

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.: 2007-1762-IHW-E TCEQ ID: RN100622901 CASE NO.: 34877**  
**RESPONDENT NAME: PARRISH MACHINE & SERVICE, INC.**

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input checked="" type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p><b>SITE WHERE VIOLATIONS OCCURRED:</b> 7419 Avenue O, Houston, Harris County</p> <p><b>TYPE OF OPERATION:</b> Machine shop</p> <p><b>SMALL BUSINESS:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on March 23, 2009. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney:</b> Ms. Laurencia Fasoyiro, Litigation Division, MC R-12, (713) 422-8914  Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019  <b>TCEQ Enforcement Coordinator:</b> Mr. Michael Meyer, Waste Enforcement Section, MC 128, (512) 239-4492  <b>TCEQ Regional Contact:</b> Ms. Nicole Bealle, Houston Regional Office, MC R-12, (713) 767-3623  <b>Respondent:</b> Mr. Culberson Parrish, President, Parrish Machine &amp; Service, Inc., 7419 Avenue O, Houston, Texas 77011  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter.</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b></p> <p><input type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date of Complaint Relating to this Case:</b>                      N/A</p> <p><b>Date of Investigation Relating to this Case:</b>                      July 19, 2007</p> <p><b>Date of NOE Relating to this Case:</b>                      October 5, 2007</p> <p><b>Background Facts:</b>                      The EDRP was filed March 28, 2008. The Respondent filed an answer and the case was referred to SOAH. The Respondent signed the Agreed Order on January 21, 2009.</p> <p><b>Current Compliance Status:</b>                      No outstanding Technical Requirements.</p> <p><b>IHW:</b></p> <p>1. Failed to prevent the storage of hazardous waste restricted from land disposal without a permit for over one year [30 TEX. ADMIN. CODE § 335.431(c) and 40 CODE OF FEDERAL REGULATIONS ("CFR") § 268.50(a)].</p> <p>2. Failed to properly complete land disposal restriction ("LDR") notification [30 TEX. ADMIN. CODE § 335.431(c) and 40 CFR § 268.7(a)(2)].</p> <p>3. Failed to conduct hazardous waste determinations and classifications [30 TEX. ADMIN. CODE § 335.62(c) and 40 CFR § 262.11].</p>	<p><b>Total Assessed:</b> \$13,590</p> <p><b>Total Deferred:</b> \$0  <input type="checkbox"/> Expedited Order  <input type="checkbox"/> Financial Inability to Pay  <input type="checkbox"/> SEP Conditional Offset</p> <p><b>Total Paid/Due to General Revenue:</b>                      \$1,490/\$12,100</p> <p>The Respondent paid \$1,490 of the administrative penalty. The remaining amount of \$12,100 of the administrative penalty shall be payable in 11 monthly payments of \$1,100 each.</p> <p><b>Site Compliance History Classification</b>  <input checked="" type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that the Respondent implemented the following corrective measures:</p> <ol style="list-style-type: none"> <li>On December 15, 2006, shipped off-site for disposal two drums (750 pounds) of corrosive liquid waste (Manifest No. 000035731) and two drums (800 pounds) of waste which exhibited the toxicity characteristic for chromium;</li> <li>On December 28, 2006, shipped off-site for disposal 13 drums (4200 pounds) of chromium contaminated acidic liquid;</li> <li>On June 13, 2007, shipped off-site for disposal an additional drum (220 pounds) of chromium contaminated acidic liquid;</li> <li>On August 23, 2007, and October 29, 2007, submitted documentation updating the hazardous waste determination and classification; and</li> <li>On October 19, 2007, submitted a completed land ban restriction notice to the TCEQ Houston Regional Office.</li> </ol>



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision September 19, 2007

<b>DATES</b>	Assigned	5-Oct-2007	Screening	29-Oct-2007	EPA Due	
	PCW	13-Jan-2009				

<b>RESPONDENT/FACILITY INFORMATION</b>			
Respondent	Parrish Machine & Service, Inc.		
Reg. Ent. Ref. No.	RN100622901		
Facility/Site Region	12-Houston	Major/Minor Source	Minor

<b>CASE INFORMATION</b>				
Enf./Case ID No.	34877	No. of Violations	3	
Docket No.	2007-1762-IHW-E	Order Type	1660	
Media Program(s)	Industrial and Hazardous Waste	Enf. Coordinator	Michael Meyer	
Multi-Media		EC's Team	EnforcementTeam 7	
Admin. Penalty \$	Limit Minimum	\$0	Maximum	\$10,000

<b>Penalty Calculation Section</b>			
<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>		<b>Subtotal 1</b>	<b>\$15,100</b>
<b>ADJUSTMENTS (+/-) TO SUBTOTAL 1</b>			
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.			
<b>Compliance History</b>	0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	<b>\$0</b>
Notes	The Respondent has had no previous NOV's.		
<b>Culpability</b>	No	0% Enhancement	<b>Subtotal 4</b>
Notes	The Respondent does not meet the culpability criteria.		
<b>Good Faith Effort to Comply</b>	10% Reduction	<b>Subtotal 5</b>	<b>\$1,510</b>
	Before NOV	NOV to EDRP/Settlement Offer	
Extraordinary			
Ordinary		X	
N/A		(mark with x)	
Notes	The Respondent achieved compliance by October 29, 2007.		
		0% Enhancement*	<b>Subtotal 6</b>
		*Capped at the Total EB \$ Amount	<b>\$0</b>
Total EB Amounts	\$231		
Approx. Cost of Compliance	\$6,700		
<b>SUM OF SUBTOTALS 1-7</b>		<b>Final Subtotal</b>	<b>\$13,590</b>
<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>		<b>Adjustment</b>	
Reduces or enhances the Final Subtotal by the indicated percentage.			
Notes			
		<b>Final Penalty Amount</b>	<b>\$13,590</b>
<b>STATUTORY LIMIT ADJUSTMENT</b>		<b>Final Assessed Penalty</b>	<b>\$13,590</b>
<b>DEFERRAL</b>		Reduction	<b>Adjustment</b>
Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)			
Notes	Deferral not offered for non-expedited cases.		
<b>PAYABLE PENALTY</b>			<b>\$13,590</b>

Screening Date 29-Oct-2007

Docket No. 2007-1762-IHW-E

PCW

Respondent Parrish Machine & Service, Inc.

Policy Revision 2 (September 2002)

Case ID No. 34877

PCW Revision September 19, 2007

Reg. Ent. Reference No. RN100622901

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Michael Meyer

**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 (number of NOVs meeting criteria)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	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 (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%
Please Enter Yes or No			
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) 0%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

The Respondent has had no previous NOVs.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 0%

<b>Screening Date</b> 29-Oct-2007	<b>Docket No.</b> 2007-1762-IHW-E	<b>PCW</b>		
<b>Respondent</b> Parrish Machine & Service, Inc.	<i>Policy Revision 2 (September 2002)</i>			
<b>Case ID No.</b> 34877	<i>PCW Revision September 19, 2007</i>			
<b>Reg. Ent. Reference No.</b> RN100622901				
<b>Media [Statute]</b> Industrial and Hazardous Waste				
<b>Enf. Coordinator</b> Michael Meyer				
<b>Violation Number</b> <input type="text" value="1"/>				
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 335.431(c) and 40 § CFR 268.50(a)			
<b>Violation Description</b>	<p>Failed to prevent the storage of hazardous waste restricted from land disposal without a permit for over one year, as documented during as investigation conducted on July 19, 2007. Specifically, in October 2005, the facility cleaned a concrete secondary containment sump formerly used for three chrome electroplating vats. Fourteen drums (4,476 pounds) of acid waste and chromium and two drums (800 pounds) of contaminated solids which exhibited toxicity characteristic for chromium (D007) were generated from the acid etching, washing and decontamination of the concrete. The secondary containment area was subsequently filled-in with concrete as reflected in an invoice from Concrete Construction of Houston dated October 19, 2005. The hazardous waste generated from the October 2005 cleaning activity was shipped off-site for treatment and disposal on December 15, 2006 (Manifest Nos. 000035731 and 000035732) and December 28, 2006 (Manifest No. 00035787). An additional drum (220 pounds) of chromium contaminated acidic liquid was shipped off-site on June 13, 2007 (Manifest No. 000085919).</p>			
<b>Base Penalty</b>		<input type="text" value="\$10,000"/>		
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>				
OR	<b>Harm</b>			
	Release	Major	Moderate	Minor
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Potential	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<b>Percent</b>	<input type="text" value="25%"/>	
<b>&gt;&gt; Programmatic Matrix</b>				
	Falsification	Major	Moderate	Minor
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
		<b>Percent</b>	<input type="text" value="0%"/>	
<b>Matrix Notes</b>	Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation.			
		<b>Adjustment</b>	<input type="text" value="\$7,500"/>	
		<input type="text" value="\$2,500"/>		
<b>Violation Events</b>				
<b>Number of Violation Events</b>		<input type="text" value="3"/>	<input type="text" value="237"/> <b>Number of violation days</b>	
<i>mark only one with an x</i>	daily	<input type="text"/>	<b>Violation Base Penalty</b> <input type="text" value="\$7,500"/>	
	monthly	<input type="text"/>		
	quarterly	<input checked="" type="checkbox"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	<input type="text"/>		
Three quarterly events are recommended beginning on October 19, 2006 to June 13, 2007 the date of last shipment of waste generated during cleaning.				
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>		
<b>Estimated EB Amount</b>		<input type="text" value="\$4,666"/>	<b>Violation Final Penalty Total</b> <input type="text" value="\$7,500"/>	
		<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$7,500"/>		

### Economic Benefit Worksheet

**Respondent** Parrish Machine & Service, Inc.

**Case ID No.** 34877

**Reg. Ent. Reference No.** RN100622901

**Media** Industrial and Hazardous Waste

**Violation No.** 1

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

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

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$5,100	19 Oct-2006	13-Jun-2007	0.6	\$166	n/a	\$166

Notes for DELAYED costs

The estimate for the cost of disposal is based on a total of 17 55-gallon drums of waste shipped off-site for disposal per Manifest Nos. 000035731, 000035732, 000035787 and 000085919 at a cost of \$300 per drum for treatment and disposal. The Date Required is October 19, 2006, when the waste exceeded the one-year accumulation time, and the Final Date is the date of the final shipment of waste (Manifest No. 000085919).

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,100

TOTAL

\$4,666

**Screening Date** 29-Oct-2007 **Docket No.** 2007-1762-IHW-E **PCW**  
**Respondent** Parrish Machine & Service, Inc. *Policy Revision 2 (September 2002)*  
**Case ID No.** 34877 *PCW Revision September 19, 2007*  
**Reg. Ent. Reference No.** RN100622901  
**Media [Statute]** Industrial and Hazardous Waste  
**Enf. Coordinator** Michael Meyer  
**Violation Number** 2  
**Rule Cite(s)** 30 Tex. Admin. Code § 335.431(c) and 40 CFR § 268.7(a)(2)  
**Violation Description** Failed to properly complete the land disposal restriction (LDR) notification for the initial shipment of spent chromic acid bath (WS 0001103H) on December 15, 2006 (Manifest No. 00035731) as documented during an investigation conducted on July 19, 2007. Specifically, the LDR form did not indicate the manifest number or whether the waste was a wastewater or nonwastewater.

**Base Penalty** \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0%
	Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
			x	1%

**Matrix Notes** At least 70 percent of the rule requirement has been met.

**Adjustment** \$9,900

\$100

Violation Events

Number of Violation Events 1 81 Number of violation days

<i>mark only one with an x</i>	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

**Violation Base Penalty** \$100

One event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$6

Violation Final Penalty Total \$100

This violation Final Assessed Penalty (adjusted for limits) \$100

## Economic Benefit Worksheet

**Respondent** Parrish Machine & Service, Inc.  
**Case ID No.** 34877  
**Reg. Ent. Reference No.** RN100622901  
**Media** Industrial and Hazardous Waste  
**Violation No.** 2

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Delayed Costs</b>							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$100	19-Jul-2006	19-Oct-2007	1.3	\$6	n/a	\$6

Notes for DELAYED costs

The estimated cost to properly complete the LDR Form. The Date Required is the date of July 19, 2007 investigation and the Final Date is the date the LDR was submitted to the TSD facility and to the TCEQ.

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$100 TOTAL \$6

Screening Date 29-Oct-2007

Docket No. 2007-1762-IHW-E

PCW

Respondent Parrish Machine & Service, Inc.

Policy Revision 2 (September 2002)

Case ID No. 34877

PCW Revision September 19, 2007

Reg. Ent. Reference No. RN100622901

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Michael Meyer

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

OR

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

>> Programmatic Matrix

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

Matrix Notes

Adjustment

Violation Events

Number of Violation Events   Number of violation days

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

Violation Base Penalty

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

## Economic Benefit Worksheet

**Respondent** Parrish Machine & Service, Inc.  
**Case ID No.** 34877  
**Reg. Ent. Reference No.** RN100622901  
**Media** Industrial and Hazardous Waste  
**Violation No.** 3

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs.	Interest Saved	Onetime Costs	EB Amount
<b>Delayed Costs</b>							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$1,500	19-Jul-2007	29-Oct-2007	0.3	\$21	n/a	\$21

**Notes for DELAYED costs**  
 The estimated cost to provide appropriate hazardous waste determinations for three waste streams. The Date Required is the July 19, 2007 investigation and the Final Date is the date of compliance.

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

**Notes for AVOIDED costs**

Approx. Cost of Compliance TOTAL

\$1,500	TOTAL	\$21
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## Compliance History

Customer/Respondent/Owner-Operator:	CN603240953	Parrish Machine & Service, Inc.	Classification:	Rating:
Regulated Entity:	RN100622901	PARRISH MACHINE & SERVICE	Classification: HIGH	Site Rating: 0.00
ID Number(s):	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID		TXD008085649
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)		20324
	AIR NEW SOURCE PERMITS	PERMIT		9950B
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER		HG1274Q
	STORMWATER	PERMIT		TXR05L088
Location:	7419 AVENUE O, HOUSTON, TX, 77011		Rating Date: 9/1/2007 Repeat Violator: NO	
TCEQ Region:	REGION 12 - HOUSTON			
Date Compliance History Prepared:	November 06, 2007			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	October 29, 2007 to October 28, 2007			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History				
Name:	Michael Meyer		Phone:	(512) 239-4492

### Site Compliance History Components

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

### Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.  
N/A
  - B. Any criminal convictions of the state of Texas and the federal government.  
N/A
  - C. Chronic excessive emissions events.  
N/A
  - D. The approval dates of investigations. (CCEDS Inv. Track. No.)
  - E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
  - 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  
PARRISH MACHINE & SERVICE,  
INC.; RN100622901**

§  
§  
§  
§  
§  
§

**BEFORE THE  
  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2007-1762-IHW-E**

### **I. JURISDICTION AND STIPULATIONS**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Parrish Machine & Service, Inc. ("Parrish") under the authority of TEX. WATER CODE ch. 7 and TEX. HEALTH & SAFETY CODE ch. 361. The Executive Director of the TCEQ, represented by the Litigation Division, and Parrish, appear before the Commission and together stipulate that:

1. Parrish owns and operates a machine shop at 7419 Avenue O in Houston, Harris County, Texas (the "Facility").
2. This Agreed Order is entered into pursuant to TEX. WATER CODE §§ 7.051 and 7.070. The Commission has jurisdiction of this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 361 and TCEQ rules.
3. The Commission and Parrish agree that the Commission has jurisdiction to enter this Agreed Order, and that Parrish is subject to the Commission's jurisdiction.
4. Parrish received notice of the violations alleged in Section II ("Allegations") on or about October 10, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Parrish of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of thirteen thousand five hundred ninety dollars (\$13,590.00) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Parrish has paid one thousand four hundred ninety dollars (\$1,490.00) of

the administrative penalty. The remaining amount of twelve thousand one hundred dollars (\$12,100.00) of the administrative penalty shall be payable in 11 monthly payments of one thousand one hundred dollars (\$1,100.00) each, pursuant to 30 TEX. ADMIN. CODE § 70.9(a). The first monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall be paid not later than 30 days following the due date of the previous payment. If Parrish fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, including the payment schedule, the Executive Director may, at his option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, Parrish's failure to meet the payment schedule of this Agreed Order constitutes the failure by Parrish to timely and satisfactorily comply with all of the terms of this Agreed Order.

7. Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and Parrish 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 Parrish implemented the following corrective measures at the Facility:
  - a. On December 15, 2006, shipped off-site for disposal two drums (750 pounds) of corrosive liquid waste (Manifest No. 000035731) and two drums (800 pounds) of waste which exhibited the toxicity characteristic for chromium (Manifest No. 000035732);
  - b. On December 28, 2006, shipped off-site for disposal 13 drums (4200 pounds) of chromium contaminated acidic liquid (Manifest No. 00035787);
  - c. On June 13, 2007, shipped off-site for disposal an additional drum (220 pounds) of chromium contaminated acidic liquid (Manifest No. 00085919);
  - d. On August 23, 2007 and October 29, 2007, submitted documentation updating the hazardous waste determination and classification; and
  - e. On October 19, 2007, submitted a completed land ban restriction notice to the TCEQ Houston Regional Office.

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 Parrish 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

During an investigation conducted on July 19, 2007, a TCEQ Houston Regional Office Investigator documented that Parrish violated:

- a. 30 TEX. ADMIN. CODE § 335.431(c) and 40 CODE OF FEDERAL REGULATIONS ("CFR") § 268.50(a) by failing to prevent the storage of hazardous waste restricted from land disposal without a permit for over one year. Specifically, in October 2005, the Facility cleaned a concrete secondary containment sump formerly used for three chrome electroplating vats. Fourteen drums (4,476 pounds) of acid waste and chromium and two drums (800 pounds) of contaminated solids which exhibited toxicity characteristic for chromium (D007) were generated from the acid etching, washing and decontamination of the concrete. The secondary containment area was subsequently filled-in with concrete as reflected in an invoice from Concrete Construction of Houston dated October 19, 2005. The hazardous waste generated from the October 2005 cleaning activity was shipped off-site for treatment and disposal on December 15, 2006 (Manifest Nos. 000035731 and 000035732) and December 28, 2006 (Manifest No. 00035787). An additional drum (220 pounds) of chromium contaminated acidic liquid was shipped off-site on June 13, 2007 (Manifest No. 000085919);
- b. 30 TEX. ADMIN. CODE § 335.431(c) and 40 CFR § 268.7(a)(2) by failing to properly complete the land disposal restriction ("LDR") notification for the initial shipment of spent chromic acid bath (WS 0001103H) on December 15, 2006 (Manifest No. 00035731). Specifically, the LDR form did not indicate the manifest number or whether the waste was a wastewater or nonwastewater; and
- c. 30 TEX. ADMIN. CODE § 335.62(c) and 40 CFR § 262.11 by failing to conduct hazardous waste determinations and classifications. Specifically, the waste determination and waste classification documentation was out of date for the

absorbent material (Floor Dry) used to cleanup oil leaks and spills. It was also found that documentation for the spent sand blast waste stream had not been updated after Black Beauty (coal slag) replaced glass bead as the blasting media. Finally, Parrish failed to test the chromium content of the inorganic sludge generated from water soluble coolant used in machining (WS 00075191) to supplement process knowledge used to make the hazardous waste determination.

### III. DENIALS

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

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Parrish pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Parrish'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 considering or requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: Parrish Machine & Service, Inc., Docket No. 2007-1762-IHW-E" to:

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

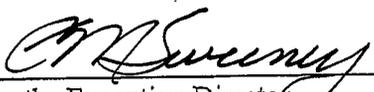
2. The provisions of this Agreed Order shall apply to and be binding upon Parrish. Parrish is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
3. This Agreed Order, issued by the Commission, shall not be admissible against Parrish 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 Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order 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) and TEX. GOV'T CODE § 2001.142, the effective date of this Agreed Order is the date of hand-delivery of the Order to Parrish, or three days after the date on which the Commission mails notice of the Order to Parrish, 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

April 1, 2009  
Date

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

I also understand that Parrish Machine & Service, Inc.'s failure to comply with the Ordering Provisions, if any, in this order and/or Parrish Machine & Service, Inc.'s failure to timely pay the penalty amount, may result in:

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

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

  
Signature

4/21/09  
Date

C.A. Parrish  
Name (Printed or typed)  
Authorized representative of  
Parrish Machine & Service, Inc.

President  
Title