EXECUTIVE SUMMARY - ENFORCEMENT MATTER

Page 1 of 3

DOCKET NO.: 2007-2019-IWD-E **TCEQ ID:** RN100213727

CASE NO.: 35104

RESPONDENT NAME: Carotex, Inc.

ORDER TYPE:		
X_1660 AGREED ORDER	FINDINGS AGREED ORDER	FINDINGS ORDER FOLLOWING SOAH HEARING
findings default order	_SHUTDOWN ORDER	IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
AMENDED ORDER	_EMERGENCY ORDER	
CASE TYPE:		
AIR	MULTI-MEDIA (check all that apply)	INDUSTRIAL AND HAZARDOUS WASTE
PUBLIC WATER SUPPLY	PETROLEUM STORAGE TANKS	OCCUPATIONAL CERTIFICATION
X WATER QUALITY	SEWAGE SLUDGE	UNDERGROUND INJECTION CONTROL
MUNICIPAL SOLID WASTE	RADIOACTIVE WASTE	DRY CLEANER REGISTRATION
Rainbow/Veterans Bridge, Port Arthur, Jeffe TYPE OF OPERATION: Wastewater treat SMALL BUSINESS: Yes X OTHER SIGNIFICANT MATTERS: Therefacility location. INTERESTED PARTIES: No one other the COMMENTS RECEIVED: The Texas Reg CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator TCEQ Enforcement Coordinator Mr. Bryan Sinclair, Enforcement D Respondent: Mr. Clyde C. Adams	ne are no complaints. There is no record of additional and the ED and the Respondent has expressed an interister comment period expired on June 23, 2008. Note: Ms. Melissa Keller, SEP Coordinator, Enforcement Mr. J. Craig Fleming, Enforcement Division, Enforcement Division Division, Enforcement Division, En	al pending enforcement actions regarding this rest in this matter. o comments were received. ent Division, MC 219, (512) 239-1768 arcement Team 3, MC 149, (512) 239-5806; ive, Port Arthur, Texas 77643

ii. Initiate a preventative maintenance plan which includes periodic evaluation of the

integrity of the coatings on the clarifier, aeration basins, and all other units of

iii. Remove and cleanup as necessary all unauthorized discharges of industrial

wastes from boiler blowdown observed on

treatment; and

October 11, 2007.

RESPONDENT NAME: Carotex, Inc. **DOCKET NO.:** 2007-2019-IWD-E

VIOLATION SUMMARY CHART: CORRECTIVE ACTIONS VIOLATION INFORMATION PENALTY CONSIDERATIONS TAKEN/REQUIRED Type of Investigation: Total Assessed: \$9,800 Ordering Provisions: Complaint X Routine 1) The Order will require the Respondent Total Deferred: \$1,960 Enforcement Follow-up to implement and complete a X Expedited Settlement _ Records Review Supplemental Environmental Project (SEP). (See SEP Attachment A) __Financial Inability to Pay Date(s) of Complaints Relating to this Case: None 2) The Order will also require the SEP Conditional Offset: \$3,920 Respondent to: Date of Investigation Relating to this Total Paid to General Revenue: \$3,920 a. Within 30 days after the effective date of Case: October 11, 2007 this Agreed Order: Site Compliance History Classification Date of NOV/NOE Relating to this Case: ___ High _X_ Average ___ Poor November 29, 2007 (NOE) i. Begin recording a description of the material cleaned from barges and each **Person Compliance History Classification** Background Facts: This was a routine ___ High _X_Average ___ Poor barge's respective identification number; investigation. ii. Develop and implement reporting Major Source: ___ Yes __X No procedures for noncompliance reporting WATER for effluent violations that deviate by more Applicable Penalty Policy: September 2002 than 40% from the permitted effluent 1) Failure to maintain operating logs in limitations, and for unauthorized accordance with its permit. Specifically, discharges. The reports shall be submitted the operator did not document waste within the time frames established by volume moved from the vacuum system to TPDES Permit No. WQ0001674000; the wastewater treatment plant, the barge identification number, or a description of the material removed from the barge [30] iii. Submit a notice to the TCEO Industrial Permits Team to obtain authorization to TEX. ADMIN. CODE § 305.125(1) and Texas discharge boiler blowdown to the Pollutant Discharge Elimination System wastewater treatment plant; and ("TPDES") Permit No. WQ0001674000, Other Requirements No. 5]. iv. Respond completely and adequately, as determined by the TCEQ, to all letter 2) Failure to report effluent exceedances that deviate by more than 40% from the requests for information concerning the permitted effluent limitation. Specifically, permit application within 30 days after the date of such letters, or by any other the Respondent did not report exceeding deadline specified in writing. the 25.6 milligrams per liter ("mg/L"), daily average limitation for total suspended b. Within 45 days after the effective date solids during April 2005 (50 mg/L), and exceeding the 15.0 mg/L single grab of this Agreed Order: limitation for ammonia nitrogen during May 2005 (79 mg/L) [30 Tex. ADMIN. i. Either repair or replace severely CODE § 305.125(9) and TPDES Permit No. corroded components of equipment:

operated and maintained. Specifically, pitting and delamination of the metal was observed in the effluent underflow weir,

Facility and all of its systems of collection, treatment, and disposal are properly

WQ0001674000, Monitoring and Reporting Requirements No. 7.c.].

3) Failure to properly ensure that the

sawtooth weir and unit sidewalls, some of the sawtooth weir teeth were missing, and

RESPONDENT NAME: Carotex, Inc. DOCKET NO.: 2007-2019-IWD-E

minor corrosion was observed on the aeration basins [30 Tex. ADMIN. CODE § 305.125(5) and TPDES Permit No. WQ0001674000, Operational Requirements No. 1].

- 4) Failure to prevent unauthorized discharge of industrial waste. Specifically, boiler blowdown was observed at the small boiler to be discharging to the ground and ponding in a large area adjacent to the small boiler [30 Tex. ADMIN. CODE § 305.125(1), Tex. WATER CODE § 26.121(a)(1), and TPDES Permit No. WQ0001674000, Permit Conditions No. 2.g.].
- 5) Failure to submit monitoring results at the intervals specified in the permit. Specifically, the Respondent failed to submit the discharge monitor report ("DMR") for November 2005 [30 Tex. ADMIN. CODE § 319.1 and TPDES Permit No. WQ0001674000, Monitoring and Reporting Requirements No. 1].
- 6) Failure to submit the noncompliance notification for the unauthorized discharge that was observed during the October 11, 2007 investigation. Specifically, the Respondent failed to submit noncompliance notification for an unauthorized discharge within the time frame established by the permit [30 Tex. ADMIN CODE § 305.125(9), Tex. WATER CODE § 26.039(b), and TPDES Permit No. WQ0001674000, Monitoring and Reporting Requirement No. 7.a.].

- c. Within 60 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a. and 2.b.
- d. Within 180 days after the effective date of this Agreed Order, submit written certification that either authorization to discharge blowdown water from the boiler to the wastewater treatment plant has been obtained or that operation has ceased until such time that the authorization is obtained. The certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance.

Additional ID No(s).: WQ0001674000

•

.

Attachment A Docket Number: 2007-2019-IWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:

Carotex, Inc.

Payable Penalty Amount:

Seven Thousand Eight Hundred Forty Dollars (\$7,840)

SEP Amount:

Three Thousand Nine Hundred Twenty Dollars (\$3,920)

Type of SEP:

Pre-approved

Third-Party Recipient:

Jefferson County-Pleasure Island Stabilization

Location of SEP:

Jefferson County

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

1. Project Description

A. Project

The Respondent shall contribute the SEP Amount to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to stabilize the shoreline by placing vinyl sheets of piling and erosion control blankets along a stretch of waterway along Pleasure Island. Continued erosion from wave action caused by passing ships is compromising the integrity of the shoreline along Pleasure Island. The embankment will be reclaimed and sloped to stabilize approximately 5 miles of shoreline.

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

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by correcting erosion problems and will result in less silt and turbidity in the water. Improving the waterway will promote bird and aquatic life, and make the area safer for recreational uses.

C. <u>Minimum Expenditure</u>

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

Page 1 of 3

TAMPONEN CONTRACTOR CONTRACTOR

ings to take

granification of the state of t

South Contract of the Contract of

A section of the section of

na kana kana kaharan dari kana Barangaran dari kana dari kana

Carotex, Inc. Agreed Order - Attachment A

2. Performance Schedule

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

The Honorable Carl R. Griffith, Jr. Jefferson County Judge 1149 Pearl Street, 4th Floor Beaumont, Texas 77701

3. Records and Reporting

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

Enforcement 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 payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

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

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

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.

n de la companya de la comp

n de la composition della comp Months of the Control of the Control

Carotex, Inc. Agreed Order - Attachment A

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 an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

9732 98 30 C

(2) The second of the secon

	Penalty Calculation	n Worksheet (P	CW)	
Policy Revision 2 (Sep	otember 2002)		PCW Revision N	lovember 6, 2007
ICEQ	U 20 N - 0007			
DATES Assigned PCW		EPA Due		
RESPONDENT/FACILITY	/INFORMATION			no e v spielekis
	Carotex, Inc.	es como litro mercine con proprieta que cada e qui tiena de la	<u> Caratana na Caratana (</u>	
Reg. Ent. Ref. No.				-
Facility/Site Region	10-Beaumont	Major/Minor Source	Minor	
CACE INFORMATION	The many wife in the transport was a part of the case which are made in			
CASE INFORMATION Enf./Case ID No.	35104			
	2007-2019-IWD-E	No. of Violations		_
Media Program(s)		Order Type Enf. Coordinator		-
Multi-Media		FC's Team	Enforcement Team 3	-
Admin. Penalty \$	Limit Minimum \$0 Maximum	\$10,000	Zinorcement Team 3	
		· · ·	······································	
	Penalty Calcula			
TOTAL BASE PENAL	-TY (Sum of violation base penaltie	s)	Subtotal 1	\$5,600
ADJUSTMENTS (+/-) Subtotals 2-7 are obtai	ned by multiplying the Total Base Penalty (Subtotal 1) by t	the indicated percentage.		
Compliance History			otals 2, 3, & 7	\$4,200
130 St. 10 100 10 April 10 Apr	An enhancement is recommended because	the Despendent has an	**	
Notes	agreed order containing a denial of liabilit			
l Holes	same/similar violations in the pa	ast five years	:	. 1
	ournoverman violations in the pr	ast hve years.		***
Control Cities	NI - I	and the second control of the second of the	and the State of the American Control of the State of the	
Culpability	No 0%	Enhancement	Subtotal 4	\$0
Notes	The Respondent does not meet the	culpability criteria.		
Good Faith Effor	t to Comply. Before NOV NOV to EDPRP/Settlement Offer	Reduction	Subtotal 5	\$0
Extraordinary				
Ordinary				
N/A	X (mark with x)			
Notes	The Respondent does not meet the	good faith criteria.		
	100 A	Enhancement*	Cubiniste	60
Approx. (Enhancement" at the Total EB \$ Amount	Subtotal 6	\$0
SUM OF SUBTOTALS	S. 18 (18 S. L. 18 C. L. 18 L.	al di Baladia (Bertana dan 1884) dan melang	es describes que la completa.	
SUM OF SUBTUTAL	51.7		inal Subtotal	\$9,800
OTHER FACTORS AS	SJUSTICE MAY REQUIRE Lubtotal by the indicated percentage.	0%	Adjustment	\$0
Notes		· i		
		Final Per	nalty Amount	\$9,800
	and the state of t			
STATUTORY LIMIT A	DJUSTMENT	Final Asse	ssed Penalty	\$9,800
	to the control of the conference settle of the etter control of the etter control of the control of the etter cont	The state of the s	Anada and and an anada and an anada an	
DEFERRAL		20% Reduction	Adjustment	-\$1,960
Reduces the Final Assessed Pena	alty by the indicted percentage. (Enter number only; e.g.	20 for 20% reduction.)	The State of the S	
Notes	Deferral offered for expedited	settlement.		the second production of the second points of the s
PAYABLE PENALTY	The process of the second second	and the state of t	0/2010 Land 199	\$7,840
		医克里耳氏纤维性 医皮里氏 医多克氏氏管皮炎	Production of the St.	Ψ1,040

Screening Date 13-Dec-2007

Docket No. 2007-2019-IWD-E

PCW

Policy Revision 2 (September 2002) PGW Revision November 6, 2007

Respondent Carotex, Inc. Case ID No. 35104

Reg. Ent. Reference No. RN100213727

Media: [Statute] Water Quality

Enf. Goordinator J. Graig Fleming

		Compliance History Worksheet			
		Site Enhancement (Subtotal 2)	nter Number Here	Adjust.	
	NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	11	55%	
		Other written NOVs	0	0%	
		Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%	
	Orders	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	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	Ò	0%	
	and Consent Decrees	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%	
F	Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%	
	Emissions	Chronic excessive emissions events (number of events.)	0	0%	
	Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%	
		Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%	
-		Pleas	e Enter Yes or No		
1		Environmental management systems in place for one year or more	No	0%	
	Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%	
	Other	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 Po	ercentage (St	ubtotal 2)	7
epeat -	Violator (Su			jaartig sil	
Ĺ	No	Adjustment Po	ercentage (Si	ubtotal 3)	0
ompli	iance History	Person Classification (Subtotal 7)			
[Average P	erformer Adjustment Pe	ercentage (Si	ubtotal 7)	0
ompl	iance History	/ Summary			Nyf
	Compliance History Notes	An enhancement is recommended because the Respondent has one agreed order containi liability, and eleven NOVs for same/similar violations in the past five years.	ng a denial of		
		<u> </u>	· · · · · · · · · · · · · · · · · · ·	ı	

Screening Date	⊋ 13-Dec-2007	Docket N	o. 2007-2019-IWD-E	RCW
Responden				Revision 2 (September 2002)
Case ID No	· ·		PCW	Revision November 6, 2007
Reg. Ent. Reference No				
Media [Statute				* .
Enf. Coordinator				
Violation Numbe				a
Rule Cite(s) 30 Tex. Admin. Code §	305.125(1), and TPDES I Requirements No	Permit No. WQ0001674000, Other b. 5	
Violation Description	operator did not docur	nent waste volume moved	with its permit. Specifically, the d from the vacuum system to the on number, or a description of the he barge.	
	•		Base Penalty	\$10,000
>> Environmental, Property	and Human Health Ma	trix		
	Harm	 On the second section of the second second second second section in the second section of the second second	en Solven Bourge Annandes (Prince Strain Strain Strain College College College College College College College -	
Release OR Actua		Minor		# TENDERSON
Potentia			Percent 0%	,
	· i		078	· · · · · · · · · · · · · · · · · · ·
>>Programmatic Matrix				
Falsification	Major Moderate	Minor		
		X	Percent 1%	
				1
Matrix Notes	Most, (at least 70 percent	of the rule and permit re	quirements were met.	
			Adjustment \$9,900	1.
			Adjustment \$9,900	
	•	•		. \$100
Violation Events				
Number of Vi	alatian Frants	1) A page 1
Number of Vid	Diation Events 1		Number of violation days	
mark only one with an x	daily monthly quarterly		Violation Base Penalty	\$100
	semiannual annual single event x			
		•		
	One sir	ngle event is recommende	ed.	
Economic Benefit (EB) for th	is violation		Statutory Limit Test	
Estimata	d EB Amount	\$10	Violetian Final Danate, T. 4-1	C47F
Lounated	a ED Allivant	<u>Ψ10</u>	Violation Final Penalty Total	\$175
		his violation Final Asse	essed Penalty (adjusted for limits)	\$175

1 A S. N. 4 T. A S. N. 1 T. A S.	Carotex, Inc.						
Case ID No.							
Reg. Ent. Reference No.	RN100213727				,		
	Water Quality					Percent Interest	Years of
Violation No.	-						Depreciation
1.0.0	•		La far La W		The all Athan A	5.0	1:
	Item Cost	Date Required	.Final⊦Date	Yrs	Interest Saved	Livery and the second s	EB Amount
Item Description	No commae or \$						
Item Description	140 COLLITIES OF A		Harrist Constitution for the con-		and the state of t		
		in the fact of the	a i uud kii ka sa sa ka ka sa ka birii.	3400.7 900	Kalaban salida ke 1		
Delayed Costs	1 <u></u>	And the second s	Additional Control of Control of the	0.0	\$0	T \$0	\$0
Equipment		<u></u>		0.0	\$0	\$0	\$0
Buildings		<u></u>		0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction Land			1 a	0.0	\$0	n/a	\$0
Record Keeping System	\$250	11-Oct-2007	1-Aug-2008	0.8	\$10	in/a	\$10
Training/Sampling	<u> </u>	11.000.2007	1	0.0	\$0	n/a	\$0
Remediation/Disposal	<u></u>			0.0	\$0	in Alekanya	\$0
				0.0	\$0	n/a	\$0
Permit Costs							
Permit Costs Other (as needed)	Estimated cos	st to establish pro	cedures to record a	0.0 and main	\$0 ntain the Facility re	cords. The Date Re	\$0 equired was the
Other (as needed) Notes for DELAYED costs		date of the inv	estigation. The Fi	0.0 and main nal Date	ntain the Facility red is the expected da litem (except for	cords. The Date Re ate of compliance.	equired was the
Other (as needed) Notes for DELAYED costs Avoided Costs		date of the inv	estigation. The Fi	and main nal Date	ntain the Facility red is the expected da litem (except for \$0	cords. The Date Reale of compliance.	equired was the
Other (as needed) Notes for DELAYED costs		date of the inv	estigation. The Fi	0.0 and main nal Date entering 0.0 0.0	ntain the Facility red is the expected data	cords. The Date Reale of compliance.	equired was the
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel		date of the inv	estigation. The Fi	and main nal Date entering 0.0 0.0 0.0 0.0	ntain the Facility red is the expected data	cords. The Date Reate of compliance.	costs) \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel		date of the inv	estigation. The Fi	and main nal Date entering 0.0 0.0 0.0 0.0 0.0	ntain the Facility red is the expected da litem (except for \$0 \$0 \$0 \$0 \$0	cords. The Date Reate of compliance. one-time avoided of \$0 \$0 \$0 \$0	costs) \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling		date of the inv	estigation. The Fi	and main nal Date entering 0.0 0.0 0.0 0.0 0.0 0.0 0.0	ntain the Facility red is the expected date of the	cords. The Date Reate of compliance. one-time avoided of \$0 \$0 \$0 \$0 \$0	costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment		date of the inv	estigation. The Fi	0,0 and main nal Date entering 0.0 0.0 0.0 0.0 0.0 0.0 0.0	ntain the Facility reis the expected da item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0	cords. The Date Reate of compliance. one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0	costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]		date of the inv	estigation. The Fi	and main nal Date entering 0.0 0.0 0.0 0.0 0.0 0.0 0.0	ntain the Facility red is the expected date of the	cords. The Date Reate of compliance. one-time avoided of \$0 \$0 \$0 \$0 \$0	costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]		date of the inv	estigation. The Fi	0,0 and main nal Date entering 0.0 0.0 0.0 0.0 0.0 0.0 0.0	ntain the Facility reis the expected da item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0	cords. The Date Reate of compliance. one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0	costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)		date of the inv	estigation. The Fi	entering 0.0 0.0 entering 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0	ntain the Facility reis the expected da item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0	cords. The Date Reate of compliance. one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0	costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]		date of the inv	estigation. The Fi	0,0 and main nal Date entering 0.0 0.0 0.0 0.0 0.0 0.0 0.0	ntain the Facility reis the expected da item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0	cords. The Date Reate of compliance. one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0	costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)		date of the inv	estigation. The Fi	entering 0.0 0.0 entering 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0	ntain the Facility reis the expected da item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0	cords. The Date Reate of compliance. one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0	costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)		date of the inv	estigation. The Fi	entering 0.0 0.0 entering 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0	ntain the Facility reis the expected da item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0	cords. The Date Reate of compliance. one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0	costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

Screening Date	13-Dec-2007	Docket No. 2007-2019-IWD-E)P.C.W
Respondent	Carotex, Inc.	Policy Re	evision 2 (September 2002)
Case ID No.	35104	PCWF	Revision November 6, 2007
Reg. Ent. Reference No.			•
Media [Statute]			
Enf. Coordinator			
Violation Number		O-d- 2 205 425(0) and TDD50 D-mitAl- 14(00004574000 M- W- W-	
Rule Cite(s)	il 30 rex. Admin. (Code § 305.125(9), and TPDES Permit No. WQ0001674000, Monitoring and Reporting Requirements No. 7.c.	
-			
Violation Description	effluent limita milligrams per	effluent exceedances that deviate by more than 40% from the permitted ation. Specifically, the Respondent did not report exceeding the 25.6 liter ("mg/L") daily average limitation for total suspended solids ("TSS") 005 (50 mg/L), and exceeding the 15.0 mg/L single grab limitation for ammonia nitrogen during May 2005 (79 mg/L).	
		Base Penalty	\$10,000
recess. At this atemples will be a made the second to the control of the second	ion.Convery Turkers during the be		
>> Environmental, Property a	and Human He		
Release	Major M	Harm Noderate Minor	
OR Actual			
Potential		Percent 0%	•
>>Programmatic Matrix		· Company with	
Falsification	Major N	Moderate Minor	
1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	×	Percent 10%	
Matrix Notes	100 p	percent of the permit requirement was not met.	
		Adjustment \$9,000	
		·	\$1,000
		<u></u>	41,000
Violation Events			
Number of Vio	olation Events	2 61 Number of violation days	
	daily		
	monthly	X	
mark only one with an x	quarterly	Violation Base Penalty	\$2,000
1	semiannual annual		
	single event		
	· And the state of		
		Two monthly events are recommended.	
Economic Benefit (EB) for th	is violation	Statutory Limit Test	
Estimate	d EB Amount	\$14 Violation Final Penalty Total	\$3,500
Louinate			
		This violation Final Assessed Penalty (adjusted for limits)	\$3,500

and the standard processing the south process of the two standards and and the standard standards and an expect the standard standards and an expect the standards are standards and an expect the standards and an expect the standards and an expect the standards are standards and an	E	conomic	Benefit W	lorksh	eet		
Respondent C Gase ID No. 3	35104	e internacione nel propertione de la company de la comp	The read August Beauty	1.45 A81 A12 11 11 11 11 11 11 11 11 11 11 11 11 1		acido en la mile *e la elect ifi * mo	erine i i nomen e i E
Reg. Ent. Reference No. F					•		
and the state of t	Vater Quality					Percent Interest	Years of
-Violation∗Ño. 2	2		4			and the second	Depreciation
	1.04.038 (4.54)	n an tao di Na salah salah salah salah salah				5.0	15
	Item Cost	Date Required	Final Date	Yrs ir	iterest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$		요. 경우보다				
Delayed Costs			المعروفي المناول وفاعا ويراوران		Atak jak (j	na Albaid (Granda (Fra	
Equipment				0.0	\$0	\$0	\$0
Buildings [in the	3. 5.36. 1.36 3. 5. 5. 5. 5. 5. 5. 5. 5. 5. 5. 5. 5. 5.		0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction			Extra contraction of the second	0.0	,\$0	\$0	\$0
Land:				0.0	\$0	n/a s	.\$0
Record Keeping System	\$350	11-Oct-2007	1-Aug-2008	0.8	\$14	usia in/a	\$14
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal	أخسد سحي			0.0	\$0	in/a	\$0
Permit Costs		Sec. Compared to Sec.	Santa Bata a tabbah	0.0	\$0 \$0	in/a	\$0 \$0
Other (as needed)	لنب د ـــــــــــــــــــــــــــــــــــ			0.0	<u> </u>	I MING	- DG
Notes for DELAYED costs	are reported to	the TCEQ. Date	Required was the o	date of the formula of the	investigation.	monthly exceedanc The Final Date is the	e expected date
Avoided Costs	ANN	UALIZE,[1] avoid	ed costs before	entering ite	m (except for	one-time avoided o	osts)
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]	5.4			0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Notes for AVOIDED costs		•	•	NA			
Approx. Cost of Compliance		\$350			*TOTAL	,	\$14

Screening Date	13-Dec-2007	Docket No.	2007-2019-IWD-E	∂PCW
Respondent				evision 2 (September 2002)
Case ID No.	35104		PCWI	Revision November 6, 2007
Reg. Ent. Reference No.	RN100213727	•		
Media [Statute]	Water Quality			
Enf. Coordinator	J. Craig Fleming		· ·	
Violation Number				
Rule Cite(s)	30 Tex. Admin. Co	ode § 305.125(5), and TPDES I Operational Requirements		·
Violation Description	and disposal are p delamination of the meta	properly operated and maintain al was observed in the effluent	underflow weir, sawtooth weir and nissing, and minor corrosion was	
			Base Penalty	\$10,000
>> Environmental, Property a	nd Human Health N	latrix		
er en	Harm			
Release	Major Moderate	<u>Minor</u>		
OR Actual				
Potential		X	Percent 5%	
SP STATE				
>>Programmatic Matrix Falsification	Major Moderate	e Minor		
Talamoaton	I Woderate	<u> </u>	Percent 0%	
	L			
			icant amounts of pollutants which onmental receptors as a result of	
		Α	djustment \$9,500	
				\$500
Violation Events				
Number of Vio	lation Events 1	1	Number of violation days	
	PROGRAMMA SAMPLES			
	daily monthly		Violation Base Penalty ☐	\$500
mark only one with ап х	quarterly semiannual	-	Violation base Fenanty	
	annual	=		
	single event x			
			η	
	One	single event is recommended.		
Economic Benefit (EB) for th	is violation		Statutory Limit Test	
Estimated	I EB Amount	\$283	Violation Final Penalty Total	\$875
				**==
		i πis violation Final Asses:	sed Penalty (adjusted for limits)	\$875

Reg. Ent. Reference No. F	Water Quality						Years of
Violation No. 3	•					Percent Interest	Depreciation
Violation No.	,	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1			Tariha Laurah da Ali	5.0	The second secon
	Item Cost	Date Required	-Final Date	Vrc	Interest Saved	Onetime Costs	EB/Amount
Item Description							
Delayed Costs	(Majoriani un la cana)						
Equipment [\$5,000	11-Oct-2007	1-Aug-2008	0.8	\$13	\$269	\$283
Buildings	Angelia de la Angelia de l Angelia de la Angelia de l			0,0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System		the contract of the contract o	i i i na katangan pangan na sa 💰	0.0	\$0	## # win/a	\$0
Training/Sampling				0:0	\$0	n/a	\$0
Remediation/Disposal	أأحب حنيين	المتحدد	Karanga da Karanga A	0.0	\$0	u∍n/a ses si	\$0
Permit Costs				0.0	\$0	interest in/alt	\$0
Other (as needed)		الفسيين وسيوا	<u></u>	0.0_	\$0	n/a	\$0
Notes for DELAYED costs	Estimated cost					s the date of the inve	estigation. The
Notes for DELAYED costs Avoided Costs			Final Date is the e	xpected o	date of compliand	ce. one-time:avoided.c	osts)
Avoided Costs Disposal			Final Date is the e	xpected o	date of compliand tem (except for \$0	ce. one-time:avoided.c	osts) \$0
Avoided Costs Disposal Personnel			Final Date is the e	ntering i	date of compliand tem (except for \$0 \$0	one-time avoided c	osts) \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling			Final Date is the e	ntering in 0.0 0.0 0.0	tem (except for \$0 \$0 \$0	one-time avoided o	osts) \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment			Final Date is the e	ntering ii	date of compliance tem (except for \$0 \$0 \$0 \$0 \$0	one-time avoided of \$0 \$0 \$0 \$0 \$0	sosts) \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]			Final Date is the e	ntering ii	date of compliance tem (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time:avoided.c	sosts) \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]			Final Date is the e	ntering ii	tem (except for: \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	se. one-time avoided c	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]			Final Date is the e	ntering ii	date of compliance tem (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time:avoided.c	sosts) \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]			Final Date is the e	ntering ii	tem (except for: \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	se. one-time avoided c	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]			Final Date is the e	ntering ii	tem (except for: \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	se. one-time avoided c	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)			Final Date is the e	ntering is 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.	tem (except for: \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	se. one-time avoided c	\$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)			Final Date is the e	ntering is 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.	tem (except for: \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	se. one-time avoided c	so \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

,	Date 13-Dec-2007	D	ocket No. 2007-2019-IWD-E	PCW
-	ndent Carotex, Inc.		Policy R	evision 2 (September 2002)
	D No. 35104		PCW	Revision November 6, 2007
Reg. Ent. Referenc				
	atute] Water Quality			
Violation N	nator J. Craig Fleming			:
'	!i	odo & 205 125(1). Toy M	Vater Code § 26.121(a)(1), and TPDES Permit	1
		No. WQ0001674000, F	Permit Code § 26.121(a)(1), and 1PDES Permit Permit Conditions, No. 2.g.	
Violation Descr	intion blowdown was ob	served at the small boile aa adjacent to the small b	er to be discharging to the ground and ponding boiler at the time of the October 11, 2007 stigation.	and the second s
			Base Penalty	\$10,000
>> Environmental, Prop	The state of the s	nali ka Kangsan Water.		
~ Environmental, Frop	The state of the s	aun watrix Harm	and the state of t	
		oderate Minor		saw replane
V. 20.00 S. S. M. S. S.	Actual	X		
Po	tential		Percent 10%	·
>>Programmatic Matrix				The control of the co
Falsific	cation Major Mo	oderate Minor	19 4 19 19 19 19 19 19 19 19 19 19 19 19 19	
			Percent 0%	
Matrix Notes Huma not e	an health or the environme xceed levels that are prot	ent has been exposed to tective of human health o violation.	insignificant amounts of pollutants which do or environmental receptors as a result of the	
			Adjustment \$9,000	• volkuut
entimose disconstitutional disconsisting for the first property of	- 1.7 ° 1.7° 1. ° 1.00° (1.00°	TANDAN SANASAN AN A	ψ3,000	
		,	· .	\$1,000
Violation Events				Orașia
900000 (A Nasaban A Law 2000) (A Nasaban 2	The second se			2
Number	of Violation Events	1	35 Number of violation days	an out
	daily	<u> </u>		***
	monthly			
mark onl	ly one quarterly	X	Violation Base Penalty	\$1,000
, with a	semamuai		· L	
	annual			
	single event			
<u> </u>				
One qu	arterly event is recomme	nded from the investigation	on date of October 11, 2007 to the screening	
		date of December 1:	3, 2007.	,
				P. A. Carlotte Control of the Contro
Economic Benefit (EB) fo	or this violation		Statutory Limit Test	
Esti	mated EB Amount	\$66	Violation Final Penalty Total	\$1,750
				\$1,750
		This violation F	inal Assessed Penalty (adjusted for limits)	\$1,750
Securitaria de la companio de la co	and the state of t			

Economic Benefit Worksheet

eg. Ent. Reference No. Media	RN100213727 Water Quality					Percent Interest	Years of
Violation No.	•					rercent interest	Depreciation
Violation ivo.	T					5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$	ราก การ สั นใหญ่ ก็					
Delayed Costs						1 2	
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	ik" In/a	\$0
Training/Sampling	\$1,000	11-Oct-2007	1-Feb-2009	1.3	\$66	n/a	\$66
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	. \$0	n/a	\$0
Other (as needed) Notes for DELAYED costs	Estimated wastewater tre	cost to submit an a	mendment to the	0.0 existing	\$0 permit to dischar	ge boiler blowdown	\$0 water to the
Other (as needed) Notes for DELAYED costs	wastewater tre	atment plant. The I	Date Required wa date	0.0 existing is the da of comp	\$0 permit to discharge te of the investiga pliance.	ge boiler blowdown vition. The Final Date	\$0 water to the is the expected
Other (as needed) Notes for DELAYED costs Avoided Costs	wastewater tre	atment plant. The I	Date Required wa date	0.0 existing is the da of comp	permit to discharge te of the investigabliance. item (except for	ge boiler blowdown vition. The Final Date	\$0 water to the is the expected costs)
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal	wastewater tre	atment plant. The I	Date Required wa date	existing as the da of compentering	\$0 permit to discharge te of the investigabliance. item (except for \$0	ge boiler blowdown vition. The Final Date	water to the is the expected costs)
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel	wastewater tre	atment plant. The I	Date Required wa date	existing as the day of compentering	\$0 permit to discharge the of the investigabliance. item (except for \$0 \$0 \$0	ge boiler blowdown vition. The Final Date one-time avoided o \$0 \$0	so s
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling	wastewater tre	atment plant. The I	Date Required wa date	existing as the day of compentering 0.0 0.0 0.0	permit to discharge te of the investigabliance. item (except for \$0 \$0 \$0 \$0 \$0	ge boiler blowdown vition. The Final Date one-time avoided c \$0 \$0 \$0	so sts) \$0 water to the is the expected costs) \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment	wastewater tre	atment plant. The I	Date Required wa date	existing sthe date of compentering 0.0 0.0 0.0 0.0	\$0 permit to discharge te of the investigation. item (except for \$0 \$0 \$0 \$0 \$0	ge boiler blowdown vition. The Final Date one-time avoided o \$0 \$0	water to the is the expected costs) \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	wastewater tre	atment plant. The I	Date Required wa date	existing sthe date of compentering 0.0 0.0 0.0 0.0 0.0 0.0 0.0	\$0 permit to discharge te of the investigation of t	ge boiler blowdown vition. The Final Date one-time avoided o \$0 \$0 \$0 \$0 \$0	source state of the state of the expected source so
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	wastewater tre	atment plant. The I	Date Required wa date	existing sthe date of compentering 0.0 0.0 0.0 0.0	\$0 permit to discharge te of the investigation. item (except for \$0 \$0 \$0 \$0 \$0	ge boiler blowdown vition. The Final Date one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0	water to the is the expected costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	wastewater tre	atment plant. The I	Date Required wa date	existing sthe da of compentering 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.	\$0 permit to discharge to of the investigation of t	ge boiler blowdown vition. The Final Date one-time avoided or \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	so s
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	wastewater tre	atment plant. The I	Date Required wa date	existing st the da of compentering 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.	\$0 permit to discharge to of the investigation of t	ge boiler blowdown vition. The Final Date one-time avoided or \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	so s
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	wastewater tre	atment plant. The I	Date Required wa date	existing sthe da of compentering 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.	\$0 permit to discharge to of the investigation of t	ge boiler blowdown vition. The Final Date one-time avoided or \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	source state water to the six the expecte scosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	wastewater tre	atment plant. The I	Date Required wa date	existing st the da of compentering 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.	\$0 permit to discharge to of the investigaliance. item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0	ge boiler blowdown vition. The Final Date one-time avoided or \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	so s
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	wastewater tre	atment plant. The I	Date Required wa date	existing st the da of compentering 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.	\$0 permit to discharge to of the investigaliance. item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0	ge boiler blowdown vition. The Final Date one-time avoided or \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	so s
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	wastewater tre	atment plant. The I	Date Required wa date	existing st the da of compentering 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.	\$0 permit to discharge to of the investigaliance. item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a ge boiler blowdown vition. The Final Date one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	so s

Screening Date 13-	Dec-2007 Docket No. 2007-2019-IWD-E	PCW
Respondent Car		evision 2 (September 2002)
Case ID No. 351	*=:	Revision November 6, 2007
Reg. Ent. Reference No. RN		
Media [Statute] Wa		
Enf. Coordinator J. C		
Violation Number	5	a
Rule Cite(s) 30	Tex. Admin. Code § 319.1, and TPDES Permit No. WQ0001674000, Monitoring and Reporting Requirements No. 1	
Violation.Description the	illed to submit monitoring results at the intervals specified in the permit. Specifically, a Respondent failed to submit the discharge monitoring report ("DMR") for November 2005.	
	Base Penalty	\$10,000
	Human Health Matrix Harm Major Moderate Minor	
OR Actual Potential	Percent 0%	
>>Programmatic Matrix Falsification	Major Moderate Minor X Percent 10%	
Matrix Notes	100 percent of the rule requirement was not met.	
·	Adjustment \$9,000	11411
•		\$1,000
Violation Events		in to i
Number of Violatio	n Events 1 30 Number of violation days	
	daily	
	ionthly x uarterly Violation Base Penalty	\$1,000
	nianqual	Ψ1,000
	ennual	
	One monthly event is recommended.	
Economic Benefit (EB) for this v	iolation StatutoryiLimit Test	
Estimated EB	Amount \$7 Violation Final Penalty Total	\$1,750
	This violation Final Assessed Penalty (adjusted for limits)	\$1,750
	inis violation rinal Assessed Penaity (adjusted for illilits)	φ1,730

Respondent Carotex, Inc. Gase ID No. 35104 Reg. Ent. Reference No. RN100213727 Media Water Quality Violation No. 5 Item Gost Item Description No commas of \$ Delayed Gosts Equipment Buildings Other (as needed) Engineering/construction Land Record Keeping System Training/Sampling Remediation/Disposal Permit Costs Other (as needed)	Date:Reguired		Yrs 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.	Interest Saved	\$0 \$0 \$0 \$0 \$0 \$0 \$n/a	Years of Depreciation 15 *EB Amount \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Gase ID No. 35104 Reg. Ent. Reference No. RN100213727 Media Water Quality Miolation No. 5 Item Cost Item Description No commas of \$ Delayed Costs Equipment Buildings Other (as needed) Engineering/construction Land Record Keeping System Training/Sampling Remediation/Disposal Permit Costs \$50	Date Required		0.0 0.0 1.00 1.00 1.00 1.00 1.00 1.00	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	Depreciation 15
Reg. Ent. Reference No. RN100213727 Media Water Quality Miolation No. 5 Item Cost Item Description No commas of \$ Delayed Costs Equipment Buildings Other (as needed) Engineering/construction Land Record Keeping System Training/Sampling Remediation/Disposal Permit Costs \$50	Date Required		0.0 0.0 1.00 1.00 1.00 1.00 1.00 1.00	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	Depreciation 15
Media Water Quality Violation®No 5 Item/Description No commas of \$ Delayed Costs Equipment Buildings Other (as needed) Engineering/construction Land Record Keeping System Training/Sampling Remediation/Disposal Permit Costs \$50	Date Required		0.0 0.0 1.00 1.00 1.00 1.00 1.00 1.00	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	Depreciation 15
Violation®No., 5 Item/Description No commas of \$ Delayed Costs Equipment Buildings Other (as needed) Engineering/construction Land Record Keeping System Training/Sampling Remediation/Disposal Permit Costs	Date Required		0.0 0.0 1.00 1.00 1.00 1.00 1.00 1.00	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$
Item/Description No commas of \$ Delayed Costs Equipment Buildings Other (as needed) Engineering/construction Land Record Keeping System Training/Sampling Remediation/Disposal Permit Costs \$50			0.0 0.0 1.00 1.00 1.00 1.00 1.00 1.00	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$
Item/Description No commas of \$ Delayed Costs Equipment Buildings Other (as needed) Engineering/construction Land Record Keeping System Training/Sampling Remediation/Disposal Permit Costs			0.0 0.0 1.00 1.00 1.00 1.00 1.00 1.00	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$
Item/Description No commas of \$ Delayed Costs Equipment Buildings Other (as needed) Engineering/construction Land Record Keeping System Training/Sampling Remediation/Disposal Permit Costs			0.0 0.0 1.00 1.00 1.00 1.00 1.00 1.00	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$n/a	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Delayed Costs Equipment Buildings Other (as needed) Engineering/construction Land Record Keeping System Training/Sampling Remediation/Disposal Permit Costs \$50			0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$in/a in/a	\$0 \$0 \$0 \$0 \$0 \$0 \$0
Equipment Buildings Content Content	20-Dec-2005		0.0 0.0 0.0 0.0 0.0 0.0 0.0	\$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$n/a \$n/a	\$0 \$0 \$0 \$0 \$0 \$0 \$0
Equipment Buildings Other (as needed) Engineering/construction Land Record Keeping System Training/Sampling Remediation/Disposal Permit Costs \$50	20-Dec-2005	4.Aug. 2008	0.0 0.0 0.0 0.0 0.0 0.0 0.0	\$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$n/a \$n/a	\$0 \$0 \$0 \$0 \$0 \$0 \$0
Buildings Other (as needed) Engineering/construction Land Record Keeping System Training/Sampling Remediation/Disposal Permit Costs \$50	20-Dec-2005	4.00.2008	0.0 0.0 0.0 0.0 0.0 0.0 0.0	\$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$n/a \$n/a	\$0 \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Engineering/construction Land Record Keeping System Training/Sampling Remediation/Disposal Permit Costs	20-Dec-2005	4.400.2008	0.0 0:0 0.0 0.0 0.0 0.0	\$0 \$0 \$0 \$0 \$0	\$0 \$0 in/a in/a in/a	\$0 \$0 \$0 \$0 \$0
Engineering/construction Land Record Keeping System Training/Sampling Remediation/Disposal Permit Costs \$50	20-Dec-2005	4 Aug 2009	0.0 1 0.0 0.0 0.0 1 0.0	\$0 \$0 \$0 \$0	\$0 ;n/a ;n/a ;n/a ;n/a	\$0 \$0 \$0 \$0
Land Record Keeping System Training/Sampling Remediation/Disposal Permit Costs	20-Dec-2005	2 Atta 2008	0.0 0.0 0.0	\$0 \$0 \$0	sn/a sn/ar sn/a sn/a	\$0 \$0 \$0
Record Keeping System Training/Sampling Remediation/Disposal Permit Costs \$50	20-Dec-2005	4 Aug 2008	0.0	\$0 \$0	in/a n/a n/a	\$0 \$0
Training/Sampling Remediation/Disposal Permit Costs \$50	20-Dec-2005	4 Aug 2008	0.0	\$0	in/a //	\$0
Remediation/Disposal Permit Costs \$50	20-Dec-2005	4 Aug 2008	0.0		n/a	
Permit Costs \$50	20-Dec-2005	1 110 2008		. , ₁ ,		
			2:6	\$7	www/a	\$7
	on the second con-	19Aug-2000	0.0	\$0	Lin/a	\$0
Notes for DELAYED costs	was due for the re	porting period. Th	e Final Da	ite is the expecte	te Required was the d date of compliance).
Avoided Costs AN	NUALIZE[[1].avoid	ded:costs before:			one-time avoided c	7
Disposal		A CONTRACTOR OF THE CONTRACTOR	0.0	\$0	\$0	\$0
Personnel			0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling	4	<u> </u>	0.0	\$0	\$0	\$0 60
Supplies/equipment			0.0	\$0 \$0	\$0 \$0	\$0 \$0
Financial Assurance [2] ONE-TIME avoided costs [3]	4	 	0.0	\$0 \$0	\$0	\$0
Other (as needed)		 	0.0	\$0	\$0	\$0
Other (as needed)		سيند في الم	1 0.0 1	Ψ	. Ψυ	
Notes for AVOIDED costs			· NA			
	·				·····	
		· ·				
Approx, Cost of Compliance	\$50	N .		TOTAL	.1	\$7

	Date 13-Dec-2007	Do	ocket No. 2007-2019-IWD-E		4PCW
\$ 1 AND THE PROPERTY OF THE PR	ident Carotex, Inc.			Policy R	evision 2 (September 2002)
1814 Eller Chr. P.	No. 35104			PCW.	Revision November 6, 2007
Reg. Ent. Reference		•	•		
	tute] Water Quality			•	
Enf. Coordin	ator J. Craig Flemin	g	•		
		- Codo C 205 (25/0) Tou V	Notes Code 5 26 020/b) and TDD	F0 D	1
Rule C			Water Code § 26.039(b), and TPD and Reporting Requirements No. 7		
			P 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3		
•	,				
Violation Descr	intion Failed to subm		ation for the unauthorized discharg	ge that was	
		observed during the Octo	ober 11, 2007 investigation.		` .
	,				
	<u>L</u>	· · · · · · · · · · · · · · · · · · ·]	
			· Ba	se Penalty	\$10,000
		eterkiska ar eteretika jarranen ergistatura eri ittisatatura sen eta jarra arti eter gatur.	rystes verkare in significación del compositor de la comp	8	
>> Environmental, Prope	erty and Human F			2	
Re	lease Major	Harm Moderate Minor			
KONTENENT OF THE TOTAL PROPERTY.	Actual	Minor			
	tential		Percent 0%		
				_	
>>Programmatic Matrix					
Falsific		Moderate Minor	_	7	
	XL		Percent 10%		
Matrix	100	percent of the permit require	ement was not met		
Notes	100	portonic or ano ponime rogani	omone was not mou		
·		· ·		الحضيف	
			Adjustment	\$9,000	· · · · · · · · · · · · · · · · · · ·
		•			\$1,000
		•			Ψ1,000
Violation Events			A Service of the Control of the Cont		
	[TOWNS AND THE PROPERTY OF THE PARTY OF THE P	
Number	of Violation Events		1 Number of violation da	ays	
	daily				1
	monthly				
mark on			Violation Ba	se Penalty	\$1,000
with a	n x semiannual		•		
	annual				
	single event	<u>x</u>			
. [Ì
	One single event	s recommended for not rend	orting the unauthorized discharge.		,
	One single event	o issonimonada for flot lept	and the unduntriced disorial ge.	.]	
<u></u>					
Economic Benefit (EB) f	or this violation		Statutory Limit To	est:	
Pati	mated EB Amarica	C44	Violetian Einel Da	nalty Tate!	\$1,750
ESTI	mated EB Amount	\$14	Violation Final Pe	naity rotal[φ1,/30
		This violation F	inal Assessed Penalty (adjusted	for limits)	\$1,750
				marketines - est la surre la filia de la f	September 19 of the service of the contract of the service of the

Case ID No. : Reg. Ent. Reference No. !						14	S. J. Samer
	Water Quality					Percentilnterest	Years of Depreciation
	Wardstell					5,0	15
item Description	STATE OF THE STATE	Date Required				Onetime Costs	EB/Amount
Delayed Costs			inn. Die State State State in State S	CNT C	ari Vario de Colonia.	Maraya Alba Alba Alba Alba Alba Alba Alba Alb	
Equipment	and the second s	V. A.		0.0	\$0	\$0	\$0
Buildings		2		.0:0	\$0	\$0	\$0
Other (as needed)		19 19		0.0	\$0	\$0	\$0
Engineering/construction	The state of the s	ing .		0.0	\$0	\$0	\$0
Land [er og fram er flest er i kjeptets. Herstelste pålske er er skaletet	<u> </u>		0:0	\$0	n/a	\$0
Record Keeping System	\$100	11-0ct-2007	1-Aug-2008	.0(8	\$4	/ En en/a - 1 - 1	\$4
Training/Sampling	\$250	11-Oct-2007_	1-Aug-2008	0.8	\$10	iva i≤n/a	\$10
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	- thin/a	\$0
			The second secon	10000	00		
Other (as needed)	The estimate	ed cost to establis	h procedures and t	0.0 <u> </u>	\$0 record and reno	rt unauthorized disc	harges Date
Other (as needed) Notes for DELAYED costs Avoided Costs	Requi	red was the date	of the investigation	raining to . The Fin	record and reponal Date is the extern (except for	rt unauthorized disc pected date of comp one-time avoided o	harges. Date lliance. costs)
Notes for DELAYED costs	Requi	red was the date	of the investigation	raining to The Fin	record and reponal Date is the expension (except for \$0	rt unauthorized disc pected date of comp one-time avoided:	harges. Date lilance. costs)
Notes for DELAYED costs Avoided Costs Disposal Personnel	Requi	red was the date	of the investigation	raining to The Fin ntering (o record and repondal Date is the expectation (except/for: \$0, \$0	rt unauthorized disc pected date of comp one-time avoided: \$0 \$0	harges. Date bliance. costs) \$0
Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling	Requi	red was the date	of the investigation	raining to The Fin ntering to 0.0 0.0 0.0	p record and reportal Date is the expectation (except for \$0 \$0	rt unauthorized disc pected date of comp one-time avoided of \$0 \$0	harges. Date iliance. sosts) \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel	Requi	red was the date	of the investigation	raining to The Fin ntering to 0.0 0.0 0.0 0.0	o record and repo nal Date is the exp tem (except/for \$0 \$0 \$0	rt unauthorized disc pected date of comp one-time avoided: \$0 \$0 \$0	harges. Date bliance. Sosts) \$0 \$0 \$0
Avoided Costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Requi	red was the date	of the investigation	raining to The Fin ntering (1) 0.0 0.0 0.0 0.0 0.0	tem (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	rt unauthorized disc pected date of comp one-time avoided: \$0 \$0 \$0 \$0 \$0	harges. Date bliance. Sosts) \$0 \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	Requi	red was the date	of the investigation	raining to The Fin ntering it 0.0 0.0 0.0 0.0 0.0 0.0 0.0	tem (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	rt unauthorized disc pected date of comp one-time avoided: \$0 \$0 \$0 \$0 \$0	harges. Date sliance. Sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Requi	red was the date	of the investigation	raining to The Fin ntering (1) 0.0 0.0 0.0 0.0 0.0	tem (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	rt unauthorized disc pected date of comp one-time avoided: \$0 \$0 \$0 \$0 \$0	harges. Date bliance. Sosts) \$0 \$0 \$0 \$0 \$0 \$0

Compliance History

Customer/Respondent/Owner-Operator: CN600126999 Classification: AVERAGE Carotex, Inc. Rating: 1.60 Regulated Entity: RN100213727 CAROTEX Classification: AVERAGE Site Rating: 1.60

ID Number(s):

WASTEWATER WQ0001674000 WASTEWATER **PERMIT** TPDES0064718 WASTEWATER PERMIT TX0064718 TXD087721197

PERMIT

INDUSTRIAL AND HAZARDOUS WASTE EPA ID **GENERATION**

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE

31682 GENERATION REGISTRATION # (SWR)

AIR NEW SOURCE PERMITS ACCOUNT NUMBER JE0079B AIR NEW SOURCE PERMITS AFS NUM 4824500077 AIR NEW SOURCE PERMITS **PERMIT** 36562

No

1500 INTRACOASTAL DRIVE. Rating Date: 9/1/2007 Repeat Violator: NO APPROXIMATELY ONE (1) MILE

> DOWNSTREAM AND SOUTHEAST OF THE RAINBOW/VETERANS BRIDGE, IN THE CITY OF PORT ARTHUR,

JEFFERSON COUNTY, TEXAS

REGION 10 - BEAUMONT TCEQ Region:

Date Compliance History Prepared: December 13, 2007

Agency Decision Requiring Compliance History: Enforcement

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

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

2. Has there been a (known) change in ownership of the site during the compliance period?

Name: J. Craig Fleming Phone: (512) 239-5806

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes

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:

Location:

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

Effective Date: 05/12/2006 ADMINORDER 2005-1662-IWD-E

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Ramt Prov: Effluent Limits PERMIT

Description: Failure to comply with permit effluent limits as documented by a TCEQ record

review of self-reported data.

Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(17)

Rqmt Prov: Self-reporting Requirements PERMIT

Description: Failure to submit monitoring results at the intervals specified in the permit as

documented by a TCEQ record review.

В. 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 12/18/2002 (193053)2 01/17/2003 (193055)

```
3 02/12/2003
                  (21948)
4 02/14/2003
                  (193030)
5 03/07/2003
                  (193033)
   04/08/2003
                  (193036)
7
   05/09/2003
                  (193039)
8 06/04/2003
                  (31740)
9 06/12/2003
                   (310199)
10 07/07/2003
                   (310200)
11 08/11/2003
                   (126090)
12 08/15/2003
                   (310201)
13 09/11/2003
                   (248409)
14 09/26/2003
                   (310202)
15 10/13/2003
                   (310203)
16 11/07/2003
                   (310204)
17 12/11/2003
                   (310205)
18 01/16/2004
                   (310206)
19 02/23/2004
                   (310196)
20 03/12/2004
                   (310197)
21 03/24/2004
                   (262280)
                   (310198)
22 04/02/2004
23 05/10/2004
                   (358073)
24 06/07/2004
                   (358074)
25 07/12/2004
                   (358075)
26 08/16/2004
                   (358076)
27 09/17/2004
                   (358077)
28 11/08/2004
                   (385147)
29 11/08/2004
                   (385148)
30 12/20/2004
                   (385149)
31 01/14/2005
                   (385150)
32 02/14/2005
                   (423157)
33 03/25/2005
                   (385146)
34 04/18/2005
                   (423158)
35 05/10/2005
                   (423159)
36 05/31/2005
                   (392776)
37 06/21/2005
                   (423160)
38 07/11/2005
                   (444027)
39 08/18/2005
                   (444028)
40 09/12/2005
                   (377926)
41
   09/19/2005
                   (444029)
42 10/20/2005
                   (474322)
43 11/28/2005
                   (474323)
44 12/15/2005
                   (435792)
45 02/08/2006
                   (474324)
   02/28/2006
                   (474321)
46
47
   04/03/2006
                   (502189)
   05/08/2006
                   (502190)
48
   05/08/2006
                   (502191)
49
50 07/12/2006
                   (524535)
   08/16/2006
                   (524536)
52 08/16/2006
                   (524537)
53 08/16/2006
                   (524538)
54 10/16/2006
                   (549494)
55 11/16/2006
                   (549495)
56 12/15/2006
                   (549496)
57 01/22/2007
                   (583286)
   02/16/2007
                   (583281)
   03/19/2007
                   (583282)
59
   04/16/2007
                   (583283)
60
   06/04/2007
                   (583284)
   06/15/2007
                   (583285)
62
63 07/23/2007
                   (603872)
64 08/06/2007
                   (603873)
```

65 08/07/2007

(350997)

66 11/29/2007 (609320)

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

Date 02/12/2003

Self Report?

(21948)

Ramt Prov:

NO

OP WQ 1674

Description:

The clarifier stairwell and walkway railing was loose and in poor

condition, due to corrosion.

Self Report?

Class Moderate

Class Minor

Rqmt Prov:

OP WQ 001674

Description:

The permittee developed a closure plan to provide notification to the

Action Section of the Industrial and Hazardous Waste Division for

demolition of the aeration basin unit.

Self Report? NO Class Moderate

Class Moderate

Ramt Prov:

OP WQ 001674

Description:

Date 01/31/2004

The permittee eliminated the unauthorized discharge at the Lakeside (310196)

Self Report?

30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)

Description:

Citation:

Failure to meet the limit for one or more permit parameter

06/30/2004 (358075)Date

Self Report?

Class 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 09/30/2004 (385147)

Self Report?

Class 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 10/31/2004 (385148)

Self Report?

Class 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 (385149)

11/30/2004 Date

Self Report?

Class 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 12/31/2004 (385150)

Self Report?

Class 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 02/28/2005

(385146)

Self Report?

Class 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 04/30/2005

(423159)

Self Report?

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

Description:

TWC Chapter 26 26.121(a) Failure to meet the limit for one or more permit parameter

05/31/2005 Date

(423160)

Class Moderate

Class Moderate

Self Report? 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 06/01/2005 (392776)

Self Report?

Class Minor

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

Ramt Prov:

PERMIT OT 5 a-e

Description:

Failure by Carotex, Inc. to maintain all records required by WQ Permit

1674, Other Requirements, No. 5 (a) through (e).

Self Report?

30 TAC Chapter 305, SubChapter F 305.125(9)

Citation: Rqmt Prov:

PERMIT M&RR 7c

Description:

Failure by Carotex to report effluent results that deviate from the

permitted limitation by greater than 40%.

NO Self Report?

Class Minor

Class Moderate

Citation: Rqmt Prov: 2D TWC Chapter 26, SubChapter A 26,039(b)

PERMIT M&RR 7

Description:

Failure by Carotex, Inc. to submit noncompliance notification for an

unauthorized discharge within the time frames established by the

Self Report?

Class Minor

Rgmt Prov:

PERMIT M&RR 1

Description:

NO

NO

Failure by Carotex, Inc. to submit complete DMRs for 01/2004 and

Self Report?

Class Moderate

Rqmt Prov:

PERMIT EL&MR 1

Description:

Carotex reported TSS excursions for daily average concentrations

during the months of 06/2004 (26 mg/l), 09/2004 (40 mg/l), 10/2004

(40 mg/l), 11/2004, (44 mg/l) and 12/2004 (32 mg/l).

Self Report?

NO

Class Minor

Citation:

30 TAC Chapter 305, SubChapter F 305.125(5)

Rqmt Prov:

PERMIT O&M 1

Description:

Failure by Carotex, Inc. to properly maintain units of treatment.

Self Report? NO Class Minor

Citation:

30 TAC Chapter 335, SubChapter A 335.4

Rqmt Prov:

PERMIT O&M 11a

Description:

Failure by Carotex, Inc. to properly manage industrial wastes.

Self Report? NO Class Minor

Citation:

30 TAC Chapter 335, SubChapter A 335.4

Rqmt Prov:

PERMIT O&M 11a

Description: Self Report? NO

Failure by Carotex, Inc. to properly manage industrial wastes. Class Minor

Citation:

30 TAC Chapter 335, SubChapter A 335.4

Rqmt Prov:

PERMIT O&M 11a

Description:

Failure by Carotex, Inc. to properly manage industrial wastes.

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

Voluntary on-site compliance assessment dates. Η.

Participation in a voluntary pollution reduction program. 1.

N/A

Early compliance. J.

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION CONCERNING	§ 8	TEXAS COMMISSION ON
CAROTEX, INC.	\$ §	122AS CONTINISSION ON
RN100213727	§	ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2007-2019-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 Carotex, 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, represented by Mr. Paul Sarahan of the law firm of Fulbright & Jaworski, LLP, appear before the Commission and together stipulate that:

- 1. The Respondent owns and operates a wastewater treatment facility authorized to treat and discharge wastes from a barge cleaning and repair operation at 1500 Intracoastal Drive, approximately one (1) mile downstream and southeast of the Rainbow/Veterans Bridge, in Port Arthur, Jefferson County, Texas (the "Facility").
- 2. The Respondent has caused, suffered, allowed or permitted the discharge of any waste or the performance of any activity in violation of TEX. WATER CODE ch. 26 or any rule, permit, or order of the Commission.
- 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 December 4, 2007.
- 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 Nine Thousand Eight Hundred Dollars (\$9,800) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Three Thousand Nine Hundred Twenty Dollars (\$3,920) of the administrative penalty and One Thousand Nine Hundred Sixty Dollars (\$1,960) 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. Three Thousand Nine Hundred Twenty Dollars (\$3,920) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project.
- 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 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.
- 10. 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.
- 11. 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 maintain operating logs in accordance with its permit, in violation of 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0001674000, Other Requirements No. 5, as documented during an investigation conducted on October 11, 2007. Specifically, the operator did not document waste volume moved from the vacuum system to the wastewater treatment plant, the barge identification number, or a description of the material removed from the barge.
- 2. Failed to report effluent exceedances that deviate by more than 40% from the permitted effluent limitation, in violation of 30 Tex. ADMIN. CODE § 305.125(9) and TPDES Permit No. WQ0001674000, Monitoring and Reporting Requirements No. 7.c., as documented during an investigation conducted on October 11, 2007. Specifically, the Respondent did not report exceeding the 25.6 milligrams per liter ("mg/L"), daily average limitation for total suspended solids during April 2005 (50 mg/L), and exceeding the 15.0 mg/L single grab limitation for ammonia nitrogen during May 2005 (79 mg/L).

and the second of the second o

and the second of the second o

and the second of the second o

en de la companya de la co La companya de la co

- 3. Failed to properly ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained, in violation of 30 Tex. ADMIN. CODE § 305.125(5), and TPDES Permit No. WQ0001674000, Operational Requirements No. 1, as documented during an investigation conducted on October 11, 2007. Specifically, pitting and delamination of the metal was observed in the effluent underflow weir, sawtooth weir and unit sidewalls, some of the sawtooth weir teeth were missing, and minor corrosion was observed on the aeration basins.
- 4. Failed to prevent unauthorized discharge of industrial waste, in violation of 30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and TPDES Permit No. WQ0001674000, Permit Conditions No. 2.g., as documented during an investigation conducted on October 11, 2007. Specifically, boiler blowdown was observed at the small boiler to be discharging to the ground and ponding in a large area adjacent to the small boiler at the time of the October 11, 2007 investigation.
- 5. Failed to submit monitoring results at the intervals specified in the permit, in violation of 30 TEX. ADMIN. CODE § 319.1, and TPDES Permit No. WQ0001674000, Monitoring and Reporting Requirements No. 1, as documented during an investigation conducted on October 11, 2007. Specifically, the Respondent failed to submit the discharge monitoring report ("DMR") for November 2005.
- 6. Failed to submit the noncompliance notification for the unauthorized discharge that was observed during the October 11, 2007 investigation, in violation of 30 Tex. ADMIN CODE § 305.125(9), Tex. Water Code § 26.039(b), and TPDES Permit No. WQ0001674000, Monitoring and Reporting Requirement No. 7.a. Specifically, the Respondent failed to submit noncompliance notification for an unauthorized discharge within the time frame established by the permit.

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: Carotex, Inc., Docket No. 2007-2019-IWD-E" to:

and the second of the second o

the form of the second second

and the Million of the Mills

Carotex, Inc. DOCKET NO. 2007-2019-IWD-E Page 4

> 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 a Supplemental Environmental Project ("SEP") in accordance with Tex. Water Code § 7.067. As set forth in Section I, Paragraph 6 above, Three Thousand Nine Hundred Twenty Dollars (\$3,920) 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. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order:
 - i. Begin recording a description of the material cleaned from barges and each barge's respective identification number, as required by TPDES Permit No. WQ0001674000;
 - ii. Develop and implement reporting procedures for noncompliance reporting for effluent violations that deviate by more than 40% from the permitted effluent limitations, and for unauthorized discharges. The reports shall be submitted within the time frames established by TPDES Permit No. WQ0001674000;
 - iii. Submit a notice to the TCEQ Industrial Permits Team to obtain authorization to discharge boiler blowdown to the wastewater treatment plant to:

Industrial Permits Team
Wastewater Permitting Section, MC-148
Texas Commission on Environmental Quality
P. O. Box 13087
Austin, Texas 78711-3087

- iv. Respond completely and adequately, as determined by the TCEQ, to all letter requests for information concerning the permit application within 30 days after the date of such letters, or by any other deadline specified in writing.
- b. Within 45 days after the effective date of this Agreed Order:
 - i. Either repair or replace severely corroded components of equipment;
 - ii. Initiate a preventative maintenance plan which includes periodic evaluation of the integrity of the coatings on the clarifier, aeration basins, and all other units of treatment; and

and the second of the second o

Carotex, Inc.
DOCKET NO. 2007-2019-IWD-E
Page 5

- iii. Remove and cleanup as necessary all unauthorized discharges of industrial wastes from boiler blowdown observed on October 11, 2007.
- c. Within 60 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 3.a. and 3.b.
- d. Within 180 days after the effective date of this Agreed Order, submit written certification that either authorization to discharge blowdown water from the boiler to the wastewater treatment plant has been obtained or that operation has ceased until such time that the authorization is obtained. The certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

Water Section, Manager Beaumont Regional Office Texas Commission on Environmental Quality 3870 Eastex Freeway Beaumont, Texas 77703-1892

- 4. 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.
- 5. 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

Carotex, Inc. DOCKET NO. 2007-2019-IWD-E Page 6

after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

- 6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by 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.
- 7. 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.
- 8. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
- 9. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to 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.

3. The second of the second

Carotex, Inc. DOCKET NO. 2007-2019-IWD-E Page 7

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission	
John b-slin	1/23/2009
For the Executive Director	Date
•	
I the undersioned have read and understand the a	ttoched Agraed Order Tam extherized to serve

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.

Name (Printed or typed) Authorized Representative of

Carotex, Inc.

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: 2007-2019-IWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:

Carotex, Inc.

Payable Penalty Amount:

Seven Thousand Eight Hundred Forty Dollars (\$7,840).

SEP Amount:

Three Thousand Nine Hundred Twenty Dollars (\$3,920)

Type of SEP:

Pre-approved

Third-Party Recipient:

Jefferson County-Pleasure Island Stabilization

Location of SEP:

Jefferson County

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

1. Project Description

A. Project

The Respondent shall contribute the SEP Amount to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to stabilize the shoreline by placing vinyl sheets of piling and erosion control blankets along a stretch of waterway along Pleasure Island. Continued erosion from wave action caused by passing ships is compromising the integrity of the shoreline along Pleasure Island. The embankment will be reclaimed and sloped to stabilize approximately 5 miles of shoreline.

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

B. <u>Environmental Benefit</u>

This SEP will provide a discernible environmental benefit by correcting erosion problems and will result in less silt and turbidity in the water. Improving the waterway will promote bird and aquatic life, and make the area safer for recreational uses.

C. Minimum Expenditure

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

Page 1 of 3

The parties and examine and the State Miles of

	au (v. r.	The second that
e de la companya de l	Company of the Company	
		the transfer of the
	* :	
	in the first of the second	1 - 2 - 3 - 4 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1
The second of th	The second of th	
$\Delta \omega s^{2} = 1 + i \epsilon_{12} + i \epsilon_{23}$		
 State of the description of the second of the	en e	
The state of the s	tana ayan da karan d Baran da karan da ka	•

77.73

Carotex, Inc. Agreed Order - Attachment A

2. Performance Schedule

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

The Honorable Carl R. Griffith, Jr. Jefferson County Judge 1149 Pearl Street, 4th Floor Beaumont, Texas 77701

3. Records and Reporting

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

Enforcement 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 payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

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

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

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.

Same of the state of the state

et en en etilisk kan Manda komen albeiten av en skrivit en mark til traditioner kan betek et en en en en som e La servició de la servició de

Seffection to see were to the see.

and the second of the second o n de la composition de la Servicio d La composition de la La composition de la

and the state of t

Carotex, Inc. Agreed Order - Attachment A

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 an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

graph with the first transfer and the