# EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page DOCKET NO.: 2007-0969-IHW-E TCEQ ID: RN104621412 CASE NO.: 33820 RESPONDENT NAME: CENTRAL INDUSTRIAL PARK, LTD.

ORDER TYPE:		
1660 AGREED ORDER	X FINDINGS AGREED ORDER	FINDINGS ORDER FOLLOWING SOAH HEARING
FINDINGS DEFAULT ORDER	SHUTDOWN ORDER	IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
AMENDED ORDER	EMERGENCY ORDER	
CASE TYPE:		
AIR	MULTI-MEDIA (check all that apply)	X INDUSTRIAL HAZARDOUS WASTE
PUBLIC WATER SUPPLY	PETROLEUM STORAGE TANKS	OCCUPATIONAL CERTIFICATION
WATER QUALITY	SEWAGE SLUDGE	UNDERGROUND INJECTION CONTROL
MUNICIPAL SOLID WASTE	RADIOACTIVE WASTE	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: X 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

Page 1 of 2

## **RESPONDENT NAME: CENTRAL INDUSTRIAL PARK, LTD. DOCKET NO.: 2007-0969-IHW-E**

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation:	Total Assessed: \$15,000	Ordering Provisions:
Complaint     Routine     Enforcement Follow-up     X Records Review	Total Deferred: \$0 Expedited Order Financial Inability to Pay SEP Conditional Offset	The Respondent shall undertake the following technical requirements:
Date of Complaint Relating to this Case: None Date of Investigation Relating to this Case:	<b>Total Paid to General Revenue</b> : \$15,000 The Respondent paid the administrative penalty in full.	1. Within 120 days, submit an Affected Property Assessment Report to the Executive Director for approval. If environmental response actions are necessary, Respondent shall
February 28, 2007	Site Compliance History Classification	comply with all applicable requirements of the Texas Risk Reduction Program found in 30 TEX. ADMIN. CODE ch. 350 which may
Date of NOE Relating to this Case: December 9, 2007	Person Compliance History Classification	include: plans, reports, and notices under Subchapter E (30 TEX. ADMIN. CODE §§ 350.92 to 350.96); financial assurance (30
<b>Background Facts:</b> The EDPRP was filed on December 14, 2007. The Respondent filed an answer and the case was	HighX_AveragePoor Major Source:Yes _X_No	TEX. ADMIN. CODE § 350.33(1)); and institutional controls under Subchapter F.
referred to SOAH. The preliminary hearing was waived and the parties engaged in discovery. Settlement was achieved and a signed Agreed	Applicable Penalty Policy: September 2002	<ol> <li>Within 135 days, submit written certification demonstrating compliance with the above Ordering Provision.</li> </ol>
Order was received on July 17, 2009.	Findings Order Justification: Human health or the environment has been exposed to significant amounts of pollutants	
Current Compliance Status: Not yet in compliance.	which exceed levels that are protective of human health or environmental receptors.	
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].		

Page 2 of 2

	•	y Calculatio	on Works	heet (P	•	
Policy Revision 2 (Septem	ber 2002)				PCW Revisio	on March 19, 2
	5-Mar-2007 26-Jan-2009 Scree	ning 15-Jun-2007	EPA Due			telina (de set)
RESPONDENT/FACILITY IN	FORMATION	Narod Alfonda i A	an a	en de la com		Al-Al-Al-Al-Al-Al-Al-Al-Al-Al-Al-Al-Al-A
	entral Industrial Park,	Ltd.				
Reg. Ent. Ref. No. R Facility/Site Region 12			Major/N	linor Source	Minor	
CASE INFORMATION Enf./Case ID No. 33	1820		J No	of Violations	II.	<u> : : : : : : : : : : : : : : : : : : :</u>
	007-0969-IHW-E			Order Type		
Media Program(s) In		us Waste	Enf.	Coordinator	Michael Meyer	
Multi-Media				EC's Team	EnforcementTeam 7	
Admin. Penalty \$ Lin	nit Minimum \$0	Maximum	\$10,000			
	P_	nalty Calcul	ation Sect	ion		
TOTAL DAGE DELLAS				aran Geografia (Sector		\$10,0
TOTAL BASE PENALT	r (Sum of violatio	on base penalti	es)		Subtotal 1	φ10,0
ADJUSTMENTS (+/-) TO	O SUBTOTAL 1					
	by multiplying the Total Ba					
Compliance History	lan di sijit si sejat s	0 <b>%</b>	Enhancement	SUDI	otais 2, 3, & 7	
Notes	No change d	ue to average perfo	rmer classificati	on.		
Culpability	No	0%	Enhancement	Line and the second	Subtotal 4	
Notes	The Responde	ent does not meet th	e culpability crit	eria.	n in here and second stands as and second	
					J	
Good Faith Effort to		0% EDPRP/Settlement Offer	فالمحمد الجامعين فتتعد والمتعادية		Subtotal 5	
Extraordinary						
Ordinary				5	an an ann an an an a'	
N/A	X (mark with	h x)			1	
Notes	The Responde	ent does not meet th	e good faith crit	eria.		•
			والمرابعة والمراجع والمراجع	e film in distants di ann amerik		
ali (noriginali englista per Meridia) Manastro (Meridia) Mπ	otal EB Amounts \$28.0		Enhancement* d at the Total EB \$ ,	Amount	Subtotal 6	\$5,0
	st of Compliance \$100,0		γ			
SUM OF SUBTOTALS	1_7	en het en van de kann			Final Subtotal	\$15,0
JUNI VI JUDI VIALO	<b>TELL</b> CLEARCE CONTRACT		n da në dëtësë	na na sana ang kang kang kang kang kang kang ka		φιοις
OTHER FACTORS AS	JUSTICE MAY RE	EQUIRE			Adjustment	
Reduces or enhances the Final Subt	otal by the indicated percen	itage. (Enter number on	ly; e.g30 for -30%	,		
Notee						
Notes				Final Pe	nalty Amount	\$15,0
Notes						
L		an a san araa			non-springer, solution	A
	JUSTMENT			Final Asse	essed Penalty	\$15,0
	JUSTMENT		00/	مان المتخدية برايد ال		·
L		. (Enter number only; e	0% g. 20 for 20% reduc	Reduction	Adjustment	·
STATUTORY LIMIT AD DEFERRAL Reduces the Final Assessed Penalty	by the indicted percentage	· · ·	g. 20 for 20% reduc	Reduction tion.)		\$15,0
STATUTORY LIMIT AD	by the indicted percentage	. <i>(Enter number only; e</i> offered for non-exp	g. 20 for 20% reduc	Reduction tion.)		\$15,(

•

ì

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   No change due to average performer classification.		Screen	ing Date 15-Jun-2007 Docket No. 2007-0969-IHW-E	9900 999 1999 99 1999 1999 1999 1999 19		PCW
Reg. Ent. Reference No. RM:042:1412 Media [Statuto] industrial and Hazardous Wasta Ent. Coordinator: Michael Mayer         >>> Compliance History Sife Enhancement (Subbiolal 2)       Compliance History Sife Enhancement (Subbiolal 2)         Component Number of       EnterNumber New Adjust.         NOVs       (number of NOVa meeting criteria)       0       0%         Other written NOVa       Adjust       0       0%         Arv grade final enforcement orders containing a denial of liability (number of orders 0       0%       0%         Orders       Arv grade final enforcement orders, agread final enforcement orders without a denial of liability or defaul orders of this state or the federal government, or any final prohititory 0       0%         Usignments       Orders       Arv grade final enforcement orders, agread final enforcement orders without a denial of liability or defaul orders of this state or the federal government, fundered orosonal decrease meeting 0       0%         Orders       Arv grade final court judgments are default judgments, or non-adjudicated final court judgments or consent decrease without a denial of liability, or defaul by udgments or consent decrease without a denial of liability, final court judgments or downed weets (number of events)       0       0%         Decreasing       Usignment       0       0%       0%       0%         audgments or oronent decrease with funder or devents)       0       0%       0%       0%       0%		Res	pondent Central Industrial Park, Ltd.	Policy R	evision 2 (Sep	tember 2002)
Media [Statute]       Industrial and Hazardous Waste Enf. Coordinator Michael Mayor         Compliance History Site Enhancement (Subtotal 2)       Interview of the inter		Cas	se ID No. 33820	PC	W Revision M	arch 19, 2007
Exampliance History Site Enhancement (Subtotal 2)         Second Construction of NOVs with same or similar violations as those in the current enforcement action 0 0% 0% 00her written NOVs (income or similar violations as those in the current enforcement action 0 0% 0% 00her written NOVs (income of NOVs meeting criteria)       Description of NOVs meeting criteria)         Orders Ary acquisitation finance or similar violations as those in the current enforcement action 0 0% 0% 00her written NOVs       Orders and 00% 00her written NOVs       Orders and 00% 00% 00her written NOVs         Ary acquered final enforcement orders, agreed final enforcement orders without a denial of liability of activity of constants       Orders and 00% 0%         Judgments archaria)       Orders and 000 0% 0% 00her written NOVs       Orders and 10% 00% 0%         Judgments archaria)       Orders and 10% 00% 00% 00% 0%       Orders and 10% 00% 0%         Judgments archaria       Outpress or consent decrease containing a denial of liability of this state or the federal government (number of counts)       O 0%         Orders archaria       Ary acquerate final convictions of this state or the federal government (number of counts)       O 0%         Audits       Emissions       Oronoic excessive ensistical entive of exactive director of an interided acidit conducted under the Texas Environmental, Health, and Safety Audit Privilege 0       0%         Audits       Environmental management systems in place for one year or more       No       0%         Other       Environmental	Reg	. Ent. Refer	ence No. RN104621412			
Compliance History Site Enhancement (Subtotel 2)       Enter Number of       Adjust.         NOVs       (number of NOVs meeting cirteria)       0       0%       0%       0%         Other written NOVs       (number of NOVs meeting cirteria)       0       0%       0%         Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability (number of orders without a denial of liability, or distal orders of this state or the federal government, or any final prohibitory       0       0%         Judgmants       Any adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government, or any final prohibitory       0       0%         Judgmants       and courts or consent decrees without a denial of liability, of this state or the federal government (number of outper state or the federal government (number of						
Sex         Compliance History Sife Enhancement (Subtotal 2)         Enter Number History         Adjust.           NOVs         Written NOVs with same or similar violations as those in the current enforcement action         0         0%           Other written NOVs         Written NOVs with same or similar violations as those in the current enforcement action         0         0%           Other written NOVs         Any agreed final enforcement orders containing a denial of liability (number of orders         0         0%           Orders         Any adjudicated final enforcement orders containing a denial of liability, or dealu torout judgments or consent decrees containing a denial of liability of this state or the federal government (number of Judgments or consent decrees meeting orders)         0%           Judgments         and consent         Any adjudicated final court judgments or consent decrees without a denial of liability of this state or the federal government (number of counts)         0         0%           Emission         Any adjudicated final court judgments or an state or the federal government (number of counts)         0         0%           Emission         Connockions of this state or the federal government (number of counts)         0         0%           Emission         Any adjudicated final court judgments or consent decrees writhout a denial of liability, of us state or the federal or adjudgments         0         0%           Emission         Any adjudicated final court judgments or	2	Enf. Coo	ordinator Michael Meyer			
Sex         Compliance History Sife Enhancement (Subtotal 2)         Enter Number History         Adjust.           NOVs         Written NOVs with same or similar violations as those in the current enforcement action         0         0%           Other written NOVs         Written NOVs with same or similar violations as those in the current enforcement action         0         0%           Other written NOVs         Any agreed final enforcement orders containing a denial of liability (number of orders         0         0%           Orders         Any adjudicated final enforcement orders containing a denial of liability, or dealu torout judgments or consent decrees containing a denial of liability of this state or the federal government (number of Judgments or consent decrees meeting orders)         0%           Judgments         and consent         Any adjudicated final court judgments or consent decrees without a denial of liability of this state or the federal government (number of counts)         0         0%           Emission         Any adjudicated final court judgments or an state or the federal government (number of counts)         0         0%           Emission         Connockions of this state or the federal government (number of counts)         0         0%           Emission         Any adjudicated final court judgments or consent decrees writhout a denial of liability, of us state or the federal or adjudgments         0         0%           Emission         Any adjudicated final court judgments or			Compliance History Worksheet			
NOVs         Writies NOVs with same or similar violations as those in the current enforcement action         0         0%           Other written NOVs         Any agreed final enforcement orders containing a denial of liability (number of orders         0         0%           Orders         Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission         0         0%           Ary adjudicated final coult judgments or consent decrees containing a denial of liability of this state or the federal government, or any final and liability of this state or the federal government (number of judgements or consent decrees meeting of this state or the federal government (number of counts)         0         0%           Convictions         Any adjudicated final court judgments or an state of the federal government (number of counts)         0         0%           Emissions         Chronicexessive emissions events (number of events)         0         0%           Emissions         Convictions Any adminital court judgments or consent decrees without a denial of liability, of under of events)         0         0%           Emissions         Convictions of this state or the federal government (number of counts)         0         0%           Environmental, Health, and Safety Audit Privilege AL, 74th Legislature, 1995 (number of 0         0%         0%           Audits <td< td=""><td>&gt;&gt; Comp</td><td></td><td>/ Site Enhancement (Subtotal 2)</td><td></td><td></td><td></td></td<>	>> Comp		/ Site Enhancement (Subtotal 2)			
NOVs       (number of NOVs meeting criteria)       0       0%         Other written NOVs       0       0%       0       0%         Arry agreed final enforcement orders, agreed final enforcement orders without a denial of liability (number of orders 0       0%       0%         Orders       Arry agreed final enforcement orders, agreed final enforcement, or any final prohibitory 0       0%       0%         Orders       Arry adjudicated final enforcement orders, agreed final enforcement, or any final prohibitory 0       0%       0%         Judgments       and reductated final court judgments or consent decrees meeting 0       0%       0%         Judgments       consent       Arry adjudicated final court judgments or consent decrees meeting 0       0%         Convictions       Arry adjudicated final court judgments or consent decrees meeting 0       0%       0%         Convictions       Arry adjudicated final court judgments or consent decrees meeting 0       0%       0%         Convictions       Arry adjudicated final court judgments or consent decrees meeting 0       0%       0%         Convictions       Arry adjudicated final court judgments or consent decrees meeting 0       0%       0%         Emvironmental, the data court judgments or consent decrees meeting 0       0%       0%       0%         Latters notifying the executive direcor of an interinded audit		Component		Enter Number Here	Adjust.	T
Any agreed final enforcement orders containing a denial of liability (number of orders       0       0%         Orders       Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory       0       0%         Any non-adjudicated final enforcement orders, agreed final enforcement, or any final prohibitory       0       0%         Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal 0       0%         Convictions       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 0       0%         Convictions       Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees wetto (number of events)       0       0%         Environmental, Health, and Sately Audit Privilege Act, 74th Legislature, 1995 (number of 0       0%       0%       0%         Audits       Disclosures of violations under the Texas Environmental, Health, and Safely Audit Privilege 0       0%       0%         Voluntary on-site compliance       Issesse firer ves or to       0       0%       0%         Piesus Enfor Ves or to       0       0% </td <td></td> <td>NOVs</td> <td>(number of NOVs meeting criteria )</td> <td>_</td> <td></td> <td></td>		NOVs	(number of NOVs meeting criteria )	_		
meating citicia)       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       0       0%         Judgments       Any adjudicated final enforcement orders, agreed final enforcement, or any final prohibitory       0       0%         Judgments       Any on-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting 0       0%         Any adjudicated final court judgments or consent decrees or the federal government (number of counts)       0       0%         Convictions       Any adjudicated final court judgments or consent decrees or the federal government (number of counts)       0       0%         Convictions       Any adjudicated final court judgments or consent decrees or the federal government (number of counts)       0       0%         Emissions       Chronic excessive ensities events in functed audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)       0       0%         Audits       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%         Other       Environmental management systems in place for one year or more <td></td> <td></td> <td></td> <td></td> <td>0%</td> <td></td>					0%	
of liability, or default orders of this state or the federal government, or any final prohibitory       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 judgments or consent decrees meeting</i> )       0       0%         Any non-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 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 adjudicated final court/ludgments 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%         Emissione       Chronic excessive emissions events ( <i>number of events</i> )       0       0%         Audits       Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege 0       0       0%         Audits       Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege 0       0%       0%         Voluntary on-site compliance assessments conducted by the executive director under a No       0%       0%         Other       Precenta			meeting criteria)		0%	
Judgments and Consent Decrees       of this state or the federal government (number of judgements or consent decrees meeting ind consent provement       0       0%         Convictions Government       Orsent decrees without a denial of liability, of this state or the federal government       0       0%         Convictions Government       Convictions of this state or the federal government (number of counts)       0       0%         Convictions Government       Convictions of this state or the federal government (number of counts)       0       0%         Emissions       Chronic excessive emissions events (number of events)       0       0%         Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)       0       0%         Audits       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%         Voluntary on-site compliance assessments conducted by the executive director under a environmental management systems in place for one year or more       No       0%         Voluntary on-site compliance assessments conducted by the executive director under a environmental requirements       No       0%         Voluntary om-site compliance assessments conducted by the executive director under a environmental requirements       No       0%         Adjustment Percentage (Subtotal 2)	· · · ·	Orders	of liability, or default orders of this state or the federal government, or any final prohibitory		0%	
Decrees       Any adjudcated final court judgments and default judgments, or non-adjudcated final court judgments or consent decrees without a denial of liability, of this state or the federal over the federal government.       0       0%         Convictions       Any ortimical convictions of this state or the federal government (number of counts)       0       0%         Emissions       Chronic excessive emissions events (number of events)       0       0%         Letters notifying the executive director of an interided audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of 0       0%         Audits       Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege 0       0%         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%         Participation in a voluntary pollution reduction program       No       0%         Adjustment Percentage (Subtotal 2)       0%         >>       Repeat Violator (Subtotal 3)       0%         >>       Adjustment Percentage (Subtotal 3)       0%         >>       Compliance History Person Classiffcation (Subtotal 7)       Adjustment Percent			of this state or the federal government (number of judgements or consent decrees meeting		0%	
Emissions       Chronic excessive emissions events (number of events)       0       0%         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%         Audits       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%         Voluntary on-site compliance assessments conducted by the executive director under a special assistance program       No       0%         Voluntary on-site compliance assessments conducted by the executive director under a special assistance program       No       0%         Early compliance with, or offer of a product that meets future state or federal government environmental requirements       No       0%         >       Repeat Violator (Subtotal 3)       Adjustment Percentage (Subtotal 2)       0%         >>       Repeat Performer       Adjustment Percentage (Subtotal 7)       0%         >>       Compliance History Person Classification (Subtotal 7)       0%         >>       Compliance History Summary       No change due to average performer classification.       0%		Decrees	judgments or consent decrees without a denial of liability, of this state or the federal		0%	
Letters notifying the executive director of an interided audit conducted under the Texas       0       0%         Audits       Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of 0       0%         Audits       Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege 0       0%         Audits       Audits       Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of 0)       0%         Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)       0       0%         Piesse Enter Yes or No       Piesse 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 No       0%         Early compliance with, or offer of a product that meets future state or federal government No       0%         >>       Repeat Violator (Subtotal 3)       0%         >>       Adjustment Percentage (Subtotal 2)       0%         >>       Compliance History Person Classification (Subtotal 7)       Adjustment Percentage (Subtotal 7)		Convictions				}
Audits       Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of o o% audits for which notices were submitted)       0       0%         Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege o 0%       0%       0%         Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)       0       0%         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%         Participation in a voluntary pollution reduction program       No       0%         Adjustment Percentage (Subtotal 2)       0%         >       Repeat Violator (Subtotal 3)       0%         No       Adjustment Percentage (Subtotal 2)       0%         >> Compliance History Person Classification (Subtotal 7)       0%         >> Compliance History Summary       No change due to average performer classification.       10%         >> Compliance       No change due to average performer classification.       10%		Emissions			0%	
Disciosures of violations under the Texas Environmental, Health, and Safety Audit Privilege       0       0%         Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)       0       0%         Please Enter Yes or No       1       1         Other       Environmental management systems in place for one year or more       No       0%         Other       Environmental management systems in place for one year or more       No       0%         Participation in a voluntary pollution reduction 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       No       0%         environmental requirements       No       0%       0%         Sepecial Violator (Subtotal 3)       0%       0%         No       Adjustment Percentage (Subtotal 2)       0%         >> Compliance History Person Classification (Subtotal 7)       0%         >> Compliance History Summary       No change due to average performer classification.       1         Notes       No change due to average performer classification.       1		Audits	Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of		° • 0% •	
Other       Environmental management systems in place for one year or more       No       0%         Other       Voluntary on-site compliance assessments conducted by the executive director under a special assistance program       No       0%         Participation in a voluntary pollution reduction 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       No       0%         Adjustment Percentage (Subtotal 2)       0%         No       Adjustment Percentage (Subtotal 2)       0%         No       Adjustment Percentage (Subtotal 3)       0%         No       Adjustment Percentage (Subtotal 3)       0%         Second History Person Classification (Subtotal 7)       Adjustment Percentage (Subtotal 7)       0%         >> Compliance History Summary       No change due to average performer classification.       1		Addits		0	0%	
Other       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 No       0%         Adjustment Percentage (Subtotal 2)       0%         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       No       0%         Adjustment Percentage (Subtotal 2)       0%         No       Adjustment Percentage (Subtotal 2)       0%         >> Compliance History Person Classification (Subtotal 7)       Adjustment Percentage (Subtotal 7)       0%         >> Compliance History Summary       Compliance       No change due to average performer classification.       '		-	Plea	se Enter Yes or No		
Other       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%         No       0%         No       0%         Adjustment Percentage (Subtotal 2)       0%         No       Adjustment Percentage (Subtotal 3)         No       Adjustment Percentage (Subtotal 3)         No       Adjustment Percentage (Subtotal 7)         Average Performer       Adjustment Percentage (Subtotal 7)         >> Compliance History Summary       No change due to average performer classification.         Notes       No change due to average performer classification.			Environmental management systems in place for one year or more	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       No       0%         Adjustment Percentage (Subtotal 2)       0%         No       0%         No       0%         No       0%         Adjustment Percentage (Subtotal 2)       0%         No       Adjustment Percentage (Subtotal 2)         No       Adjustment Percentage (Subtotal 3)         No       Adjustment Percentage (Subtotal 3)         O%       Adjustment Percentage (Subtotal 7)         Average Performer       Adjustment Percentage (Subtotal 7)         Ow       O%         >> Compliance History Summary       No change due to average performer classification.         Notes       No change due to average performer classification.	· · · · · · · ·	Othor		No	0%	
environmental requirements       No       0%         Adjustment Percentage (Subtotal 2)       0%         >> Repeat Violator (Subtotal 3)       Adjustment Percentage (Subtotal 3)         No       Adjustment Percentage (Subtotal 3)         >> Compliance History Person Classification (Subtotal 7)         Average Performer       Adjustment Percentage (Subtotal 7)         >> Compliance History Summary         Compliance         History         Notes		Ounci	Participation in a voluntary pollution reduction program	No	0%	
>> Repeat Violator (Subtotal 3)   No Adjustment Percentage (Subtotal 3)   >> Compliance History Person Classification (Subtotal 7)   Average Performer   Adjustment Percentage (Subtotal 7)   O%   >> Compliance History Summary   Compliance   History   No change due to average performer classification.				No	0%	
No       Adjustment Percentage (Subtotal 3)       0%         >> Compliance History Person Classification (Subtotal 7)       Adjustment Percentage (Subtotal 7)       0%         >> Compliance History Summary       Compliance       No change due to average performer classification.       1			Adjustment P	Percentage (S	ubtotal 2)	0%
No       Adjustment Percentage (Subtotal 3)       0%         >> Compliance History Person Classification (Subtotal 7)       Adjustment Percentage (Subtotal 7)       0%         >> Compliance History Summary       Compliance       No change due to average performer classification.       1	>> Repea	t Violator (Su	btotal 3)		ny myongoz Manazira	
>> Compliance History Person Classification (Subtotal 7)          Average Performer       Adjustment Percentage (Subtotal 7)         >> Compliance History Summary         Compliance History No change due to average performer classification.         No change due to average performer classification.						
Average Performer       Adjustment Percentage (Subtotal 7)       0%         >> Compliance History Summary         Compliance History Notes       No change due to average performer classification.		No	Adjustment P	ercentage (Si	ubtotal 3)	0%
Compliance     History     No change due to average performer classification.	>> Comp	liance History	/ Person Classification (Subtotal 7)			YAR SAMAR
Compliance History No change due to average performer classification.	-	Average P	erformer Adjustment P	ercentage (S	ubtotal 7)	0%
History No change due to average performer classification.	>> Comp	liance History	/ Summary			363.7977
Total Adjustment Percentage (Subtotale 2, 2, 8, 7)		History	No change due to average performer classification.			
	<u> </u>		Total Adjustment Percentage	e (Subtotals :	2, 3, & 7)	0%

-

.

*....* 

	Scr	eening Date	15-Jun-2007		D	ocket No	. 2007-0969	-IHW-E		PCW
		Respondent		trial Park, Ltd	•				Policy Re	vision 2 (September 2002)
		Case ID No.							PCV	V Revision March 19, 2007
Reg	. Ent. Re	ference No.	RN10462141	2						
		dia [Statute]			Vaste					
		Coordinator								
		lation Number	1	1						
		Rule Cite(s)		· · · · ·						
				-	335.4 and Te					
	Violatio	on Description	state. Spec discharge Industrial on of 213, Concentratio Industrial I	ifically, an unl d into the grou January 10, 2 68, 27.5, 278 on Level of 10 has failed to p	arge of industr known amount undwater at the 002 through Ja , 770, 244, an 0 mg/L. As the revent and/or ng, or discharg	t of industria e Site. Wat anuary 11, 2 d 429 mg/L, ne property of permitted th	al solid waste ter samples 2002 showed , which exce owner/opera ne continual	a including nitr collected by C I nitrate conce ed the Protect tor of the Site collection, hau	ate was entral entrations ive , Central	
					-			Base	Penalty[	\$10,000
>> Envir	nmenta	l, Property a	nd Human	Health Ma	rix					
	Jinnenta			Harm				areas a surger		
		Release	Major	Moderate	Minor	_				
OR		Actual	X			]				
		Potential				]	Percent	50%		
		·	an a				creat			
>>Progra	ammatic		erte en de					- +	·	
		Falsification	Major	Moderate	Minor	า				
	•	L			L	ŀ	Percent	0%		
		<b>I</b>			·				]	
	Matrix Notes				been expose tive of human				which	
						ral a como	Adjustment		\$5,000	
				e folgen en generale de					+-,	
									Ľ	\$5,000
Violation	Events					<u>a sina a sa</u>				
	di ana sa				1		⊐			
		Number of Vic	lation Events	2		107		f violation day	S	
			daily	<b></b>	1					
			monthly							
		mark only one	quarterly	×			v	iolation Base	Penalty	\$10,000
		with an x	semiannual	<u> </u>			•			
			annual							
			single event							
			Trans. The data was been a data for a		1					
		Two quarter	ly events are r		l from the Feb e 15, 2007 sci			ation approval	date to	
Economi	c Benef	it (EB) for th	is violation				Statutor	y Limit Tes	t	
		Estimated	EB Amount		\$28,096	]	Violati	on Final Pena	Ity Total	\$15,000
										Ø45 000
1999 SCHORE				T Personal (1955	his violation	Final Asses	ssed Penalt	y (adjusted fo	or limits)	\$15,000
Lucialization		an an an the state of the state					and the second secon			

*...* .

21.54

Violation No		-lazardous Waste				1월년 17년 18년 18년 18년 19	Years of
Violation NC						Percent Interest	Depreciation
					가 있는 것이 가 있는 것이다. 같은 아이는 것이 같은 것이 같이 있는 것이 있는 것이 있는 것이 있는 것이 있는 것이 있는 것이 있는	5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Descriptio	n No commas or \$					이는 것은 것이 같	
Delayed Cost	S				전화 문화 동물		
Equipment				0.0	\$0	\$0	\$0
Buildings	L			0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0 \$0	\$0 \$0	\$0 \$0
Engineering/construction		<u> </u>		0.0	\$0 \$0	50 n/a	<u> </u>
Record Keeping System		\ <u></u>		0.0	\$0	n/a	\$0 \$0
	\$100,000	10-Oct-2002	22-May-2008	5.6	\$28,096	n/a	\$28,096
i iranno/sampling							\$0
Training/Sampling Remediation/Disposal	<del>\</del>	1		0.0	\$0	n/a	φU
Remediation/Disposal Permit Costs				0.0	\$0	verie n/a	\$0
Remediation/Disposal	Estimated			0.0 0.0 to deter	\$0 \$0		\$0 \$0 site and to
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs	Estimated complete corr	ective action. The	Date Required is t Final Date is the e	0.0 0.0 to detern he date stimated	\$0 \$0 mine the extent of the TCEQ reques d date of compliar	contamination at the ted the study be con	\$0 \$0 site and to ducted and the
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Cost	Estimated complete corr	ective action. The	Date Required is t Final Date is the e	0.0 0.0 to detern the date stimated	\$0 \$0 mine the extent of the TCEQ reques d date of complian item (except for	contamination at the ted the study be con ce	\$0 \$0 site and to ducted and the osts)
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs	Estimated complete corr	ective action. The	Date Required is t Final Date is the e	0.0 0.0 to detern he date stimated	\$0 \$0 mine the extent of the TCEQ reques d date of compliar	contamination at the ted the study be con	\$0 \$0 site and to ducted and the
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Cost Disposal	Estimated complete corr	ective action. The	Date Required is t Final Date is the e	0.0 0.0 to detern he date stimated ntering 0.0	\$0 \$0 mine the extent of the TCEQ reques d date of complian item (except for \$0	contamination at the ted the study be con ice	\$0 \$0 site and to ducted and the osts) \$0
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Cost Disposai Personnel Inspection/Reporting/Sampling Supplies/equipment	Estimated complete corr	ective action. The	Date Required is t Final Date is the e	0.0 0.0 to detern he date stimated 0.0 0.0 0.0 0.0	\$0 \$0 mine the extent of the TCEQ reques d date of complian item (except for \$0 \$0 \$0 \$0 \$0	contamination at the ted the study be con ce one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 site and to ducted and the <b>osts)</b> \$0 \$0 \$0 \$0 \$0 \$0 \$0
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs <b>Avoided Cost</b> Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Estimated complete corr	ective action. The	Date Required is t Final Date is the e	0.0 0.0 to detern he date stimated 0.0 0.0 0.0 0.0 0.0	\$0 \$0 mine the extent of the TCEQ reques d date of compliar item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	contamination at the ted the study be con ice one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 site and to ducted and the osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs <b>Avoided Cost</b> Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimated complete corr	ective action. The	Date Required is t Final Date is the e	0.0 0.0 to detern the date stimated 0.0 0.0 0.0 0.0 0.0 0.0 0.0	\$0 \$0 mine the extent of the TCEQ reques d date of complian item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	contamination at the ted the study be con ce one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 site and to ducted and the osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs <b>Avoided Cost</b> Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Estimated complete corr	ective action. The	Date Required is t Final Date is the e	0.0 0.0 to detern he date stimated 0.0 0.0 0.0 0.0 0.0	\$0 \$0 mine the extent of the TCEQ reques d date of compliar item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	contamination at the ted the study be con ice one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 site and to ducted and the osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs <b>Avoided Cost</b> Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	Estimated complete corr	ective action. The	Date Required is t Final Date is the e	0.0 0.0 to detern the date stimated 0.0 0.0 0.0 0.0 0.0 0.0 0.0	\$0 \$0 mine the extent of the TCEQ reques d date of complian item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	contamination at the ted the study be con ce one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 site and to ducted and the osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs <b>Avoided Cost</b> Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimated complete corr	ective action. The	Date Required is t Final Date is the e	0.0 0.0 to detern the date stimated 0.0 0.0 0.0 0.0 0.0 0.0 0.0	\$0 \$0 mine the extent of the TCEQ reques d date of complian item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	contamination at the ted the study be con ce one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 site and to ducted and the osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Cost Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	Estimated complete corr	ective action. The	Date Required is t Final Date is the e ed costs before e	0.0 0.0 to detern the date stimated 0.0 0.0 0.0 0.0 0.0 0.0 0.0	\$0 \$0 mine the extent of the TCEQ reques d date of complian item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	contamination at the ted the study be con ce one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 site and to ducted and the osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

,

1

# Compliance History

( )

 $\langle \cap \rangle$ 

Customer/Respondent/Owner-Operator:	CN603130667	Central Industrial F	Park, Ltd.	Classification: AVERAGE	Rating: 3.01
Regulated Entity:	RN104621412	CENTRAL INDUS HOUSTON	TRIAL PARK LTD	Classification: AVERAGE BY DEFAULT	Site Rating: 3.01
ID Number(s):	IHW CORRECTIV		ID NUM		T1715
Location:	600 W 6TH ST, H	OUSTON, TX, 77007	•	Rating Date: September 01 0 NO	6 Repeat Violator:
TCEQ Region:	REGION 12 - HOU	JSTON			
Date Compliance History Prepared:	July 19, 2007		• 	·	
Agency Decision Requiring Compliance History:	Enforcement	· · · · · · · · · · · · · · · · · · ·		· · · · · · · · · · · · · · · · · · ·	
Compliance Period:	July 19, 2002 to Ji	uly 19, 2007	· · ·		
TCEQ Staff Member to Contact for Additional Inform	nation Regarding this	Compliance History			
Name: Mariin Bullard	Ph	one: (254) 76	1-3038	······	· ·
<i>i</i>	Site	Compliance Histor	y Components		
1. Has the site been in existence and/or operation fo			Yes		
2. Has there been a (known) change in ownership o			No	· ·	
3. If Yes, who is the current owner?			<u>N/A</u>	· · · · · · · · · · · · · · · · · · ·	· ·
4. if Yes, who was/were the prior owner(s)?			N/A	•	<u>-</u>
5. When did the change(s) in ownership occur?			N/A	·	
Components (Multimedia) for the Site :				· .	
A. Final Enforcement Orders, court judgem	ents, and consent de	crees of the state of T	exas and the federal (	jovernment.	
N/Ă	.*			· ·	
B. Any criminal convictions of the state of T	exas and the federal	government.			
N/A					
C. Chronic excessive emissions events.		•			•
N/A		· .			
D. The approval dates of investigations. (Co	CEDS Inv. Track. No.	<b>)</b> .			
				•	
E. Written notices of violations (NOV). (CCI	EDS Inv. Track. No.)				· · ·
F. Environmental audits.	•				
N/A G. Type of environmental management sys	tems (ÉMSs).	· .			
N/A			•		
H. Voluntary on-site compliance assessme	nt dates.	•		•	
N/A			•	•	
I. Participation in a voluntary pollution redu	uction 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

**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 fullyintegrated 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

Central Industrial Park, Ltd TCEQ Docket No. 2007-0969-IHW-E Page 2

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.

Central Industrial Park, Ltd TCEQ Docket No. 2007-0969-IHW-E Page 3

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

Central Industrial Park, Ltd TCEQ Docket No. 2007-0969-IHW-E Page 4

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

5

- 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.

Central Industrial Park, Ltd. TCEQ Docket No. 2007-0969-IHW-E Page 6

# SIGNATURE PAGE

#### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission For the Executive Director

14/09

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. <u>Vice President</u> Title Central Industrial Park, Ltd. TCEQ Docket No. 2007-0969-IHW-E Page 7

**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

July 17, 2009 By: Name: Jeanna K. Camp Vice) President Title: