

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 3
DOCKET NO.: 2008-0788-IWD-E **TCEQ ID:** RN100214428 **CASE NO.:** 35939
RESPONDENT NAME: TIN Inc.

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Orange Linerboard Mill, located approximately five miles north of the City of Orange, between State Highway 87 and the Sabine River, north of West Bluff Road, Orange County</p> <p>TYPE OF OPERATION: Industrial wastewater treatment facility</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 November 17, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: Ms. Melissa Keller, SEP Coordinator, Enforcement Division, MC 219, (512) 239-1768 TCEQ Enforcement Coordinator: Ms. Lanae Foard, Enforcement Division, Enforcement Team 1, MC 169, (512) 239-2554; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Mr. Thomas C. Sweetser, Mill Manager, TIN Inc., 1750 Inland Road, Orange, Texas 77632 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 checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input 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 26, 2008</p> <p>Date of NOV/NOE Relating to this Case: April 29, 2008 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>WATER</p> <p>1) Failure to prevent the unauthorized discharge of wastewater into or adjacent to water in the state. Specifically, six unauthorized discharges were reported from January 2006 through July 2007 [TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0001185000, Permit Conditions No. 2.g].</p> <p>2) Failure to properly calculate and report chemical oxygen demand ("COD"). Specifically, it was documented that the Respondent was utilizing quality assurance quality control split results, a non-industry standard, to determine the daily average and daily maximum COD reported in the monthly DMR [30 TEX. ADMIN. CODE §§ 305.125(1) and 319.11(c) and TPDES Permit No. WQ0001185000, Monitoring and Reporting Requirements No. 2].</p> <p>3) Failure to notify the TCEQ for each effluent violation that has deviated from the permitted effluent limitation by more than 40%. Specifically, it was noted that the Respondent failed to notify the TCEQ regarding the daily maximum COD excursion of 287 milligrams per liter at Outfall 002 for the monitoring period ending October 31, 2006 [30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0001185000, Monitoring and</p>	<p>Total Assessed: \$28,860</p> <p>Total Deferred: \$5,772 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$11,544</p> <p>Total Paid (Due) to General Revenue: \$11,544</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 has implemented the following corrective measures at the Facility:</p> <p>a. On January 25, 2006, placed wood mulch around the storm water drains to stop overflows, closed the gates to the storm water outfall to prevent contaminated material from leaving the Facility, vacuumed the filtrate and debris and properly disposed of it, and placed a solid manhole cover over the surface drainage manhole;</p> <p>b. On April 12, 2006, closed the storm water gates, vacuumed the contaminated storm water from the storm water ditch, removed contaminated soil at the affected location and disposed of the soil at a landfill;</p> <p>c. On September 26, 2006, closed the storm water gate, pumped contaminated storm water held at the dip dam into the Facility, and repaired the leak on the ash sluice line;</p> <p>d. On October 27, 2006, closed the storm water Outfall 002 dam to contain excessive rainfall overflow and pumped some of the contaminated storm water back into the treatment system;</p> <p>e. By June 21, 2007, stopped the unauthorized discharge by digging a bell hole to catch the partially treated effluent, pumped the discharge back into the Facility, and poured an additional concrete structure on the back of the headwall to secure the seal;</p> <p>f. On or before September 30, 2007, closed the storm water Outfall 002 dam to contain the discharge, pumped the excess storm water to the Facility, and installed a high capacity electric pump by the dip gates;</p> <p>g. On March 31, 2008, updated the Facility standard operating procedure (Document No. STW 0001) to include</p>

<p>Reporting Requirements No. 7.c].</p> <p>4) Failure to properly maintain adequate sludge disposal records. Specifically, during the investigation, it was documented that the Respondent was not maintaining proper sludge disposal records for strong waste sludge, including the amount of sludge being hauled, the location of the sludge disposal, or records of the final sludge disposal [30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0001185000, Operational Requirements No. 11.f].</p>		<p>sample, testing, and reporting techniques for COD, pH, and oil and grease. In addition, the Facility updated the procedures for reporting effluent violations that are more than 40% of the permitted limit;</p> <p>h. On May 4, 2008, submitted updated sludge disposal records to include the amount of sludge being hauled, the location of the sludge disposal, and the method of final sludge disposal; and</p> <p>Ordering Provisions:</p> <p>The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A)</p>
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Additional ID No(s): WQ0001185000

Attachment A

Docket Number: 2008-0788-IWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: TIN Inc.

Penalty Amount: Twenty-Three Thousand Eighty-Eight Dollars (\$23,088)

SEP Offset Amount: Eleven Thousand Five Hundred Forty-Four Dollars (\$11,544)

Type of SEP: Pre-approved

Third-Party Recipient: Ducks Unlimited, Inc.-Reforestation and Enhancement of Tony Houseman State Park & Wildlife Management Area at Blue Elbow Swamp

Location of SEP: Orange 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 Offset 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 Offset Amount to the Third-Party Recipient named above. The contribution will be to **Ducks Unlimited, Inc.** for **Reforestation and Enhancement of Tony Houseman State Park & Wildlife Management Area at Blue Elbow Swamp** as set forth in an agreement between the Third-Party Recipient and the TCEQ. SEP funds will be used for the restoration and enhancement of the forested wetlands at the park. SEP monies will be used to pay for the cost of trees, labor, and for the equipment needed to plant trees and remove undesired exotic species. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

The Respondent certifies that it has no prior commitment to make this contribution and that it is being done solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by the reforested wetland being able to serve as a filter for nutrients and heavy metals from runoff. The reforestation will also provide new habitats for wetland animals.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset 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 Offset Amount to the Third-Party Recipient. The Respondent shall mail a copy of the Agreed Order with the contribution to:

Ducks Unlimited, Inc.
Ed Ritter, Director of Conservation Programs
1620 Farm-to-Market Road 2218
Richmond, Texas 77469

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset 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 219
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 expenditure of the SEP Offset 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 Offset Amount.

In the event of incomplete performance, the Respondent shall include on the check the docket number of this Agreed Order and a note that it is for reimbursement of a SEP. The Respondent shall make the payment for the amount due 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 April 29, 2008

TCEQ

DATES	Assigned	5-May-2008	Screening	22-May-2008	EPA Due	
	PCW	19-May-2008				

RESPONDENT/FACILITY INFORMATION	
Respondent	TIN Inc.
Reg. Ent. Ref. No.	RN100214428
Facility/Site Region	10-Beaumont
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	35939	No. of Violations	4
Docket No.	2008-0788-IWD-E	Order Type	1660
Media Program(s)	Water Quality	Enf. Coordinator	Andrew Hunt
Multi-Media		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$19,500
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	58.0% Enhancement	Subtotals 2, 3, & 7	\$11,310
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Notes
An enhancement is recommended due to one agreed order containing denial language, one written NOV with same or similar violations, six NOVs with unrelated violations, and five months of self-reported effluent violations. A reduction is recommended due to two notices of intent to conduct an audit and one disclosure of violations pursuant to the Self-Audit Act.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes
The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply	10.0% Reduction	Subtotal 5	\$1,950
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	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		X
N/A		(mark with x)

Notes
The Respondent achieved compliance by May 9, 2008.

Total EB Amounts	\$1,178	0.0% Enhancement*	Subtotal 6	\$0
Approx. Cost of Compliance	\$10,275	<i>*Capped at the Total EB \$ Amount</i>		

SUM OF SUBTOTALS 1-7	Final Subtotal	\$28,860
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount **\$28,860**

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$28,860
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DEFERRAL	20.0% Reduction	Adjustment	-\$5,772
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Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$23,088
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Screening Date	22-May-2008	Docket No.	2008-0788-IWD-E	PCW
Respondent	TIN Inc.	<i>Policy Revision 2 (September 2002)</i>		
Case ID No.	35939	<i>PCW Revision April 29, 2008</i>		
Reg. Ent. Reference No.	RN100214428			
Media [Statute]	Water Quality			
Enf. Coordinator	Andrew Hunt			

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>	6	30%
	Other written NOVs	6	12%
Orders	Any agreed final enforcement orders containing a denial of liability <i>(number of orders meeting criteria)</i>	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government <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>	2	-2%
	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>	1	-2%
<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) 58%

>> Repeat Violator (Subtotal 3)

No	Adjustment Percentage (Subtotal 3) 0%
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>> Compliance History Person Classification (Subtotal 7)

Average Performer	Adjustment Percentage (Subtotal 7) 0%
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>> Compliance History Summary

Compliance History Notes	An enhancement is recommended due to one agreed order containing denial language, one written NOV with same or similar violations, six NOVs with unrelated violations, and five months of self-reported effluent violations. A reduction is recommended due to two notices of intent to conduct an audit and one disclosure of violations pursuant to the Self-Audit Act.
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Total Adjustment Percentage (Subtotals 2, 3, & 7) 58%

Screening Date 22-May-2008

Docket No. 2008-0788-IWD-E

PCW

Respondent TIN Inc.

Policy Revision 2 (September 2002)

Case ID No. 35939

PCW Revision April 29, 2008

Reg. Ent. Reference No. RN100214428

Media [Statute] Water Quality

Enf. Coordinator Andrew Hunt

Violation Number

Rule Cite(s) Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(1) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0001185000, Permit Conditions No. 2.g.

Violation Description Failed to prevent the unauthorized discharge of wastewater into or adjacent to water in the state, as documented during an investigation conducted on March 26, 2008. Specifically, six unauthorized discharges were reported from January 2006 through July 2007, as shown in the attached table.

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

Matrix Notes As a result of these discharges, human health or the environment has been exposed to insignificant amounts of pollutants.

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x	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

Six single 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 TIN Inc.
Case ID No. 35939
Reg. Ent. Reference No. RN100214428
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$10,000	25-Jan-2006	30-Sep-2007	1.68	\$56	\$1,120	\$1,176
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated costs to remediate the affected areas and make necessary repairs to the Facility. The date required is the date of the first unauthorized discharge. The final date is the date of compliance.

Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$1,176

Screening Date 22-May-2008 **Docket No.** 2008-0788-IWD-E **PCW**
Respondent TIN Inc. *Policy Revision 2 (September 2002)*
Case ID No. 35939 *PCW Revision April 29, 2008*
Reg. Ent. Reference No. RN100214428
Media [Statute] Water Quality
Enf. Coordinator Andrew Hunt

Violation Number
Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1) and 319.11(c) and TPDES Permit No. WQ0001185000, Monitoring and Reporting Requirements No. 2
Violation Description Failed to properly calculate and report chemical oxygen demand ("COD"). Specifically, during the March 26, 2008 investigation, it was documented that the Respondent was utilizing quality assurance quality control split results, a non-industry standard, to determine the daily average and daily maximum COD reported in the monthly DMRs.

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> 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 will or could be exposed to insignificant amounts of pollutants as a result of this violation.

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

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

One single event is 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 TIN Inc.
Case ID No. 35939
Reg. Ent. Reference No. RN100214428
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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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$50	26-Mar-2008	31-Mar-2008	0.01	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to update standard operating procedures to include training on industry standard sampling techniques. Date required is the date of the investigation. Final date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$50

TOTAL

\$0

Screening Date 22-May-2008 **Docket No.** 2008-0788-IWD-E **PCW**
Respondent TIN Inc. *Policy Revision 2 (September 2002)*
Case ID No. 35939 *PCW Revision April 29, 2008*
Reg. Ent. Reference No. RN100214428
Media [Statute] Water Quality
Enf. Coordinator Andrew Hunt

Violation Number
Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. WQ0001185000, Monitoring and Reporting Requirements No. 7.c.
Violation Description Failed to notify the TCEQ for each effluent violation that has deviated from the permitted effluent limitation by more than 40%. Specifically, during the March 26, 2008 investigation, it was noted that the Respondent failed to notify the TCEQ regarding the daily maximum COD excursion of 287 milligrams per liter at Outfall 002 for the monitoring period ending October 31, 2006.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR

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

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text" value="25%"/>

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

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**

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent TIN Inc.
Case ID No. 35939
Reg. Ent. Reference No. RN100214428
Media Water Quality
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
No commas or \$							

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$25	5-Nov-2006	31-Mar-2008	1.40	\$2	n/a	\$2
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated costs to update reporting procedures to ensure that reporting effluent exceedances at the Facility meet permit requirements. The date required is the date the report was due. The final date is the date of compliance.

Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$25

TOTAL

\$2

Economic Benefit Worksheet

Respondent: TIN Inc.
Case ID No.: 35939
Reg. Ent. Reference No.: RN100214428
Media: Water Quality
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
No commas or \$							

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$100	26-Mar-2008	4-May-2008	0.11	\$1	n/a	\$1
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated costs of submitting a copies of the two revised sludge disposal records for December 2007 and April 2007. The date required is the date of investigation. The final date is the date of compliance.

Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance	\$100	TOTAL	\$1
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VIOLATION NO. 1
UNAUTHORIZED DISCHARGES
TIN Inc.
TPDES Permit No. WQ0001185000
Docket No. 2008-0788-IWD-E

Date	Location	Amount Discharged (gallons)	Reason
1/25/2006	From containment area of linerboard recycling operation storage tank into a surface drainage manhole	200	Failure in the vacuum compartment of the vacuum truck from stock and debris
4/12/2006	From 100 yards south of the Maintenance Building into a stormwater drainage ditch	50	A tote bin of hydraulic fluid fell off a forklift
9/26/2006	From the Bark boiler ash sluice line into a stormwater ditch	3,600	The ash sluice line developed a leak
10/27/2006	From clarifier, strong waste pond, oil storage area finger ditch, and the aerated stabilization basin into the Sabine River	undetermined	Overflow due to excessive rain (10.06 inches within 24 hours)
6/19/2007	From the section of effluent pipe between the aeration basin and the holding pond into a county ditch	200	Failed seal between the pipe and concrete headwall
7/17/2007	From containment area of the south side of the East Black Liquor Pond into a stormwater ditch	1,000	Overflow due to rainfall

Compliance History

Customer/Respondent/Owner-Operator: CN602892788 TIN Inc. Classification: AVERAGE Rating: 1.63
 Regulated Entity: RN100214428 ORANGE LINERBOARD MILL Classification: AVERAGE Site Rating: 0.25

ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	OC0019C
	AIR OPERATING PERMITS	PERMIT	1408
	AIR NEW SOURCE PERMITS	PERMIT	9654A
	AIR NEW SOURCE PERMITS	PERMIT	16724
	AIR NEW SOURCE PERMITS	PERMIT	14972
	AIR NEW SOURCE PERMITS	PERMIT	22475
	AIR NEW SOURCE PERMITS	PERMIT	29337
	AIR NEW SOURCE PERMITS	PERMIT	41952
	AIR NEW SOURCE PERMITS	PERMIT	44310
	AIR NEW SOURCE PERMITS	PERMIT	52361
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	OC0019C
	AIR NEW SOURCE PERMITS	PERMIT	N60
	AIR NEW SOURCE PERMITS	PERMIT	71703
	AIR NEW SOURCE PERMITS	REGISTRATION	56642
	AIR NEW SOURCE PERMITS	REGISTRATION	74025
	AIR NEW SOURCE PERMITS	PERMIT	N060M1
	AIR NEW SOURCE PERMITS	AFS NUM	4836100006
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX684M1
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX684M2
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX833M1
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX833M2
	AIR NEW SOURCE PERMITS	EPA ID	N60M1
	AIR NEW SOURCE PERMITS	REGISTRATION	78708
	AIR NEW SOURCE PERMITS	REGISTRATION	79679
	AIR NEW SOURCE PERMITS	REGISTRATION	81212
	AIR NEW SOURCE PERMITS	REGISTRATION	81632
	AIR NEW SOURCE PERMITS	EPA ID	P833M2
	AIR NEW SOURCE PERMITS	REGISTRATION	42333
	AIR NEW SOURCE PERMITS	EPA ID	P684M2
	AIR NEW SOURCE PERMITS	EPA ID	N60M2
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX684M3
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX833M3
	WASTEWATER	PERMIT	WQ0001185000
	WASTEWATER	PERMIT	TPDES0003158
	WASTEWATER	PERMIT	TX0003158
	PETROLEUM STORAGE TANK	REGISTRATION	16879
	REGISTRATION		

Location: LOCATED APPR. FIVE MILES NORTH OF THE CITY OF ORANGE, BETWEEN STATE HIGHWAY 87 AND THE SABINE RIVER, NORTH OF WEST BLUFF ROAD, ORANGE COUNTY, TEXAS
 Rating Date: 9/1/2007 Repeat Violator: NO

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: May 12, 2008

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: May 09, 2003 to May 09, 2008

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

Name: Andrew Hunt Phone: 512-239-1203

Site Compliance History Components

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

5. When did the change(s) in ownership occur?

N/A

Components (Multimedia) for the Site :

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

Effective Date: 12/20/2004

ADMINORDER 2003-1431-AIR-E

Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(a)

Description: Failure to obtain regulatory authority or to meet the demonstration requirements of 30 Tex. Admin. Code § 101.222 for emissions from the High Volume Low Concentration Non-Condensable Gas Collection System that occurred on May 21, 2003.

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	05/19/2003	(156014)
2	06/25/2003	(156018)
3	07/16/2003	(134425)
4	07/16/2003	(134426)
5	07/16/2003	(134427)
6	08/26/2003	(294547)
7	09/22/2003	(294549)
8	10/03/2003	(248035)
9	10/03/2003	(248056)
10	10/03/2003	(248034)
11	10/03/2003	(248059)
12	10/16/2003	(250126)
13	10/16/2003	(250159)
14	10/16/2003	(250174)
15	10/16/2003	(250119)
16	10/16/2003	(249981)
17	10/16/2003	(250123)
18	10/16/2003	(250124)
19	10/16/2003	(250125)
20	10/17/2003	(149204)
21	10/23/2003	(294551)
22	11/17/2003	(294552)
23	12/29/2003	(294553)
24	01/23/2004	(294554)
25	02/20/2004	(294536)
26	03/19/2004	(266137)
27	03/19/2004	(266135)
28	03/19/2004	(266122)
29	03/19/2004	(266156)
30	03/19/2004	(266125)
31	03/22/2004	(294538)
32	04/08/2004	(266154)
33	04/12/2004	(294539)
34	04/19/2004	(268389)
35	05/07/2004	(269770)
36	05/18/2004	(294541)
37	06/16/2004	(294543)
38	07/22/2004	(294545)
39	08/13/2004	(351794)
40	09/08/2004	(293380)
41	09/08/2004	(293395)
42	09/08/2004	(294584)
43	09/16/2004	(351795)
44	10/08/2004	(333226)

45	10/18/2004	(351796)
46	11/12/2004	(351797)
47	12/20/2004	(351798)
48	01/24/2005	(381687)
49	02/18/2005	(381684)
50	03/21/2005	(381685)
51	04/01/2005	(375863)
52	04/01/2005	(374961)
53	04/01/2005	(374913)
54	04/19/2005	(381686)
55	05/13/2005	(574882)
56	06/15/2005	(574885)
57	06/16/2005	(395053)
58	06/16/2005	(395470)
59	06/16/2005	(395536)
60	07/21/2005	(574888)
61	08/25/2005	(574891)
62	09/16/2005	(574893)
63	09/29/2005	(373891)
64	10/24/2005	(574895)
65	11/21/2005	(574897)
66	12/12/2005	(574899)
67	12/21/2005	(438461)
68	12/21/2005	(438464)
69	01/17/2006	(438456)
70	01/20/2006	(574901)
71	02/01/2006	(440223)
72	02/23/2006	(574876)
73	03/13/2006	(574878)
74	03/31/2006	(455044)
75	04/17/2006	(574880)
76	05/19/2006	(574883)
77	06/20/2006	(574886)
78	07/21/2006	(574889)
79	07/24/2006	(481804)
80	08/23/2006	(574892)
81	08/29/2006	(490181)
82	09/15/2006	(574894)
83	10/12/2006	(574896)
84	11/16/2006	(574898)
85	11/17/2006	(513604)
86	11/28/2006	(519353)
87	12/12/2006	(531216)
88	12/22/2006	(574900)
89	01/23/2007	(574902)
90	02/22/2007	(574877)
91	02/27/2007	(541891)
92	03/08/2007	(536788)
93	03/15/2007	(574879)
94	04/16/2007	(574881)
95	04/20/2007	(539344)
96	05/16/2007	(574884)
97	06/01/2007	(558956)
98	06/19/2007	(574887)
99	07/22/2007	(607495)
100	07/23/2007	(574890)
101	07/24/2007	(565711)
102	09/24/2007	(607496)
103	10/08/2007	(571685)
104	10/22/2007	(607497)
105	10/24/2007	(572466)
106	01/11/2008	(611307)
107	01/16/2008	(611784)

108 02/28/2008 (616034)
109 04/29/2008 (612358)

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

Date 11/30/2004 (351798)
Self Report? YES Classification Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter
Date 10/31/2005 (574897)
Self Report? YES Classification Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter
Date 01/17/2006 (438456)
Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PERMIT 9654A
Description: Failure to comply with Special Condition 1 and the limits specified in the MAERT
constitutes violations of 30 TAC 116.115(b)(2)(F). B13, Mod 2(D)
Date 02/02/2006 (440223)
Self Report? NO Classification Moderate
Rqmt Prov: PERMIT PC 2.G
Description: Failure to prevent unauthorized discharges into or adjacent to the waters of the
state.
Date 06/30/2006 (574889)
Self Report? YES Classification Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter
Date 07/25/2006 (481804)
Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: PERMIT 9654A
Description: Failure to comply with an opacity limitation.
Date 08/29/2006 (490181)
Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: PERMIT 9654A/PSD-TX-684M2/PSD-TX-833M2,
PERMIT Operating Permit O-01408
Description: Failure to maintain the Recovery Furnace Smelt Tanks at a minimum pH of 10.
Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(C)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: PERMIT O-01408
Description: Failure to maintain the bark boiler scrubber liquid flow rate of 2,351 gallons per
minute and pressure drop of 10.3 inches of water.
Date 10/31/2006 (574898)
Self Report? YES Classification Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter
Date 11/30/2006 (574900)

Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	03/09/2007 (536788)		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	PERMIT 9654A, PSD-TX-684M2, PSD-TX-833M2 OP O-01408, SC 11		
Description:	Failure to record the pH of the smelt tank caustic scrubbing solution.		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 112, SubChapter D 112.55 5C THC Chapter 382, SubChapter D 382.085(b)		
Description:	Failure to inspect all emission control devices and calibrate the monitoring devices on a quarterly basis as reported in Deviation Report for O-01408 covering May 20, 2006 to November 20, 2006.		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	PERMIT 9654A, PSD-TX-684M2, PSD-TX-833M2 OP O-01408, SC 11		
Description:	Failure to calculate and submit hourly nitrogen oxide emissions as reported in Deviation Report for O-01408 covering May 20, 2006 to November 20, 2006.		
Date	04/23/2007 (539344)		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	PERMIT 9654A/PSD-TX-833M2/PSD-TX-684M2 OP O-01408, Special Condition 12 OP O-01408, Special Condition 3B(I)		
Description:	Failure to comply with an opacity limit.		
Date	02/29/2008 (616034)		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b)		
Rqmt Prov:	PERMIT 9654A Special Condition 20 OP O-1408 General Terms and Conditions OP O-1408 Special Condition 12A		
Description:	Failure to maintain hourly pH records.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT LL 63.866(c)(3) 5C THSC Chapter 382 382.085(b)		
Rqmt Prov:	PERMIT 9654A Special Condition 1B OP O-1408 General Terms and Conditions OP O-1408 Special Condition 1A		
Description:	Failure to maintain records of the scrubbing liquid flow rate.		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(3)		

30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)

Rqmt Prov: PERMIT 9654A Special Condition 24
 OP O-1408 General Terms and Conditions
 OP O-1408 Special Condition 12A

Description: Failure to limit the 12-hour average emissions of total reduced sulfur (TRS) as required.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)

Rqmt Prov: PERMIT 9654A Special Condition 18
 OP O-1408 General Terms and Conditions
 OP O-1408 Special Condition 12A

Description: Failure to maintain records of the scrubbing liquid pressure drop.

F. Environmental audits.

Notice of Intent Date: 10/19/2006 (519678)

Disclosure Date: 12/20/2006

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT S 63.443(c)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT S 63.450(a)

Description: Blow tank system not fully enclosed as required by MACT S.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT S 63.443(c)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT S 63.450(d)

Description: Some spring loaded safety relief valves do not satisfy the closed-vent system monitoring requirements for by-pass lines in MACT S.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT S 63.443(c)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT S 63.450(d)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT S 63.453(k)

Description: Some non-computer-controlled valves do not satisfy closed-vent system seal and monitoring requirements for by-pass line valves in MACT S.

Viol. Classification: Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.10(b)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT S 63.454(a)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT S 63.454(b)

Description: MACT S and Subpart A recordkeeping requirements for bypass line positions not satisfied.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.10(b)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.8(c)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT LL 63.866(c)

Description: MACT MM and Subpart A recordkeeping requirements for smelt dissolving tanks and lime kiln not satisfied.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.6(e)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT LL 63.866(a)

Description: SSM plan is not complete and is not satisfactorily implemented.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT S 63.447

Description: Temple-Inland's Clean Consensate Alternative demonstration calculation does not include emissions from the Chemiwasher.

Disclosure Date: 01/29/2007

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT S 63.443(c)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT S 63.450(a)

Description: Blow tank system not fully enclosed as required by MACT S.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT S 63.443(c)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT S 63.450(d)

Description: Some spring loaded safety relief valves do not satisfy the closed-vent system monitoring requirements for by-pass lines in MACT S.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT S 63.443(c)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT S 63.450(d)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT S 63.453(k)

Description: Some non-computer-controlled valves do not satisfy closed-vent system seal and monitoring requirements for by-pass line valves in MACT S.

Viol. Classification: Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.10(b)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT S 63.454(a)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT S 63.454(b)

Description: MACT S and Subpart A recordkeeping requirements for bypass line positions not satisfied.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.10(b)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.8(c)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT LL 63.866(c)

Description: MACT MM and Subpart A recordkeeping requirements for smelt dissolving tanks and lime kiln not satisfied.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.6(e)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT LL 63.866(a)

Description: SSM plan is not complete and is not satisfactorily implemented.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT S 63.447

Description: Temple-Inland's Clean Consensate Alternative demonstration calculation does not include emissions from the Chemiwasher.

Disclosure Date: 01/30/2007

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT S 63.443(c)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT S 63.450(a)

Description: Blow tank system not fully enclosed as required by MACT S.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT S 63.443(c)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT S 63.450(d)

Description: Some spring loaded safety relief valves do not satisfy the closed-vent system monitoring requirements for by-pass lines in MACT S.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT S 63.443(c)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT S 63.450(d)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT S 63.453(k)

Description: Some non-computer-controlled valves do not satisfy closed-vent system seal and monitoring requirements for

by-pass line valves in MACT S.

Viol. Classification: Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.10(b)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT S 63.454(a)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT S 63.454(b)

Description: MACT S and Subpart A recordkeeping requirements for bypass line positions not satisfied.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.10(b)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.8(c)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT LL 63.866(c)

Description: MACT MM and Subpart A recordkeeping requirements for smelt dissolving tanks and lime kiln not satisfied.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.6(e)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT LL 63.866(a)

Description: SSM plan is not complete and is not satisfactorily implemented.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT S 63.447

Description: Temple-Inland's Clean Consensate Alternative demonstration calculation does not include emissions from the Chemiwasher.

Notice of Intent Date: 09/10/2007 (595196)

No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
TIN INC.
RN100214428**

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**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2008-0788-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 TIN Inc. ("the Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates an industrial wastewater treatment facility located approximately five miles north of the City of Orange, between State Highway 87 and the Sabine River, north of West Bluff Road, Orange County, Texas (the "Facility").
2. The Respondent has discharged industrial waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about May 4, 2008.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Twenty-Eight Thousand Eight Hundred Sixty Dollars (\$28,860) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Eleven Thousand Five Hundred Forty-Four Dollars

(\$11,544) of the administrative penalty and Five Thousand Seven Hundred Seventy-Two Dollars (\$5,772) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty. Eleven Thousand Five Hundred Forty-Four Dollars (\$11,544) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
 - a. On January 25, 2006, placed wood mulch around the storm water drains to stop overflows, closed the gates to the stormwater outfall to prevent contaminated material from leaving the Facility, vacuumed the filtrate and debris and properly disposed of it, and placed a solid manhole cover over the surface drainage manhole;
 - b. On April 12, 2006, closed the stormwater gates, vacuumed the contaminated stormwater from the stormwater ditch, removed contaminated soil at the affected location and disposed of the soil at a landfill;
 - c. On September 26, 2006, closed the stormwater gate, pumped contaminated stormwater held at the dip dam into the Facility, and repaired the leak on the ash sluice line;
 - d. On October 27, 2006, closed the stormwater outfall 002 dam to contain excessive rainfall overflow and pumped some of the contaminated stormwater back into the treatment system;
 - e. By June 21, 2007, stopped the unauthorized discharge by digging a bell hole to catch the partially treated effluent, pumped the discharge back into the Facility, and poured an additional concrete structure on the back of the headwall to secure the seal;
 - f. On or before September 30, 2007, closed the stormwater outfall 002 dam to contain the discharge, pumped the excess stormwater to the Facility, and installed a high capacity electric pump by the dip gates;
 - g. On March 31, 2008, updated the Facility standard operating procedure (Document No. STW 0001) to include sample, testing, and reporting techniques for chemical oxygen demand ("COD"), pH, and oil and grease. In addition, the Facility updated the procedures for reporting effluent violations that are more than 40% of the permitted limit; and

- h. On May 4, 2008, submitted updated sludge disposal records to include the amount of sludge being hauled, the location of the sludge disposal, and the method of final sludge disposal.
- 10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
- 11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have:

- 1. Failed to prevent the unauthorized discharge of wastewater into or adjacent to water in the state, 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. WQ0001185000, Permit Conditions No. 2.g. Specifically, six unauthorized discharges were reported from January 2006 through July 2007, as documented during a March 26, 2008 investigation, and shown in the following table:

UNAUTHORIZED DISCHARGES			
Date	Location	Amount Discharged (gallons)	Reason
1/25/2006	From containment area of linerboard recycling operation storage tank into a surface drainage manhole	200	Failure in the vacuum compartment of the vacuum truck from stock and debris
4/12/2006	From 100 yards south of the Maintenance Building into a stormwater drainage ditch	50	A tote bin of hydraulic fluid fell off a forklift
9/26/2006	From the Bark boiler ash sluice line into a stormwater ditch	3,600	The ash sluice line developed a leak
10/27/2006	From clarifier, strong waste pond, oil storage area finger ditch, and the aerated stabilization basin into the Sabine River	undetermined	Overflow due to excessive rain (10.06 inches within 24 hours)
6/19/2007	From the section of effluent pipe between the aeration basin and the holding pond into a county ditch	200	Failed seal between the pipe and concrete headwall
7/17/2007	From containment area of the south side of the East Black Liquor Pond into a stormwater ditch	1,000	Overflow due to rainfall

2. Failed to properly calculate and report COD, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.11(c) and TPDES Permit No. WQ0001185000, Monitoring and Reporting Requirements No. 2, as documented during an investigation conducted on March 26, 2008. Specifically, it was documented that the Respondent was utilizing quality assurance quality control split results, a non-industry standard, to determine the daily average and daily maximum COD reported in the monthly DMR.
3. Failed to notify the TCEQ for each effluent violation that has deviated from the permitted effluent limitation by more than 40%, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0001185000, Monitoring and Reporting Requirements No. 7.c, as documented during an investigation conducted on March 26, 2008. Specifically, it was noted that the Respondent failed to notify the TCEQ regarding the daily maximum COD excursion of 287 milligrams per liter at Outfall 002 for the monitoring period ending October 31, 2006.
4. Failed to properly maintain adequate sludge disposal records, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0001185000, Operational Requirements No. 11.f, as documented during an investigation conducted on March 26, 2008. Specifically, during the investigation, it was documented that the Respondent was not maintaining proper sludge disposal records for strong waste sludge, including the amount of sludge being hauled, the location of the sludge disposal, or records of the final sludge disposal.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: TIN Inc., Docket No. 2008-0788-IWD-E" to:

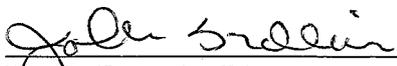
Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088
2. The Respondent shall implement and complete an SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Eleven Thousand Five Hundred Forty-Four Dollars (\$11,544) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent'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. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If the Respondent 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, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. 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 the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. 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.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

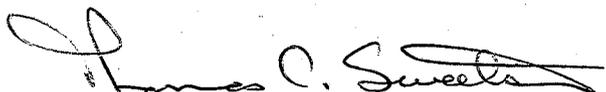
12/8/03
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

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

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

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



Signature

8/21/08
Date

Thomas C. Sweetser
Name (Printed or typed)
Authorized Representative of
TIN Inc.

Mill Manager
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.

Attachment A

Docket Number: 2008-0788-IWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: TIN Inc.
Penalty Amount: Twenty-Three Thousand Eighty-Eight Dollars (\$23,088)
SEP Offset Amount: Eleven Thousand Five Hundred Forty-Four Dollars (\$11,544)
Type of SEP: Pre-approved
Third-Party Recipient: Ducks Unlimited, Inc.-Reforestation and Enhancement of Tony Houseman State Park & Wildlife Management Area at Blue Elbow Swamp
Location of SEP: Orange 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 Offset 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 Offset Amount to the Third-Party Recipient named above. The contribution will be to **Ducks Unlimited, Inc. for Reforestation and Enhancement of Tony Houseman State Park & Wildlife Management Area at Blue Elbow Swamp** as set forth in an agreement between the Third-Party Recipient and the TCEQ. SEP funds will be used for the restoration and enhancement of the forested wetlands at the park. SEP monies will be used to pay for the cost of trees, labor, and for the equipment needed to plant trees and remove undesired exotic species. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

The Respondent certifies that it has no prior commitment to make this contribution and that it is being done solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by the reforested wetland being able to serve as a filter for nutrients and heavy metals from runoff. The reforestation will also provide new habitats for wetland animals.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset 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 Offset Amount to the Third-Party Recipient. The Respondent shall mail a copy of the Agreed Order with the contribution to:

Ducks Unlimited, Inc.
Ed Ritter, Director of Conservation Programs
1620 Farm-to-Market Road 2218
Richmond, Texas 77469

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset 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 219
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 expenditure of the SEP Offset 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 Offset Amount.

In the event of incomplete performance, the Respondent shall include on the check the docket number of this Agreed Order and a note that it is for reimbursement of a SEP. The Respondent shall make the payment for the amount due 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.

