

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2008-1416-AIR-E **TCEQ ID:** RN102079662 **CASE NO.:** 36484

RESPONDENT NAME: Greif Packaging LLC

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Greif Industrial Houston Specialty Facility, 10700 Strang Road, La Porte, Harris County</p> <p>TYPE OF OPERATION: Drum manufacturing plant</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on January 19, 2009. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Kirk Schoppe, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-0489; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Mr. Tim Seymour, Plant Manager, Greif Packaging LLC, 10700 Strang Road, La Porte, Texas 77571 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: August 25, 2008</p> <p>Date of NOV/NOE Relating to this Case: August 28, 2008 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>AIR</p> <p>Failure to submit a Title V Annual Compliance Certification no later than 30 days after the end of the certification period. Specifically, the certification for the reporting period of March 31, 2007 through March 30, 2008 was due to be submitted by April 29, 2008, but was not received until May 30, 2008 [30 TEX. ADMIN. CODE §§ 122.146(2) and 122.143(4), Federal Operating Permit O-02441, General Terms and Conditions, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>	<p>Total Assessed: \$3,250</p> <p>Total Deferred: \$650 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$2,600</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent submitted the annual compliance certification report for the March 31, 2007 to March 30, 2008 reporting period on May 30, 2008.</p>

Additional ID No(s): HG1221O

Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002) PCW Revision June 12, 2008

TCEQ DATES	Assigned	2-Sep-2008			
	PCW	4-Sep-2008	Screening	4-Sep-2008	EPA Due 25-May-2009

RESPONDENT/FACILITY INFORMATION	
Respondent	Greif Packaging LLC
Reg. Ent. Ref. No.	RN102079662
Facility/Site Region	12-Houston
	Major/Minor Source Major

CASE INFORMATION			
Enf./Case ID No.	36484	No. of Violations	1
Docket No.	2008-1416-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Kirk Schoppe
		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	<i>Subtotal 1</i>	\$2,500
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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	55.0% Enhancement	<i>Subtotals 2, 3, & 7</i>	\$1,375
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Notes: The penalty was enhanced by five NOV's for dissimilar violations, one NOV for similar violations, and two 1660-style agreed orders.

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

Good Faith Effort to Comply Total Adjustments	<i>Subtotal 5</i>	\$625
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Economic Benefit	0.0% Enhancement*	<i>Subtotal 6</i>	\$0
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Total EB Amounts	\$1	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$250	

SUM OF SUBTOTALS 1-7	<i>Final Subtotal</i>	\$3,250
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	<i>Adjustment</i>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount \$3,250

STATUTORY LIMIT ADJUSTMENT	<i>Final Assessed Penalty</i>	\$3,250
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DEFERRAL	20.0%	<i>Reduction</i>	<i>Adjustment</i>	-\$650
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$2,600
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Screening Date 4-Sep-2008

Docket No. 2008-1416-AIR-E

PCW

Respondent Greif Packaging LLC

Policy Revision 2 (September 2002)

Case ID No. 36484

PCW Revision June 12, 2008

Reg. Ent. Reference No. RN102079662

Media [Statute] Air

Enf. Coordinator Kirk Schoppe

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>)	1	5%
	Other written NOVs	5	10%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	2	40%
	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) 55%

>> **Repeat Violator (Subtotal 3)**

No

Adjustment Percentage (Subtotal 3) 0%

>> **Compliance History Person Classification (Subtotal 7)**

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

The penalty was enhanced by five NOVs for dissimilar violations, one NOV for similar violations, and two 1660-style agreed orders.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 55%

Screening Date 4-Sep-2008	Docket No. 2008-1416-AIR-E	PCW
Respondent Greif Packaging LLC	<small>Policy Revision 2 (September 2002)</small>	
Case ID No. 36484	<small>PCW Revision June 12, 2008</small>	
Reg. Ent. Reference No. RN102079662		
Media [Statute] Air		
Enf. Coordinator Kirk Schoppe		
Violation Number <input type="text" value="1"/>		
Rule Cite(s)	30 Tex. Admin. Code §§ 122.146(2) and 122.143(4), Federal Operating Permit ("FOP") O-02441 General Terms and Conditions, and Tex. Health & Safety Code § 382.085(b)	
Violation Description	Failed to submit a Title V Annual Compliance Certification no later than 30 days after the end of the certification period. Specifically, the certification for the reporting period of March 31, 2007 through March 30, 2008 was to be submitted by April 29, 2008, but was not received until May 30, 2008, as documented during an investigation conducted on August 25, 2008.	
Base Penalty		<input type="text" value="\$10,000"/>
>> Environmental, Property and Human Health Matrix		
OR	Harm	
	Release	Major Moderate Minor
	Actual	<input type="text"/> <input type="text"/> <input type="text"/>
	Potential	<input type="text"/> <input type="text"/> <input type="text"/>
		Percent <input type="text" value="0%"/>
>> Programmatic Matrix		
	Falsification	Major Moderate Minor
	<input type="text"/>	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
		Percent <input type="text" value="25%"/>
Matrix Notes	100% of the rule requirement was not met.	
Adjustment		<input type="text" value="\$7,500"/>
		<input type="text" value="\$2,500"/>
Violation Events		
Number of Violation Events	<input type="text" value="1"/>	<input type="text" value="31"/> Number of violation days
<small>mark only one with an x</small>	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 <input type="text" value="\$2,500"/>
One single event is recommended.		
Good Faith Efforts to Comply	<input type="text" value="25.0%"/> Reduction	<input type="text" value="\$625"/>
	Before NOV NOV to EDRP/Settlement Offer	
Extraordinary	<input type="text"/> <input type="text"/>	
Ordinary	<input checked="" type="checkbox"/> <input type="text"/>	
N/A	<input type="text"/> (mark with x)	
Notes	The Respondent returned to compliance on 05/30/2008, and the NOE is dated 08/28/2008.	
Violation Subtotal		<input type="text" value="\$1,875"/>
Economic Benefit (EB) for this violation		
Statutory Limit Test		
Estimated EB Amount	<input type="text" value="\$1"/>	Violation Final Penalty Total <input type="text" value="\$3,250"/>
This violation Final Assessed Penalty (adjusted for limits)		<input type="text" value="\$3,250"/>

Economic Benefit Worksheet

Respondent Greif Packaging, LLC
 Case ID No. 36484
 Reg. Ent. Reference No. RN102079662
 Media Air
 Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

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	\$250	29-Apr-2008	30-May-2008	0.08	\$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 cost of preparation and submittal of an annual compliance certification. Date required is the date the report should have been submitted. Final date is the date the compliance report was received.

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

\$250

TOTAL

\$1

Compliance History Report

Customer/Respondent/Owner-Operator:	CN602738296 Greif Packaging LLC	Classification: AVERAGE	Rating: 6.27																																							
Regulated Entity:	RN102079662 GREIF INDUSTRIAL HOUSTON SPECIALTY FACILITY	Classification: AVERAGE	Site Rating: 8.64																																							
ID Number(s):	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">AIR OPERATING PERMITS</td> <td style="width: 25%;">ACCOUNT NUMBER</td> <td style="width: 25%;">HG12210</td> </tr> <tr> <td>AIR OPERATING PERMITS</td> <td>PERMIT</td> <td>1763</td> </tr> <tr> <td>AIR OPERATING PERMITS</td> <td>PERMIT</td> <td>2441</td> </tr> <tr> <td>AIR OPERATING PERMITS</td> <td>PERMIT</td> <td>3107</td> </tr> <tr> <td>WASTEWATER</td> <td>PERMIT</td> <td>WQ0013949001</td> </tr> <tr> <td>WASTEWATER</td> <td>PERMIT</td> <td>TX0008001</td> </tr> <tr> <td>WASTEWATER</td> <td>EPA ID</td> <td>TX0008001</td> </tr> <tr> <td>STORMWATER</td> <td>PERMIT</td> <td>TXR05T609</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>ACCOUNT NUMBER</td> <td>HG12210</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>AFS NUM</td> <td>4820101271</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>PERMIT</td> <td>2965</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>PERMIT</td> <td>20176</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>PERMIT</td> <td>71670</td> </tr> </table>			AIR OPERATING PERMITS	ACCOUNT NUMBER	HG12210	AIR OPERATING PERMITS	PERMIT	1763	AIR OPERATING PERMITS	PERMIT	2441	AIR OPERATING PERMITS	PERMIT	3107	WASTEWATER	PERMIT	WQ0013949001	WASTEWATER	PERMIT	TX0008001	WASTEWATER	EPA ID	TX0008001	STORMWATER	PERMIT	TXR05T609	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HG12210	AIR NEW SOURCE PERMITS	AFS NUM	4820101271	AIR NEW SOURCE PERMITS	PERMIT	2965	AIR NEW SOURCE PERMITS	PERMIT	20176	AIR NEW SOURCE PERMITS	PERMIT	71670
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AIR NEW SOURCE PERMITS	PERMIT	71670																																								
Location:	10700 STRANG RD, LA PORTE, TX, 77571		Rating Date: 9/1/2008 Repeat Violator: NO																																							
TCEQ Region:	REGION 12 - HOUSTON																																									
Date Compliance History Prepared:	October 29, 2008																																									
Agency Decision Requiring Compliance History:	Enforcement																																									
Compliance Period:	October 29, 2003 to October 29, 2008																																									

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

Name: Kirk Schoppe Phone: 239 - 0489

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: 12/05/2003 | ADMINORDER 2003-0142-MLM-E |
| Classification: Moderate | |
| Citation: | 30 TAC Chapter 122, SubChapter B 122.145(2)(B)
30 TAC Chapter 122, SubChapter B 122.146(2)
5C THC Chapter 382, SubChapter A 382.085(b) |
| Description: | Failure to submit annual compliance certification and the deviation reports. |
| Classification: Minor | |
| Citation: | 30 TAC Chapter 334, SubChapter F 334.128(a) |
| Description: | Failure to pay past due fees. |
| Classification: Moderate | |
| Citation: | 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(4)
30 TAC Chapter 305, SubChapter F 305.125(5) |
| Rqmt Prov: | OR1 PERMIT |
| Description: | Failure to properly operate and maintain the wastewater treatment plant. |
| Classification: Moderate | |
| Citation: | 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 319, SubChapter A 319.11(c) |
| Rqmt Prov: | M&RR5 PERMIT |
| Description: | Failure to calibrate the flow meter as often as necessary to ensure accuracy and install a measuring device that is capable of accurately measuring the actual flow range. |

Classification: Moderate

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

Rqmt Prov: M&RR7.d PERMIT

Description: Failure to submit the noncompliance notification for effluent violations.

Classification: Moderate

Citation: 30 TAC Chapter 319, SubChapter A 319.4

Rqmt Prov: EL&MR1 PERMIT

Description: Failure to analyze samples for the parameter required by permit.

Classification: Moderate

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

30 TAC Chapter 305, SubChapter F 305.125(4)

Rqmt Prov: EL&MR1 PERMIT

Description: Failure to comply with the permitted limits at Outfall001.

Effective Date: 08/20/2005

ADMINORDER 2004-1412-AIR-E

Classification: Major

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(B)

30 TAC Chapter 122, SubChapter B 122.146(2)

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

Description: Failure to submit an annual compliance certification within 30 days from the end of the certification period.

Classification: Moderate

Citation: 2A TWC Chapter 5, SubChapter A 5.702(a)

5B THC Chapter 370, SubChapter B 370.008

Description: Failed to pay Toxic Chemical Release fees for Financial Administration Account No. 0500415.

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	11/07/2003	(296570)
2	12/12/2003	(296571)
3	01/08/2004	(296572)
4	01/26/2004	(296573)
5	02/20/2004	(296563)
6	03/25/2004	(296564)
7	04/20/2004	(352640)
8	06/01/2004	(352641)
9	07/26/2004	(352642)
10	08/11/2004	(251217)
11	08/24/2004	(251227)
12	08/26/2004	(352643)
13	10/25/2004	(352644)
14	12/20/2004	(340838)
15	02/14/2005	(382076)
16	02/14/2005	(382077)
17	02/14/2005	(382078)
18	03/28/2005	(382074)
19	03/28/2005	(382075)
20	02/28/2006	(457540)
21	11/09/2006	(514728)
22	11/28/2006	(513937)
23	07/16/2007	(619696)
24	07/16/2007	(619697)
25	07/16/2007	(619698)
26	07/16/2007	(619699)
27	07/16/2007	(619700)
28	07/16/2007	(619701)

29 07/16/2007 (619702)
 30 07/16/2007 (619706)
 31 07/16/2007 (619708)
 32 07/16/2007 (619710)
 33 07/16/2007 (619711)
 34 07/16/2007 (619712)
 35 07/16/2007 (619713)
 36 08/09/2007 (619703)
 37 08/09/2007 (619705)
 38 08/29/2007 (574041)
 39 09/07/2007 (619704)
 40 10/02/2007 (619707)
 41 10/02/2007 (619709)
 42 01/25/2008 (614463)
 43 01/30/2008 (543379)
 44 05/08/2008 (654556)
 45 06/09/2008 (690135)
 46 06/09/2008 (690136)
 47 08/21/2008 (684524)
 48 08/28/2008 (700963)

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

Date: 10/31/2004 (382076)
 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: 08/15/2005 (403593)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter E 115.421(a)(9)(A)(i)
 Description: Failure to use a coating material that complies with the VOC emission limit of 4.3 lbs/ gal
 of coating.
 Date: 03/31/2006 (619699)
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 11/08/2006 (514728)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
 30 TAC Chapter 317 317.6(b)(3)
 Rqmt Prov: PERMIT 13949-001
 Description: Failure to properly operate and maintain the chlorine contact basin.
 Date: 01/25/2008 (614463)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.10(e)
 5C THSC Chapter 382 382.085(b)
 Description: Failure to submit a 2006 emissions inventory, category B19(g)(3).
 Date: 08/21/2008 (684524)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
 30 TAC Chapter 317 317.6(b)(3)
 Description: Failure to properly maintain the chlorine contact basin.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Rqmt Prov: PERMIT Monitoring&Reporting Requirements No.5
 Description: Failure to annually calibrated the secondary flow measuring device and to ensure flow
 measurement accuracy.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter D 305.63(a)
 Description: Failure to submit a permit renewal application 180 days prior to the expiration date of the
 effective permit.

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
GREIF PACKAGING LLC
RN102079662**

§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2008-1416-AIR-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Greif Packaging LLC ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a drum manufacturing plant at 10700 Strang Road in La Porte, Harris County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about September 2, 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 Three Thousand Two Hundred Fifty Dollars (\$3,250) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Two Thousand Six Hundred Dollars (\$2,600) of the administrative penalty and Six Hundred Fifty Dollars (\$650) is deferred contingent upon the

Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the Respondent submitted the annual compliance certification report for the March 31, 2007 to March 30, 2008 reporting period on May 30, 2008.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have failed to submit a Title V Annual Compliance Certification no later than 30 days after the end of the certification period, in violation of 30 TEX. ADMIN. CODE §§ 122.146(2) and 122.143(4), Federal Operating Permit O-02441 General Terms and Conditions, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on August 25, 2008. Specifically, the certification for the reporting period of March 31, 2007 through March 30, 2008 was due to be submitted by April 29, 2008, but was not received until May 30, 2008.

III. DENIALS

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

CONFIDENTIAL

The following information is being provided to you for your information only. It is not intended to be used for any other purpose. The information is confidential and its disclosure is restricted to those persons who have a need to know it. It is the property of the Government of Canada and is not to be released to the media or the public without the express written consent of the Minister of the Department of the Environment and Heritage.

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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: Greif Packaging LLC, Docket No. 2008-1416-AIR-E" to:

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

2. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
3. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
4. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission


For the Executive Director

12/29/2008
Date

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

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

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

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


Signature

Nov, 12, 2008
Date

Tim Seymour
Name (Printed or typed)
Authorized Representative of
Greif Packaging LLC

Plant 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.

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APR 13 2008

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