ("Allegations") on or about April 7, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Coastal of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Four Thousand Five Hundred Nine Dollars (\$4,509) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Coastal has paid Three Thousand Six Hundred Eight Dollars (\$3,608) of the administrative penalty and Nine Hundred One Dollars (\$901) is deferred contingent upon Coastal'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 Coastal fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Coastal 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 Coastal 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 Coastal returned to compliance with permitted effluent limitations on July 1, 2006 and began implementing record keeping practices to record and report the pH minimum as of April 17, 2007.
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 Coastal 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, Coastal is alleged to have:

1. Failed to comply with permitted effluent limitations as detailed in the effluent violation chart below, in violation of TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 03483, Effluent Limitations and Monitoring Requirements No. 1, as documented during a record review conducted on March 7, 2007.

Month	Chemical Oxygen Demand Daily Maximum Limit = 150 mg/L	Oil and Grease Daily Maximum Limit = 10 mg/L
December 2005	496	c
January 2006	756	c
June 2006	c	12

c = compliant

mg/L = milligrams per liter

2. Failed to submit monitoring data on discharge monitoring reports for the pH minimum during the months of December 2005, January 2006, March 2006, May 2006, June 2006, July 2006, and September 2006, in violation of 30 TEX. ADMIN. CODE § 305.125(17), and TPDES Permit No. 03483, Monitoring and Reporting Requirements No. 1, as documented during a record review conducted on March 7, 2007.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Coastal pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Coastal'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: Coastal Chemical Co. L.L.C., Docket No. 2007-0928-IWD-E" to:

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

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

OCT. 15. 2007 2:10PM

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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John Bradley
For the Executive Director

2/6/2008
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.

Randy King
Signature

10/16/07
Date

RANDY KING
Name (Printed or typed)
Authorized Representative of
Coastal Chemical Co., L.L.C.

PRESIDENT
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.

