

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2009-0317-IWD-E **TCEQ ID:** RN100215474 **CASE NO.:** 37257
RESPONDENT NAME: V&M Star, a Partnership with General and Limited Partners, LP

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: V & M Star Sheldon Rd, 8603 Sheldon Road, approximately 1.5 miles south of the intersection of Sheldon Road and United States Highway 90, Channelview, Harris County</p> <p>TYPE OF OPERATION: Wastewater treatment facility</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on August 31, 2009. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Steve Villatoro, Enforcement Division, Enforcement Team 1, MC 169, (512) 239-4930; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387 Respondent: Mr. Didier Hornet, Chairman, V&M Star, a Partnership with General and Limited Partners, LP, 8603 Sheldon Road, Houston, Texas 77049 Mr. Tim Ries, Plant Manager, V&M Star, a Partnership with General and Limited Partners, LP, 8603 Sheldon Road, Houston, Texas 77049 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

DOCKET NO.: 2009-0317-IWD-E

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: September 19, 2008</p> <p>Date of NOV/NOE Relating to this Case: February 26, 2009 (NOE)</p> <p>Background Facts: This was a record review.</p> <p>WATER</p> <p>Failure to comply with permit effluent limits for total copper and total suspended solids [TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0003787000, Effluent Limitations and Monitoring Requirements No. 1].</p>	<p>Total Assessed: \$5,670</p> <p>Total Deferred: \$1,134 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$4,536</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:</p> <p>a. By June 30, 2008, replaced the pipe-scale settling tank filters and updated their operational guidance to ensure discharge from the settling tanks is properly performed; and</p> <p>b. During July 2008, returned to compliance with the permitted effluent limits of TPDES Permit No. WQ0003787000.</p>

Additional ID No(s): WQ0003787000



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision October 30, 2008

DATES	Assigned	2-Mar-2009			
	PCW	18-May-2009	Screening	5-Mar-2009	EPA Due

RESPONDENT/FACILITY INFORMATION			
Respondent	V&M Star, a Partnership with General and Limited Partners, LP		
Reg. Ent. Ref. No.	RN100215474		
Facility/Site Region	12-Houston	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	37257	No. of Violations	2
Docket No.	2009-0317-IWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Steve Villatoro
		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$3,500
ADJUSTMENTS (+/-) TO SUBTOTAL 1		
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.		
Compliance History	92.0% Enhancement	Subtotals 2, 3, & 7 \$3,220
Notes	The penalty is enhanced due to 13 self-reported monthly effluent violations, four NOVs with unrelated violations, one NOV with violations same/similar to those cited in this action, and one final agreed order containing a denial of liability. The penalty is reduced due to one letter of intent to conduct a self-audit, and participation in a voluntary pollution reduction program.	
Culpability	No	0.0% Enhancement Subtotal 4 \$0
Notes	The Respondent does not meet the culpability criteria.	
Good Faith Effort to Comply Total Adjustments		Subtotal 5 \$875
Economic Benefit	0.0% Enhancement*	Subtotal 6 \$0
Total EB Amounts	\$119	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$5,100	
SUM OF SUBTOTALS 1-7	Final Subtotal	\$5,845
OTHER FACTORS AS JUSTICE MAY REQUIRE	-3.0%	Adjustment -\$175
Reduces or enhances the Final Subtotal by the indicated percentage.		
Notes	Recommended reduction to prevent double enhancement for the violations that were self reported.	
	Final Penalty Amount	\$5,670
STATUTORY LIMIT ADJUSTMENT		Final Assessed Penalty \$5,670
DEFERRAL	20.0% Reduction	Adjustment -\$1,134
Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)		
Notes	Deferral offered for expedited settlement.	
PAYABLE PENALTY		\$4,536

Screening Date 5-Mar-2009	Docket No. 2009-0317-IWD-E	PCW
Respondent V&M Star, a Partnership with General and Limited Partne		<i>Policy Revision 2 (September 2002)</i>
Case ID No. 37257		<i>PCW Revision October 30, 2008</i>
Reg. Ent. Reference No. RN100215474		
Media [Statute] Water Quality		
Enf. Coordinator Steve Villatoro		

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action <i>(number of NOVs meeting criteria)</i>	14	70%
	Other written NOVs	4	8%
Orders	Any agreed final enforcement orders containing a denial of liability <i>(number of orders meeting criteria)</i>	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government <i>(number of judgements or consent decrees meeting criteria)</i>	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government <i>(number of counts)</i>	0	0%
Emissions	Chronic excessive emissions events <i>(number of events)</i>	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which notices were submitted)</i>	1	-1%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which violations were disclosed)</i>	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	Yes	-5%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 92%

>> Repeat Violator (Subtotal 3)

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

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

Compliance History Notes	The penalty is enhanced due to 13 self-reported monthly effluent violations, four NOVs with unrelated violations, one NOV with violations same/similar to those cited in this action, and one final agreed order containing a denial of liability. The penalty is reduced due to one letter of intent to conduct a self-audit, and participation in a voluntary pollution reduction program.
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Total Adjustment Percentage (Subtotals 2, 3, & 7) 92%

Screening Date 5-Mar-2009	Docket No. 2009-0317-IWD-E	PCW
Respondent V&M Star, a Partnership with General and Limited Partners, LP		<small>Policy Revision 2 (September 2002)</small>
Case ID No. 37257		<small>PCW Revision October 30, 2008</small>
Reg. Ent. Reference No. RN100215474		
Media [Statute] Water Quality		
Enf. Coordinator Steve Villatoro		
Violation Number	1	
Rule Cite(s)	Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(1) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0003787000, Effluent Limitations and Monitoring Requirements No. 1	
Violation Description	Failed to comply with permit effluent limits, as documented during a record review conducted on September 19, 2008 and shown in the attached table.	
Base Penalty		\$10,000

>> Environmental, Property and Human Health Matrix

OR	Harm				
	Release	Major	Moderate	Minor	
	Actual		x		Percent 25%
Potential					

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0%

Matrix Notes
A simplified model was used to evaluate total copper to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. Flow and total suspended solids values were also considered. As a result of these discharges, human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels protective of human health or environmental receptors.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events Number of violation days

<small>mark only one with an x</small>	daily	<input type="text"/>	Violation Base Penalty \$2,500
	weekly	<input type="text"/>	
	monthly	x	
	quarterly	<input type="text"/>	
	semiannual	<input type="text"/>	
	annual	<input type="text"/>	
	single event	<input type="text"/>	

One monthly event is recommended for the month of March 2008.

Good Faith Efforts to Comply **25.0%** Reduction **\$625**

	<small>Before NOV</small>	<small>NOV to EDRP/Settlement Offer</small>
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	x	<input type="text"/>
N/A	<input type="text"/>	<small>(mark with x)</small>

Notes The Respondent achieved compliance in July 2008.

Violation Subtotal \$1,875

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$119"/>	Violation Final Penalty Total <input type="text" value="\$4,050"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$4,050"/>	

Economic Benefit Worksheet

Respondent: V&M Star, a Partnership with General and Limited Partners, LP
Case ID No.: 37257
Reg. Ent. Reference No.: RN100215474
Media: Water Quality
Violation No.: 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$5,000	31-Mar-2008	31-Jul-2008	0.33	\$6	\$111	\$117
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$100	31-Mar-2008	31-Jul-2008	0.33	\$2	n/a	\$2
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated costs to replace filters on the pipe-scale settling tanks and to update operational guidance to ensure discharge from settling tanks is properly performed. Date required is the first date of non-compliance. Final date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,100

TOTAL

\$119

Screening Date 5-Mar-2009	Docket No. 2009-0317-IWD-E	PCW
Respondent V&M Star, a Partnership with General and Limited Partners, LP		<small>Policy Revision 2 (September 2002)</small>
Case ID No. 37257		<small>PCW Revision October 30, 2008</small>
Reg. Ent. Reference No. RN100215474		
Media [Statute] Water Quality		
Enf. Coordinator Steve Villatoro		
Violation Number	<input type="text" value="2"/>	
Rule Cite(s)	Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. WQ0003787000, Effluent Limitations and Monitoring Requirements No. 1	
Violation Description	Failed to comply with permit effluent limits, as documented during a record review conducted on September 19, 2008 and shown in the attached table.	
Base Penalty		<input type="text" value="\$10,000"/>

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

Matrix Notes

A simplified model was used to evaluate total copper to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. As a result of these discharges, human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels protective of human health or environmental receptors.

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

One quarterly event is recommended for the quarter containing the month of June 2008.

Good Faith Efforts to Comply Reduction

		Before NOV	NOV to EDRP/Settlement Offer
	Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	X	<input type="text"/>	<input type="text"/>
N/A	<input type="text"/>	<small>(mark with x)</small>	

Notes The Respondent achieved compliance in July 2008.

Violation Subtotal

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: V&M Star, a Partnership with General and Limited Partners, LP
Case ID No.: 37257
Reg. Ent. Reference No.: RN100215474
Media: Water Quality
Violation No.: 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

See Economic Benefit Worksheet for Violation No. 1.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

EFFLUENT VIOLATION TABLE						
V&M Star, a Partnership with General and Limited Partners, LP						
TPDES Permit No. WQ0003787000						
Docket No. 2009-0317-IWD-E						
Outfall 002						
Months	Total Copper Loading Daily Avg.	Total Copper Loading Daily max.	Total Copper Conc. Daily Avg.	Total Copper Conc. Daily max.	TSS Conc. Daily Avg.	TSS Conc. Daily Max.
	Limit = 0.013 lbs/day	Limit = 0.028 lbs/day	Limit = .02 mg/L	Limit = 0.042 mg/L	Limit = 30 mg/L	Limit = 62 mg/L
3/31/2008	0.02	0.062	0.481	1.867	273.4	972.0
6/30/2008	c	c	0.056	0.098	c	c

TSS = Total Suspended Solids

Min. = minimum

mg/L = milligrams per liter

lbs/day = Pounds per day

Max. = maximum

avg. = average

c = compliant

conc. = concentration

Compliance History Report

Customer/Respondent/Owner-Operator:	CN602607319	V&M Star, a Partnership with General and Limited Partners, LP	Classification: AVERAGE	Rating: 1.73
Regulated Entity:	RN100215474	V & M STAR SHELDON RD	Classification: AVERAGE	Site Rating: 1.73
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY		REGISTRATION	1012679
	WASTEWATER		PERMIT	WQ0003787000
	WASTEWATER		PERMIT	TPDES0088455
	AIR NEW SOURCE PERMITS		ACCOUNT NUMBER	HG1813G
	AIR NEW SOURCE PERMITS		AFS NUM	4820100446
	AIR NEW SOURCE PERMITS		REGISTRATION	78683
	PETROLEUM STORAGE TANK		REGISTRATION	29825
	REGISTRATION			
	STORMWATER		PERMIT	TXR05P920
	WASTEWATER LICENSING		LICENSE	WQ0003787000
	INDUSTRIAL AND HAZARDOUS WASTE		EPA ID	TXD981613003
	GENERATION			
	INDUSTRIAL AND HAZARDOUS WASTE		SOLID WASTE REGISTRATION #	66818
	GENERATION		(SWR)	
Location:	8603 Sheldon Road, approximately 1.5 miles south of the intersection of Sheldon Road and U.S. Highway 90 in Channelview, Harris County, Texas			
TCEQ Region:	REGION 12 - HOUSTON			
Date Compliance History Prepared:	March 05, 2009			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	March 05, 2004 to March 05, 2009			

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

Name: Steve Villatoro Phone: 512-239-4930

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
6. Rating Date: 9/1/2008 Repeat Violator: NO

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	Effective Date: 10/10/2005	ADMINORDER 2004-1919-IWD-E
	Classification: Moderate	
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)	
	Rqmt Prov: Effluent Limitations Nos. 1 and 4 PERMIT	
	Description: Failure to comply with permit effluent limits as listed below (see attached table).	
- B. Any criminal convictions of the state of Texas and the federal government.

N/A
- C. Chronic excessive emissions events.

N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	03/23/2004	(317623)
2	03/26/2004	(261749)
3	03/29/2004	(267229)
4	04/22/2004	(361484)
5	05/21/2004	(361485)
6	06/22/2004	(317627)
7	07/23/2004	(361486)
8	09/20/2004	(361487)
9	10/29/2004	(361488)
10	11/02/2004	(336625)
11	11/17/2004	(341159)
12	11/29/2004	(387187)
13	12/08/2004	(342038)
14	12/27/2004	(387188)

TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 04/30/2007 (586840)
 Self Report? YES Classification Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter
 Date: 05/31/2007 (586841)
 Self Report? YES Classification Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter
 Date: 08/21/2007 (565987)
 Self Report? NO Classification Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to maintain compliance with the permitted effluent limitations.
 Date: 11/21/2007 (609424) CN602607319
 Self Report? NO Classification Moderate
 Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)

Description: Failure to update Notice of Registration
 Date: 03/31/2008 (675548)
 Self Report? YES Classification Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 04/10/2008 (670521) CN602607319
 Self Report? NO Classification Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(f)(4)

Description: BACT - MONITORING/REPORTING VIOLATIONS
 Date: 06/30/2008 (693863)
 Self Report? YES Classification Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits.

Notice of Intent Date: 01/06/2009 (724764)
 No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

Type	Tier	Certification Date
NATIONAL ENVIRONMENTAL PERFORMANCE TRACK		07/01/2007

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
V&M STAR, A PARTNERSHIP WITH
GENERAL AND LIMITED
PARTNERS, LP
RN100215474

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BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2009-0317-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 V&M Star, a Partnership with General and Limited Partners, LP ("the Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. Executive Director of the TCEQ, through the Enforcement Division, and the Respondent, appear before the Commission and together stipulate that:

1. The Respondent owns and operates a tubular goods end finishing plant with a wastewater treatment facility located at 8603 Sheldon Road, approximately 1.5 miles south of the intersection of Sheldon Road and United States Highway 90 in Channelview, Harris County, Texas (the "Facility").
2. The Respondent has discharged industrial waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about March 3, 2009.
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 Five Thousand Six Hundred Seventy Dollars (\$5,670) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Four Thousand Five Hundred Thirty-Six Dollars (\$4,536) of the administrative penalty and One Thousand One Hundred Thirty-Four Dollars (\$1,134) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
 - a. By June 30, 2008, replaced the pipe-scale settling tank filters and updated their operational guidance to ensure discharge from the settling tanks is properly performed; and
 - b. During July 2008, returned to compliance with the permitted effluent limits of Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0003787000.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have failed to comply with permit effluent limits, in violation of TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0003787000, Effluent Limitations and Monitoring Requirements No. 1, as documented during a record review conducted on September 19, 2008 and shown in the following table:

EFFLUENT VIOLATION TABLE						
Outfall 002						
Months	Total Copper Loading Daily Avg.	Total Copper Loading Daily max.	Total Copper Conc. Daily Avg.	Total Copper Conc. Daily max.	TSS Conc. Daily Avg.	TSS Conc. Daily Max.
	Limit = 0.013 lbs/day	Limit = 0.028 lbs/day	Limit = .02 mg/L	Limit = 0.042 mg/L	Limit = 30 mg/L	Limit = 62 mg/L
3/31/2008	0.02	0.062	0.481	1.867	273.4	972.0
6/30/2008	c	c	0.056	0.098	c	c

TSS = Total Suspended Solids
 Min. = minimum
 mg/L = milligrams per liter
 lbs/day = Pounds per day

Max. = maximum
 avg. = average
 c = compliant
 conc. = concentration

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: V&M Star, a Partnership with General and Limited Partners, LP, Docket No. 2009-0317-IWD-E" to:

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

2. The provisions of this Agreed Order shall apply to and be binding upon 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.

3. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
4. This 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 under this Agreed Order.
5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

[Signature]
For the Executive Director

8/6/2009
Date

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

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

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

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

[Signature]
Signature

7/6/09
Date

TIM RIES
Name (Printed or typed)

PLANT MANAGER
Title

Authorized Representative of
V&M Star, a Partnership with General and Limited Partners, LP

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.

