

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2007-0969-IHW-E TCEQ ID: RN104621412 CASE NO.: 33820

RESPONDENT NAME: CENTRAL INDUSTRIAL PARK, LTD.

ORDER TYPE:		
<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" 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 checked="" type="checkbox"/> INDUSTRIAL 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

SITE WHERE VIOLATION OCCURRED: multiple tracts of land at or near 600 – 720 West 6th Street, Houston, Harris County

TYPE OF OPERATION: warehousing complex on multiple tracts of land

SMALL BUSINESS: Yes No

OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.

INTERESTED PARTIES: No one other than the ED and the Respondent expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired October 26, 2009. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney: Mr. Gary K. Shiu, Litigation Division, MC R-12, (713) 422-8916
 Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019

TCEQ Enforcement Coordinator: Mr. Michael Meyer, Waste Enforcement Section, MC 128, (512) 239-4492

TCEQ Regional Contact: Ms. Nicole Bealle, Houston Regional Office, MC R-12, (713) 767-3623

Respondent: Ms. Jeanna Camp, Central Industrial Park, Ltd., 3141 Hood Street, Ste 700, Dallas, Texas 75219

Respondent's Attorneys: Ms. Frances E. Phillips and Mr. Jeffrey M. Gaba, Gardere Wynne Sewell, L.L.P., 3000 Thanksgiving Tower, 1601 Elm Street, Dallas, Texas 75201-4761

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation:</p> <p><input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date of Complaint Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: February 28, 2007</p> <p>Date of NOE Relating to this Case: December 9, 2007</p> <p>Background Facts: The EDRP was filed on December 14, 2007. The Respondent filed an answer and the case was referred to SOAH. The preliminary hearing was waived and the parties engaged in discovery. Settlement was achieved and a signed Agreed Order was received on July 17, 2009.</p> <p>Current Compliance Status: Not yet in compliance.</p> <p>IHW: Caused, suffered, allowed, or permitted the disposal and discharge of industrial solid waste into or adjacent to the waters in the state [TEX. WATER CODE § 26.121(a), (b), (c), and (e) and 30 TEX. ADMIN. CODE § 335.4].</p>	<p>Total Assessed: \$15,000</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Order <input type="checkbox"/> Financial Inability to Pay <input type="checkbox"/> SEP Conditional Offset</p> <p>Total Paid to General Revenue: \$15,000</p> <p>The Respondent paid the administrative penalty in full.</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>Findings Order Justification: Human health or the environment has been exposed to significant amounts of pollutants which exceed levels that are protective of human health or environmental receptors.</p>	<p>Ordering Provisions:</p> <p>The Respondent shall undertake the following technical requirements:</p> <ol style="list-style-type: none"> 1. Within 120 days, submit an Affected Property Assessment Report to the Executive Director for approval. If environmental response actions are necessary, Respondent shall comply with all applicable requirements of the Texas Risk Reduction Program found in 30 TEX. ADMIN. CODE ch. 350 which may include: plans, reports, and notices under Subchapter E (30 TEX. ADMIN. CODE §§ 350.92 to 350.96); financial assurance (30 TEX. ADMIN. CODE § 350.33(1)); and institutional controls under Subchapter F. 2. Within 135 days, submit written certification demonstrating compliance with the above Ordering Provision.



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision March 19, 2007

TCEQ

DATES	Assigned	5-Mar-2007			
	PCW	26-Jan-2009	Screening	15-Jun-2007	EPA Due

RESPONDENT/FACILITY INFORMATION			
Respondent	Central Industrial Park, Ltd.		
Reg. Ent. Ref. No.	RN104621412		
Facility/Site Region	12-Houston	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	33820	No. of Violations	1
Docket No.	2007-0969-IHW-E	Order Type	Findings
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

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1 **\$10,000**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 0% Enhancement Subtotals 2, 3, & 7 **\$0**

Notes: No change due to average performer classification.

Culpability No 0% Enhancement Subtotal 4 **\$0**

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply 0% Reduction Subtotal 5 **\$0**

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes: The Respondent does not meet the good faith criteria.

Total EB Amounts \$28,096 50% Enhancement* Subtotal 6 **\$5,000**
Approx. Cost of Compliance \$100,000 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 Final Subtotal **\$15,000**

OTHER FACTORS AS JUSTICE MAY REQUIRE Adjustment **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes:

Final Penalty Amount **\$15,000**

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty **\$15,000**

DEFERRAL 0% Reduction Adjustment **\$0**

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 settlement

PAYABLE PENALTY **\$15,000**

Screening Date 15-Jun-2007

Docket No. 2007-0969-IHW-E

PCW

Respondent Central Industrial Park, Ltd.

Policy Revision 2 (September 2002)

Case ID No. 33820

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN104621412

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%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 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

No change due to average performer classification.

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

Screening Date 15-Jun-2007

Docket No. 2007-0969-IHW-E

PCW

Respondent Central Industrial Park, Ltd.

Policy Revision 2 (September 2002)

Case ID No. 33820

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN104621412

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Michael Meyer

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 335.4 and Tex. Water Code § 26.121(a), (b), (c) and (e)

Violation Description Failed to prevent the discharge of industrial solid waste into or adjacent to waters in the state. Specifically, an unknown amount of industrial solid waste including nitrate was discharged into the groundwater at the Site. Water samples collected by Central Industrial on January 10, 2002 through January 11, 2002 showed nitrate concentrations of 213, 68, 27.5, 278, 770, 244, and 429 mg/L, which exceed the Protective Concentration Level of 10.0 mg/L. As the property owner/operator of the Site, Central Industrial has failed to prevent and/or permitted the continual collection, handling, storage, processing, or discharge of industrial solid waste at the Site.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	x			50%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes Human health or the environment has been exposed to significant amounts of pollutants which exceed levels that are protective of human health or environmental receptors.

Adjustment \$5,000

\$5,000

Violation Events

Number of Violation Events 2 107 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$10,000

Two quarterly events are recommended from the February 28, 2007 investigation approval date to the June 15, 2007 screening date.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$28,096

Violation Final Penalty Total \$15,000

This violation Final Assessed Penalty (adjusted for limits) \$15,000

Economic Benefit Worksheet

Respondent Central Industrial Park, Ltd.
Case ID No. 33820
Reg. Ent. Reference No. RN104621412
Media Industrial and Hazardous Waste
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.0	\$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	\$100,000	10-Oct-2002	22-May-2008	5.6	\$28,096	n/a	\$28,096
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to conduct a groundwater study to determine the extent of contamination at the site and to complete corrective action. The Date Required is the date the TCEQ requested the study be conducted and the Final Date is the estimated 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	\$100,000	TOTAL	\$28,096
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Compliance History

Customer/Respondent/Owner-Operator:	CN603130867 Central Industrial Park, Ltd.	Classification: AVERAGE	Rating: 3.01
Regulated Entity:	RN104621412 CENTRAL INDUSTRIAL PARK LTD HOUSTON	Classification: AVERAGE BY DEFAULT	Site Rating: 3.01
ID Number(s):	IHW CORRECTIVE ACTION	ID NUMBER	T1715
Location:	600 W 6TH ST, HOUSTON, TX, 77007	Rating Date: September 01 06	Repeat Violator: NO
TCEQ Region:	REGION 12 - HOUSTON		
Date Compliance History Prepared:	July 19, 2007		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	July 19, 2002 to July 19, 2007		

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

Name: Marlin Bullard Phone: (254) 761-3038

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
CENTRAL INDUSTRIAL PARK,
LTD., RN104621412

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BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2007-0969-IHW-E

At its _____ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Central Industrial Park, Ltd. ("Central Industrial") under the authority of TEX. WATER CODE chs. 7 and 26 and TEX. HEALTH & SAFETY CODE ch. 361. The Executive Director of the TCEQ, represented by the Litigation Division, and Central Industrial, represented by Frances E. Phillips and Jeffrey M. Gaba of the law firm Gardere Wynne Sewell, L.L.P., presented this agreement to the Commission.

Central Industrial understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, Central Industrial agrees to waive all notice and procedural rights.

It is further understood and agreed that this Agreed Order represents the complete and fully-integrated agreement of the parties. 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. The duties and responsibilities imposed by this Agreed Order are binding upon Central Industrial.

The Commission makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. Central Industrial owns and operates multiple tracts of land located at or near 600-720 West 6th Street, Houston, Harris County, Texas (the "Site").
2. The Site involves the disposal and/or management of industrial hazardous waste as defined in TEX. HEALTH & SAFETY CODE ch. 361. Moreover, the Site has discharged industrial

hazardous waste into or adjacent to any water in the state or has committed another act that has caused or will cause pollution of any water in the state under the Texas Water Code.

3. During a record review conducted on February 28, 2007, TCEQ documented that Central Industrial caused, suffered, allowed, or permitted the disposal and discharge of industrial solid waste into or adjacent to the waters in the state. Specifically, industrial solid wastes, including, but not limited to, methylene chloride, 1,2-dichloroethane, carbon tetrachloride, and nitrate have been discharged into the groundwater at the Site. Groundwater samples collected at the Site in January 2002 showed nitrate concentrations of 213, 68, 27.5, 278, 770, 244, and 429 mg/L, which exceed the Protective Concentration Level of 10.0 mg/L.

Groundwater samples collected at the Site in March 2008 detected increased methylene chloride concentrations at two locations of the Site. Methylene chloride concentrations at the two locations increased from "undetected" in 2002 to exceeding the Protective Concentration Level of 0.005 mg/L in 2008. The same groundwater monitoring event revealed an increase of 1,2-dichloroethane concentration from "undetected" to 0.0067 mg/L, which exceeds the Protective Concentration Level of 0.005 mg/L.

4. Central Industrial received notice of the violation on or about December 14, 2007.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact Nos. 1 and 2, Central Industrial is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7 and 26, TEX. HEALTH & SAFETY CODE ch. 361, and the rules of the Commission.
2. As evidenced by Finding of Fact No. 3, Central Industrial caused, suffered, allowed, or permitted the discharge and disposal of industrial solid waste into or adjacent to the waters in the state, in violation of TEX. WATER CODE § 26.121(a), (b), (c), and (e) and 30 TEX. ADMIN. CODE § 335.4.
3. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against Central Industrial for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.

4. An administrative penalty in the amount of fifteen thousand dollars (\$15,000.00) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. Central Industrial has paid fifteen thousand dollars (\$15,000.00) of the administrative penalty.

ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. Central Industrial is assessed an administrative penalty in the amount of fifteen thousand dollars (\$15,000.00) as set forth in Conclusion of Law No. 4 for violations of TCEQ rules and state statutes. The payment of this administrative penalty and Central Industrial's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that 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: Central Industrial Park, Ltd.; Docket No. 2007-0969-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. Central Industrial shall undertake the following technical requirements:
 - a. Within 120 days after the effective date of this Order, Central Industrial shall submit an Affected Property Assessment Report, pursuant to 30 TEX. ADMIN. CODE § 350.91, to the Executive Director for approval. If environmental response actions are necessary, Central Industrial shall comply with all applicable requirements of the Texas Risk Reduction Program found in 30 TEX. ADMIN. CODE ch. 350 which may include: plans, reports, and notices under Subchapter E (30 TEX. ADMIN. CODE §§ 350.92 to 350.96); financial assurance (30 TEX. ADMIN. CODE § 350.33(l)); and Institutional Controls under Subchapter F.
 - b. Within 135 days after the effective date of this Order, Central Industrial shall submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with

Ordering Provision No. 2.a. 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 fine 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:

Nicole Bealle, Waste Section Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Street, Suite H
Houston, Texas 77023-1452

3. The provisions of this Agreed Order shall apply to and be binding upon Central Industrial. Central Industrial is ordered to give notice of this Agreed Order to personnel who maintain day-to-day control over the Site operations referenced in this Agreed Order.
4. If Central Industrial 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, Central Industrial's failure to comply is not a violation of this Agreed Order. Central Industrial has the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Central Industrial shall notify the Executive Director within seven days after Central Industrial becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written

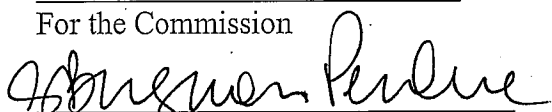
and substantiated showing of good cause. All requests for extensions by Central Industrial shall be made in writing to the Executive Director. Extensions are not effective until Central Industrial receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

6. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Central Industrial if the Executive Director determines that Central Industrial has not complied with one or more of the terms or conditions in this Agreed Order.
7. 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.
8. This Agreed Order, issued by the Commission, shall not be admissible against Central Industrial 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.
9. 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.
10. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. Pursuant to 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date is the date of hand-delivery of this Agreed Order to Central Industrial, or three days after the date on which the Commission mails notice of this Agreed Order to Central Industrial, whichever is earlier.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

12/14/09

Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Central Industrial Park, Ltd. I represent that I am authorized to agree to the attached Agreed Order on behalf of Central Industrial Park, Ltd., and do agree to the specified terms and conditions. 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 in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on Central Industrial's compliance history;
- Greater scrutiny of any permit applications submitted by Central Industrial;
- 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 Central Industrial;
- Automatic referral to the Attorney General's Office of any future enforcement actions against Central Industrial; and
- TCEQ seeking other relief as authorized by law.

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

Jeanna K. Camp

Name (printed or typed)

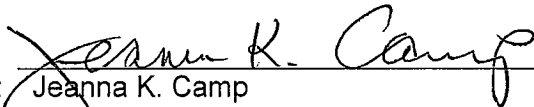
Authorized Representative of
Central Industrial Park, Ltd.

Vice President

Title

CENTRAL INDUSTRIAL PARK, LTD., a Texas limited partnership

- By: LIT-ENVGP, L.L.C., a Delaware limited liability company, its sole general partner
- By: LIT Industrial Limited Partnership, a Delaware limited partnership, its sole member and manager
- By: LIT Holdings GP, LLC, a Delaware limited liability company, its sole general partner
- By: Lion Industrial Properties, L.P., a Delaware limited partnership, its sole member
- By: LIT GP Sub, LLC, a Delaware limited liability company, its sole general partner
- By: Lion Industrial Trust, a Maryland real estate investment trust, its sole member and manager

By: 
Name: Jeanna K. Camp
Title: Vice President

July 17, 2009