

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 2
DOCKET NO.: 2009-1076-AIR-E **TCEQ ID:** RN100219211 **CASE NO.:** 37928
RESPONDENT NAME: Gulf Coast Waste Disposal Authority

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 checked="" 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 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: Bayport Facility, 10800 Bay Area Boulevard, Pasadena, Harris County</p> <p>TYPE OF OPERATION: Publicly owned treatment works</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 November 23, 2009. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: Mr. Phillip Hampsten, SEP Coordinator, Enforcement Division, MC 219, (512) 239-6732 TCEQ Enforcement Coordinator: Mr. Raymond Marlow, Enforcement Division, Enforcement Team 5, MC R-12, (409) 899-8785; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387 Respondent: Mr. Charles Ganze, General Manager, Gulf Coast Waste Disposal Authority, 910 Bay Area Boulevard, Houston, Texas 77058 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: May 27, 2009</p> <p>Date of NOV/NOE Relating to this Case: June 30, 2009 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>AIR</p> <p>Failure to prevent unauthorized emissions. Specifically, operations personnel failed to prevent ignition of combustible volatile organic compounds ("VOC") in the Biosan pipeline while conducting maintenance welding on the pipeline, leading to a rupture and release of wastewater to the emergency channel (Small Channel), emitting 7,435 pounds of VOC for approximately 76 hours beginning on April 7, 2009 (Incident No. 122471). Since these emissions could have been avoided by better operational practices, the emissions are not subject to an affirmative defense under 30 TEX. ADMIN. CODE § 101.222(b) [30 TEX. ADMIN. CODE § 116.115(c), New Source Review Permit No. 40782, Special Condition No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>	<p>Total Assessed: \$7,350</p> <p>Total Deferred: \$1,470 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$5,880</p> <p>Total Paid to General Revenue: \$0</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 checked="" type="checkbox"/> Yes <input 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:</p> <p>a. Identified and implemented corrective policies concerning welding procedures by training of operations and maintenance personnel immediately after the incidents. The training about Hot Work and Hot Work Permitting, consisted of general Hot Work considerations, GCA-BP Hot Work Permitting requirements, when to require a higher level of review for Hot Work tasks when specific elements of the facility's Hot Work program cannot be met, Hot Work permit, atmospheric considerations when conducting Hot Work, and hazard evaluation and mitigation considerations for Hot Work tasks, was continuously performed on September 1, 2, and 3, 2009 and was completed on September 9, 2009; and</p> <p>b. The work to perform the 36-inch Carbon Steel transfer line repair was performed on June 22, 2009 to June 24, 2009 by utilizing a fiberglass repair technique rather than Hot Work. The fiberglass repair technique minimized shutdowns that may lead to excess emissions and mitigated the risk associated with welding.</p> <p>Ordering Provisions:</p> <p>The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A.)</p>

Additional ID No(s).: HG02500

Attachment A
Docket Number: 2009-1076-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: Gulf Coast Waste Disposal Authority

Payable Penalty Amount: Five Thousand Eight Hundred Eighty Dollars (\$5,880)

SEP Amount: Five Thousand Eight Hundred Eighty Dollars (\$5,880)

Type of SEP: Pre-approved

Third-Party Recipient: Barbers Hill Independent School District-Alternative Fueled Vehicle and Equipment Program

Location of SEP: Harris County

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

1. Project Description

A. Project

The Respondent will contribute to Barbers Hill Independent School District's ("Barbers Hill ISD") Alternative Fueled Vehicle and Equipment Program in Harris County. The contribution will be used in accordance with the *Supplemental Environmental Project Agreement between Barbers Hill ISD and the Texas Commission on Environmental Quality*. SEP monies will be used to retire current diesel-powered or gasoline powered vehicles and equipment and replace those vehicles and equipment with alternative-fueled vehicles and equipment; convert current vehicles and equipment to alternative-fueled equipment; or retrofit current gasoline or diesel-powered equipment.

SEP Funds will only be used for the incremental costs of purchase of clean fuel or lower-emission vehicles or retrofit of existing vehicles and for the purchase of these cleaner burning fuels.

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

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing air pollution emissions of particulate matter, volatile organic compounds, nitrogen oxides, and other pollutants associated with the combustion of fuel that would have been generated by older vehicles.

C. Minimum Expenditure

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

2. Performance Schedule

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

John Johnson
Carl Griffith & Associates, Inc.
2901 Turtle Creek Drive, Suite 101
Port Arthur, Texas 77642

3. Records and Reporting

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

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

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

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

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

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

DATES	Assigned	7-Jul-2009	Screening	9-Jul-2009	EPA Due	
	PCW	16-Jul-2009				

RESPONDENT/FACILITY INFORMATION			
Respondent	Gulf Coast Waste Disposal Authority		
Reg. Ent. Ref. No.	RN100219211		
Facility/Site Region	12-Houston	Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	37928	No. of Violations	1
Docket No.	2009-1076-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profitt	Yes
Multi-Media		Enf. Coordinator	Martina Kusniadi
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$5,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1		
<small>Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the Indicated percentage.</small>		
Compliance History	47.0% Enhancement	Subtotals 2, 3, & 7 \$2,350

Notes The penalty was enhanced by one similar NOV and 11 dissimilar NOVs, and one 1660-style agreed order.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts \$106
Approx. Cost of Compliance \$5,000
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$7,350
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount \$7,350

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$7,350
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DEFERRAL	20.0% Reduction	Adjustment	-\$1,470
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Reduces the Final Assessed Penalty by the Indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$5,880
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Screening Date 9-Jul-2009

Docket No. 2009-1076-AIR-E

PCW

Respondent Gulf Coast Waste Disposal Authority

Policy Revision 2 (September 2002)

Case ID No. 37928

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100219211

Media [Statute] Air

Enf. Coordinator Martina Kusniadi

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)	1	5%
	Other written NOVs	11	22%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	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 (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%

Please Enter Yes or No

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

Adjustment Percentage (Subtotal 2) 47%

>> **Repeat Violator (Subtotal 3)**

No

Adjustment Percentage (Subtotal 3) 0%

>> **Compliance History Person Classification (Subtotal 7)**

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

The penalty was enhanced by one similar NOV and 11 dissimilar NOVs, and one 1660-style agreed order.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 47%

Screening Date	9-Jul-2009	Docket No.	2009-1076-AIR-E	PCW
Respondent	Gulf Coast Waste Disposal Authority			Policy Revision 2 (September 2002)
Case ID No.	37928			PCW Revision October 30, 2008
Reg. Ent. Reference No.	RN100219211			
Media [Statute]	Air			
Enf. Coordinator	Martina Kusniadi			
Violation Number	1			
Rule Cite(s)	30 Tex. Admin. Code § 116.115(c), New Source Review Permit No. 40782, Special Condition No. 1, and Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failed to prevent unauthorized emissions, as documented during an investigation conducted on May 27, 2009. Specifically, operations personnel failed to prevent ignition of combustible Volatile Organic Compounds in the Biosan pipeline while conducting maintenance welding on the pipeline, leading to a rupture and release of wastewater to the emergency channel (Small Channel), emitting 7,435 pounds of volatile organic compounds for approximately 76 hours beginning on April 7, 2009 (Incident No. 122471). Since these emissions could have been avoided by better operational practices, the emissions are not subject to an affirmative defense under 30 Tex. Admin. Code § 101.222(b).			
	Base Penalty			\$10,000
>> Environmental, Property and Human Health Matrix				
OR	Release	Harm		
		Major Moderate Minor		
	Actual	<input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	Percent	<input type="text" value="50%"/>
	Potential	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>		
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			Percent	<input type="text" value="0%"/>
Matrix Notes	Human health or the environment was exposed to significant amounts of pollutants that did not exceed levels protective of human health or environmental receptors.			
	Adjustment			\$5,000
				\$5,000
Violation Events				
	Number of Violation Events	<input type="text" value="1"/>	Number of violation days	<input type="text" value="4"/>
mark only one with an x	daily	<input type="checkbox"/>		
	weekly	<input type="checkbox"/>		
	monthly	<input checked="" type="checkbox"/>		
	quarterly	<input type="checkbox"/>		
	semiannual	<input type="checkbox"/>		
	annual	<input type="checkbox"/>		
	single event	<input type="checkbox"/>		
			Violation Base Penalty	\$5,000
	One monthly event is recommended, based on the emissions event that occurred beginning on April 7, 2009.			
Good Faith Efforts to Comply				
	0.0% Reduction			\$0
	Before NOV	NOV to EDRP/Settlement		
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>		
Ordinary	<input type="checkbox"/>	<input type="checkbox"/>		
N/A	<input checked="" type="checkbox"/>	<input type="checkbox"/> (mark with x)		
Notes	The Respondent does not meet the good faith criteria for this violation.			
	Violation Subtotal			\$5,000
Economic Benefit (EB) for this violation				
	Estimated EB Amount	<input type="text" value="\$106"/>	Statutory Limit Test	
			Violation Final Penalty Total	\$7,350
			This violation Final Assessed Penalty (adjusted for limits)	\$7,350

Economic Benefit Worksheet

Respondent Gulf Coast Waste Disposal Authority
Case ID No. 37928
Reg. Ent. Reference No. RN100219211
Media Air
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
<i>No commas or \$</i>							

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	\$5,000	7-Apr-2009	9-Sep-2009	0.42	\$106	n/a	\$106
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 ensure additional personnel training and/or oversight is provided. The Date Required is the date of the event, and the Final Date is the date of achieved 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

\$5,000

TOTAL

\$106

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: Paragraph 1, Effluent Limitations PERMIT

Description: Failed to comply with permitted effluent limits.

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. (CEEDS Inv. Track. No.)

1	07/09/2004	(251166)
2	07/09/2004	(280277)
3	07/09/2004	(280399)
4	07/19/2004	(277432)
5	07/30/2004	(281323)
6	07/30/2004	(281849)
7	07/30/2004	(282818)
8	07/30/2004	(282878)
9	07/30/2004	(283026)
10	07/30/2004	(284545)
11	07/30/2004	(285778)
12	08/06/2004	(287026)
13	08/10/2004	(288398)
14	08/10/2004	(288401)
15	08/10/2004	(288420)
16	08/10/2004	(288673)
17	08/11/2004	(289003)
18	08/12/2004	(289558)
19	08/27/2004	(352068)
20	09/01/2004	(282509)
21	09/03/2004	(290746)
22	09/09/2004	(290745)
23	09/09/2004	(291437)
24	10/25/2004	(352070)
25	11/22/2004	(352071)
26	12/03/2004	(352069)
27	12/21/2004	(381837)
28	01/24/2005	(333949)
29	01/24/2005	(381838)
30	02/21/2005	(381835)
31	03/23/2005	(381836)
32	04/22/2005	(419665)
33	05/13/2005	(377639)
34	05/23/2005	(419666)
35	06/20/2005	(419667)
36	07/19/2005	(400908)
37	07/22/2005	(440807)
38	07/27/2005	(399477)
39	07/28/2005	(402453)
40	07/29/2005	(402140)
41	07/29/2005	(402238)
42	08/01/2005	(401915)
43	08/01/2005	(402152)
44	08/02/2005	(403020)
45	08/03/2005	(403194)
46	08/08/2005	(403555)
47	08/11/2005	(404796)
48	08/15/2005	(404956)
49	08/16/2005	(404943)

50	08/16/2005	(405332)
51	08/18/2005	(405230)
52	08/19/2005	(406085)
53	08/19/2005	(440808)
54	08/22/2005	(406029)
55	08/29/2005	(418315)
56	08/30/2005	(418514)
57	09/06/2005	(406824)
58	09/06/2005	(418885)
59	09/08/2005	(418654)
60	09/20/2005	(440809)
61	10/20/2005	(468378)
62	11/21/2005	(435678)
63	11/21/2005	(468379)
64	12/16/2005	(468380)
65	01/11/2006	(450337)
66	01/19/2006	(468381)
67	02/22/2006	(468376)
68	03/21/2006	(468377)
69	04/21/2006	(498160)
70	05/23/2006	(498161)
71	05/31/2006	(459917)
72	06/15/2006	(498162)
73	07/17/2006	(498163)
74	08/14/2006	(479866)
75	08/18/2006	(520170)
76	09/19/2006	(520171)
77	10/19/2006	(520172)
78	11/20/2006	(544455)
79	12/20/2006	(544456)
80	12/21/2006	(519413)
81	01/09/2007	(532476)
82	01/18/2007	(544457)
83	02/20/2007	(539776)
84	02/20/2007	(544454)
85	03/21/2007	(575237)
86	04/19/2007	(575238)
87	05/21/2007	(575239)
88	06/21/2007	(575240)
89	07/19/2007	(575241)
90	08/16/2007	(607540)
91	08/22/2007	(573107)
92	09/20/2007	(607541)
93	10/22/2007	(607542)
94	11/20/2007	(619500)
95	12/19/2007	(619501)
96	01/18/2008	(619502)
97	02/21/2008	(672008)
98	03/19/2008	(672009)
99	03/25/2008	(616746)
100	04/15/2008	(672010)
101	05/06/2008	(640306)
102	05/22/2008	(689925)
103	06/03/2008	(680346)
104	06/14/2008	(681382)
105	06/23/2008	(689926)
106	07/01/2008	(682808)
107	07/21/2008	(689927)
108	07/22/2008	(683740)
109	08/20/2008	(710711)
110	08/29/2008	(681441)

111 08/29/2008 (701723)
 112 09/22/2008 (710712)
 113 10/02/2008 (700153)
 114 10/22/2008 (710713)
 115 11/21/2008 (727464)
 116 12/18/2008 (708154)
 117 12/23/2008 (727465)
 118 01/13/2009 (710140)
 119 01/20/2009 (727466)
 120 02/20/2009 (750248)
 121 02/27/2009 (705700)
 122 03/23/2009 (750249)
 123 04/20/2009 (750250)
 124 06/30/2009 (745531)
 125 07/07/2009 (749560)

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

Date: 11/30/2004 (381837) CN600126163
 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: 12/31/2004 (381838) CN600126163
 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: 05/13/2005 (377639) CN600126163
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 335, SubChapter A 335.4
 No. 01054-000 Page 10, No. 11a PERMIT
 Description: Failure to monitor the sludge for polychlorinated biphenyls (PCBs).

Self Report? NO Classification: Moderate
 Citation: No. 01054-000 Page7, No. 2(g) PERMIT
 TWC Chapter 26 26.121(a)(1)
 Description: Failure to prevent the unauthorized discharge of wastewater.

Date: 11/21/2005 (435678) CN600126163
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 315, SubChapter A 315.1
 Description: Failure to assure that US Oil Recovery representative submitted a complete Baseline Monitoring Report (BMR) containing the required certification statement signed by a responsible corporate officer.

Date: 08/14/2006 (479866) CN600126163
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 O-01708, Special Condition 7 OP
 TCEQ Permit NO. 40782, SC7 PERMIT
 Description: Failure to monitor the mixed liquor total suspended solids (MLSS) measurement in the first step aeration on August 11, 2005.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 O-01708, Special Condition 7 OP
 TCEQ Permit NO. 40782, SC 9.A PERMIT
 Description: Failure to contact the TCEQ Houston regional office to schedule the pretest meeting for cooling tower testing.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter C 122.222(k)(2)
5C THC Chapter 382, SubChapter D 382.085(b)
Description: Failure to make off-permit notification for seven PBRs claimed from March, 2003 through January, 2006.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THC Chapter 382, SubChapter D 382.085(b)
O-01708, General Terms and Conditions OP
Description: Failure to report the deviations regarding the off-permit notifications for PBRs and diversion of wastewater and activated sludge to the open ponds in the deviation report dated October 5, 2005.

Date: 12/21/2006 (519413) CN600126163

Self Report? NO Classification: Minor
Citation: 40 CFR Chapter 403, SubChapter N, PT 403.403.8(f)(2)(vii)
Description: Failure to collect wastewater samples in a manner to provide evidence admissible in court or other legal proceeding.

Date: 03/24/2008 (616746) CN600126163

Self Report? NO Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
2D TWC Chapter 26, SubChapter A 26.121(a)(1)
2D TWC Chapter 26, SubChapter A 26.121(a)(3)
2D TWC Chapter 26, SubChapter A 26.121(b)
2D TWC Chapter 26, SubChapter A 26.121(c)
2D TWC Chapter 26, SubChapter A 26.121(d)
2D TWC Chapter 26, SubChapter A 26.121(e)
30 TAC Chapter 305, SubChapter F 305.125(4)
30 TAC Chapter 305, SubChapter F 305.125(5)
TWC Chapter 26 26.121
TWC Chapter 26 26.121(a)(2)

Description: Failure to prevent the unauthorized discharge of wastewater.

Date: 05/06/2008 (640306) CN600126163

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)
Description: GCA failed to include the preconstruction authorization number or rule citation of the permit governing the facility in the final report.

Date: 08/29/2008 (701723) CN600126163

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 315, SubChapter A 315.1
40 CFR Chapter 403, SubChapter N, PT 403.403.8(f)(1)(ii)(B)
40 CFR Chapter 403, SubChapter N, PT 403.403.8(f)(2)(ii)
Description: The Control Authority failed to issue Hoyer Global, Inc. (Hoyer) a permit that contains the applicable categorical pretreatment standards for a facility subject to the Transportation Equipment Cleaning (TEC) Point Source Category; 40 CFR Part 442, Subpart A, and failed to include in the ten SIU permits that were reviewed by the auditors, the sample type for each parameter that needs to be sampled.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 315, SubChapter A 315.1
40 CFR Chapter 403, SubChapter N, PT 403.403.8(f)(2)(v)
Description: The Control Authority failed to inspect Superior Carriers, Inc., American Plating, and Sanyo Chemicals Texas Inc. (a new SIU) at least once during the 2007 pretreatment year.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 315, SubChapter A 315.1
40 CFR Chapter 403, SubChapter N, PT 403.403.8(f)(2)(vi)
Description: The Control Authority failed to adequately review the slug discharge control plan submitted by Huish Detergents to identify that it was not complete.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 315, SubChapter A 315.1
40 CFR Chapter 403, SubChapter N, PT 403 403.8(f)(2)
40 CFR Chapter 403, SubChapter N, PT 403 403.8(f)(2)(v)

Description: The Control Authority failed to analyze the effluent from the Hoyer facility for the non-polar material (SGT-HEM) pollutant during the 2007 pretreatment year, in order to determine compliance or noncompliance with the applicable categorical pretreatment standards for a TEC facility subject to 40 CFR §442.15.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 315, SubChapter A 315.1
40 CFR Chapter 403, SubChapter N, PT 403 403.8(f)(2)
40 CFR Chapter 403, SubChapter N, PT 403 403.8(f)(2)(iv)
40 CFR Chapter 403, SubChapter N, PT 403 403.8(f)(5)

Description: The Control Authority failed to identify the reporting violation, escalate enforcement actions (as specified in the ERG), and publish the Galveston Company in the newspaper for meeting the criteria of SNC for late submittal of an Annual Industrial User report; failed to identify that Lubrizol did not submit an application for permit renewal as specified by their previous issued permit.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 315, SubChapter A 315.1
40 CFR Chapter 403, SubChapter N, PT 403 403.8(f)(2)(vii)

Description: The CA failed to perform a through inspection of the Petroleum Refining System, Inc. (PRSI) facility in order to identify noncompliance with the issued permit and other applicable regulations and failed to ensure that a portion of the chain-of-custody (COC) forms were properly signed to document the custody of the sample

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 315, SubChapter A 315.1
40 CFR Chapter 122, SubChapter D, PT 122, SubPT C 122.41
40 CFR Chapter 403, SubChapter N, PT 403 403.12(m)

Description: The CA failed to properly certify the pretreatment program annual status reports submitted to the Approval Authority.

Date: 09/30/2008 (710713) CN600126163

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: 11/14/2008 (572152) CN600126163

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.6(e)
5C THSC Chapter 382 382.085(b)
FOP O-01708 SC 6 OP

Description: Failure to revise the Startup, Shutdown, Malfunction Plan (SSMP) within 45 days after an event that meets the characteristics of a malfunction, but was not included in the SSMP.

Date: 02/27/2009 (705700) CN600126163

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
STC 7 OP

Description: Failure to operate RTO2601 & RTO2602 within the minimum temperature represented in Standard Permit. [FOP O-01708]

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
GULF COAST WASTE DISPOSAL
AUTHORITY
RN100219211**

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§

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2009-1076-AIR-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 Gulf Coast Waste Disposal Authority ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The 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 publicly owned treatment works at 10800 Bay Area Boulevard in Pasadena, Harris County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
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 July 5, 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 Seven Thousand Three Hundred Fifty Dollars (\$7,350) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). One Thousand Four Hundred Seventy Dollars (\$1,470) 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. Five Thousand Eight Hundred Eighty Dollars (\$5,880) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

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:
 - a. Identified and implemented corrective policies concerning welding procedures by training of operations and maintenance personnel immediately after the incidents. The training about Hot Work and Hot Work Permitting, consisted of general Hot Work considerations, GCA-BP Hot Work Permitting requirements, when to require a higher level of review for Hot Work tasks when specific elements of the facility's Hot Work program cannot be met, Hot Work permit, atmospheric considerations when conducting Hot Work, and hazard evaluation and mitigation considerations for Hot Work tasks, was continuously performed on September 1, 2, and 3, 2009 and was completed on September 9, 2009; and
 - b. The work to perform the 36-inch Carbon Steel transfer line repair was performed on June 22, 2009 to June 24, 2009 by utilizing a fiberglass repair technique rather than Hot Work. The fiberglass repair technique minimized shutdowns that may lead to excess emissions and mitigated the risk associated with welding.
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 Plant, the Respondent is alleged to have failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 116.115(c), New Source Review Permit No. 40782, Special Condition No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on May 27, 2009. Specifically, operations personnel failed to prevent

ignition of combustible volatile organic compounds ("VOC") in the Biosan pipeline while conducting maintenance welding on the pipeline, leading to a rupture and release of wastewater to the emergency channel (Small Channel), emitting 7,435 pounds of VOC for approximately 76 hours beginning on April 7, 2009 (Incident No. 122471). Since these emissions could have been avoided by better operational practices, the emissions are not subject to an affirmative defense under 30 TEX. ADMIN. CODE § 101.222(b).

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: Gulf Coast Waste Disposal Authority, Docket No. 2009-1076-AIR-E" to:

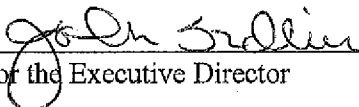
Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088
2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Five Thousand Eight Hundred Eighty Dollars (\$5,880) of the assessed administrative penalty shall be offset with the condition that the Respondent implements the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provision of the SEP agreement.
3. 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 Plant operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent 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 the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. 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.
7. 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.
8. 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



For the Executive Director

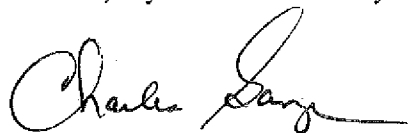
Date 10/20/2009

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

Date 9-28-09

Charles Ganze
Name (Printed or typed)
Authorized Representative of
Gulf Coast Waste Disposal Authority

General Manager
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

Attachment A
Docket Number: 2009-1076-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: Gulf Coast Waste Disposal Authority

Payable Penalty Amount: Five Thousand Eight Hundred Eighty Dollars (\$5,880)

SEP Amount: Five Thousand Eight Hundred Eighty Dollars (\$5,880)

Type of SEP: Pre-approved

Third-Party Recipient: Barbers Hill Independent School District-Alternative Fueled Vehicle and Equipment Program

Location of SEP: Harris County

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

1. Project Description

A. Project

The Respondent will contribute to Barbers Hill Independent School District’s (“Barbers Hill ISD”) Alternative Fueled Vehicle and Equipment Program in Harris County. The contribution will be used in accordance with the *Supplemental Environmental Project Agreement between Barbers Hill ISD and the Texas Commission on Environmental Quality*. SEP monies will be used to retire current diesel-powered or gasoline powered vehicles and equipment and replace those vehicles and equipment with alternative-fueled vehicles and equipment; convert current vehicles and equipment to alternative-fueled equipment; or retrofit current gasoline or diesel-powered equipment.

SEP Funds will only be used for the incremental costs of purchase of clean fuel or lower-emission vehicles or retrofit of existing vehicles and for the purchase of these cleaner burning fuels.

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

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing air pollution emissions of particulate matter, volatile organic compounds, nitrogen oxides, and other pollutants associated with the combustion of fuel that would have been generated by older vehicles.

C. Minimum Expenditure

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

2. Performance Schedule

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

John Johnson
Carl Griffith & Associates, Inc.
2901 Turtle Creek Drive, Suite 101
Port Arthur, Texas 77642

3. Records and Reporting

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

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

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

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

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

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

