EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2010-0570-IWD-E **TCEQ ID:** RN101618882 **CASE NO.:** 39486

RESPONDENT NAME: Champion Technologies, Inc.

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)	__INDUSTRIAL AND HAZARDOUS WASTE
__PUBLIC WATER SUPPLY	__PETROLEUM STORAGE TANKS	__OCCUPATIONAL CERTIFICATION
X WATER QUALITY	__SEWAGE SLUDGE	__UNDERGROUND INJECTION CONTROL
__MUNICIPAL SOLID WASTE	__RADIOACTIVE WASTE	__DRY CLEANER REGISTRATION

SITE WHERE VIOLATION(S) OCCURRED: Champion Technologies Fresno, located at 3130 Farm-to-Market Road 521, approximately 2.25 miles north of the intersection of Farm-to-Market Road 521 and State Highway 6, Fresno, Fort Bend County

TYPE OF OPERATION: Wastewater treatment plant

SMALL BUSINESS: ___ Yes __X__ 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 has expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired on September 20, 2010. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: None

TCEQ Enforcement Coordinator: Ms. Marty Hott, Enforcement Division, Enforcement Team 1, MC 169, (512) 239-2587; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495

Respondent: Mr. Dwight Vorpahl, Registered Agent, Champion Technologies, Inc., P.O. Box 27727, Houston, Texas 77227

Mr. Chris Lancaster, Vice President, Champion Technologies, Inc., P.O. Box 27727, Houston, Texas 77227

Respondent's Attorney: Not represented by counsel on this enforcement matter

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation: __ Complaint __ Routine __ Enforcement Follow-up X Records Review **Date(s) of Complaints Relating to this Case:** None **Date of Investigation Relating to this Case:** February 25, 2010 **Date of NOV/NOE Relating to this Case:** March 25, 2010 (NOE) **Background Facts:** This was a records review. **WATER** Failed to comply with permitted effluent limits for free available chlorine, E. coli, and total zinc [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0004306000 Effluent Limitations and Monitoring Requirements No. 1].	**Total Assessed:** $11,250 **Total Deferred:** $0 __Expedited Settlement __Financial Inability to Pay **SEP Conditional Offset:** $0 **Total Paid to General Revenue:** $11,250 **Person Compliance History Classification** __ **High** X **Average** __ **Poor** **Site Compliance History Classification** __ **High** X **Average** __ **Poor** **Major Source:** __ Yes X No **Applicable Penalty Policy:** September 2002 **Findings Orders Justification:** Human health or the environment has been exposed to pollutants which exceed levels that are protective.	**Ordering Provisions:** The Order will require the Respondent to, within 90 days after the effective date of this Agreed Order, submit written certification of compliance with the permitted effluent limits of TPDES Permit No. WQ0004306000, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limits. The certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with the permitted effluent limits.

Additional ID No(s).: WQ0004306000

Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002) *PCW Revision October 30, 2008*

TCEQ

DATES					
Assigned	29-Mar-2010				
PCW	20-Apr-2010	Screening	9-Apr-2010	EPA Due	

RESPONDENT/FACILITY INFORMATION

Respondent	Champion Technologies, Inc.		
Reg. Ent. Ref. No.	RN101618882		
Facility/Site Region	12-Houston	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	39486	No. of Violations	2
Docket No.	2010-0570-IWD-E	Order Type	Findings
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Marty Hott
		EC's Team	Enforcement Team 1

Admin. Penalty $ Limit Minimum $0 Maximum $10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) *Subtotal 1* $7,500

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 50.0% Enhancement *Subtotals 2, 3, & 7* $3,750

Notes: An enhancement is recommended for six self-reported effluent violations and one agreed order with a denial of liability.

Culpability No 0.0% Enhancement *Subtotal 4* $0

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments *Subtotal 5* $0

Economic Benefit 0.0% Enhancement* *Subtotal 6* $0

Total EB Amounts $3,814
Approx. Cost of Compliance $50,600

**Capped at the Total EB $ Amount*

SUM OF SUBTOTALS 1-7 *Final Subtotal* $11,250

OTHER FACTORS AS JUSTICE MAY REQUIRE 0.0% *Adjustment* $0

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount $11,250

STATUTORY LIMIT ADJUSTMENT *Final Assessed Penalty* $11,250

DEFERRAL 0.0% Reduction *Adjustment* $0

Reduces the Final Assessed Penalty by the indicted percentage. *(Enter number only; e.g. 20 for 20% reduction.)*

Notes: No deferral is recommended for Findings Orders.

PAYABLE PENALTY $11,250

Screening Date 9-Apr-2010 **Docket No.** 2010-0570-IWD-E **PCW**

Respondent Champion Technologies, Inc. *Policy Revision 2 (September 2002)*

Case ID No. 39486 *PCW Revision October 30, 2008*

Reg. Ent. Reference No. RN101618882

Media [Statute] Water Quality

Enf. Coordinator Marty Hott

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*)	6	30%
	Other written NOVs	0	0%
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) 50%

>> **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

An enhancement is recommended for six self-reported effluent violations and one agreed order with a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 50%

Screening Date 9-Apr-2010 **Docket No.** 2010-0570-IWD-E **PCW**

Respondent Champion Technologies, Inc. *Policy Revision 2 (September 2002)*

Case ID No. 39486 *PCW Revision October 30, 2008*

Reg. Ent. Reference No. RN101618882

Media [Statute] Water Quality

Enf. Coordinator Marty Hott

Violation Number 1

Rule Cite(s) Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0004306000 Effluent Limitations and Monitoring Requirements No. 1

Violation Description Failed to comply with permitted effluent limits, as documented during a record review conducted on February 25, 2010 and shown in the attached table.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual		x	
Potential			

Percent 25%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: E. coli and free available chlorine were evaluated to determine whether the discharged amounts of pollutants exceeded levels protective of human health and the environment. As a result of these discharges, human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment $7,500

$2,500

Violation Events

Number of Violation Events 1 — 30 Number of violation days

mark only one with an x

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty $2,500

One monthly event is recommended for the month of November 2009.

Good Faith Efforts to Comply

0.0% Reduction — $0

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

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

Violation Subtotal $2,500

Economic Benefit (EB) for this violation

Estimated EB Amount $3,814

Statutory Limit Test

Violation Final Penalty Total $3,750

This violation Final Assessed Penalty (adjusted for limits) $3,750

Economic Benefit Worksheet

Respondent Champion Technologies, Inc.
Case ID No. 39486
Reg. Ent. Reference No. RN101618882
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or $						
Delayed Costs							
Equipment				0.00	$0	$0	$0
Buildings				0.00	$0	$0	$0
Other (as needed)				0.00	$0	$0	$0
Engineering/construction	$50,600	30-Nov-2009	28-Dec-2010	1.08	$182	$3,632	$3,814
Land				0.00	$0	n/a	$0
Record Keeping System				0.00	$0	n/a	$0
Training/Sampling				0.00	$0	n/a	$0
Remediation/Disposal				0.00	$0	n/a	$0
Permit Costs				0.00	$0	n/a	$0
Other (as needed)				0.00	$0	n/a	$0

Notes for DELAYED costs: Estimated cost to evaluate the Facility to determine the cause of the effluent violations and complete corrective actions ($10,000) plus the actual cost for the following corrective actions taken: offsite disposal of blowdown water from Plant 1 cooling tower ($6,000), project to mitigate the E. coli exceedance ($4,800), project to vacuum blowdown water from Plant 4 cooling tower and dispose of offsite ($14,800), and project to clean out the water and sludge from Plant 4 cooling tower ($15,000). Date required is the first month of noncompliance. Final date is the expected date of compliance.

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

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

Notes for AVOIDED costs:

Approx. Cost of Compliance: $50,600

TOTAL: $3,814

Screening Date 9-Apr-2010 **Docket No.** 2010-0570-IWD-E **PCW**

Respondent Champion Technologies, Inc. *Policy Revision 2 (September 2002)*

Case ID No. 39486 *PCW Revision October 30, 2008*

Reg. Ent. Reference No. RN101618882

Media [Statute] Water Quality

Enf. Coordinator Marty Hott

Violation Number 2

Rule Cite(s) Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0004306000 Effluent Limitations and Monitoring Requirements No. 1

Violation Description Failed to comply with permitted effluent limits, as documented during a record review conducted on February 25, 2010 and shown in the attached table.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual	x		
Potential			

Percent 50%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: E. coli, free available chlorine, and zinc were evaluated to determine whether the discharged amounts of pollutants exceeded levels protective of human health and the environment. As a result of these discharges, human health or the environment has been exposed to significant amounts of pollutants which exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment $5,000

$5,000

Violation Events

Number of Violation Events 1 — 31 Number of violation days

mark only one with an x

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty $5,000

One monthly event is recommended for the month of December 2009.

Good Faith Efforts to Comply

0.0% Reduction — $0

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

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

Violation Subtotal $5,000

Economic Benefit (EB) for this violation

Estimated EB Amount $0

Statutory Limit Test

Violation Final Penalty Total $7,500

This violation Final Assessed Penalty (adjusted for limits) $7,500

Economic Benefit Worksheet

Respondent Champion Technologies, Inc.
Case ID No. 39486
Reg. Ent. Reference No. RN101618882
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or $						
Delayed Costs							
Equipment				0.00	$0	$0	$0
Buildings				0.00	$0	$0	$0
Other (as needed)				0.00	$0	$0	$0
Engineering/construction				0.00	$0	$0	$0
Land				0.00	$0	n/a	$0
Record Keeping System				0.00	$0	n/a	$0
Training/Sampling				0.00	$0	n/a	$0
Remediation/Disposal				0.00	$0	n/a	$0
Permit Costs				0.00	$0	n/a	$0
Other (as needed)				0.00	$0	n/a	$0

Notes for DELAYED costs: See Economic Benefit for Violation No. 1.

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

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

Notes for AVOIDED costs:

Approx. Cost of Compliance: $0

TOTAL: $0

Champion Technologies, Inc.
TPDES Permit No. WQ0004306000
Docket No. 2010-0570-IWD-E
Case No. 39486

EFFLUENT VIOLATION TABLE					
Months	**Free Available Chlorine Daily Ave. Conc.**	**Free Available Chlorine Daily Max Conc.**	**E. coli Daily Ave. Conc.**	**E. coli Daily Max Conc.**	**Total Zinc Daily Max Conc.**
	Limit = 0.20 mg/L	**Limit = 0.50 mg/L**	**Limit = 126 /100 mls**	**Limit = 200 /100 mls**	**Limit = 1.14 mg/L**
11/30/2009	0.33	c	1,492	4,100	c
12/31/2009	0.53	0.79	4,194	13,000	1.30

ave. = average conc. = concentration mg/L = milligrams per Liter

c = compliant mls = milliliters E. coli = Escherichia coli

#/100 mls = number of colonies of bacteria per 100 milliliters effluent

Compliance History Report

Customer/Respondent/Owner-Operator:	CN600361869	CHAMPION TECHNOLOGIES, INC.	Classification: AVERAGE	Rating: 2.59
Regulated Entity:	RN101618882	CHAMPION TECHNOLOGIES FRESNO	Classification: AVERAGE	Site Rating: 4.52

ID Number(s):

PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	0790119
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD000356816
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	31502
AIR NEW SOURCE PERMITS	PERMIT	4005
AIR NEW SOURCE PERMITS	REGISTRATION	24713
AIR NEW SOURCE PERMITS	REGISTRATION	25343
AIR NEW SOURCE PERMITS	REGISTRATION	29340
AIR NEW SOURCE PERMITS	REGISTRATION	33992
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	FG0053G
AIR NEW SOURCE PERMITS	REGISTRATION	55037
AIR NEW SOURCE PERMITS	AFS NUM	4815700067
AIR NEW SOURCE PERMITS	REGISTRATION	70773
AIR NEW SOURCE PERMITS	REGISTRATION	700845
AIR NEW SOURCE PERMITS	REGISTRATION	70845
AIR NEW SOURCE PERMITS	REGISTRATION	72846
AIR NEW SOURCE PERMITS	REGISTRATION	74858
AIR NEW SOURCE PERMITS	REGISTRATION	76945
AIR NEW SOURCE PERMITS	REGISTRATION	78261
AIR NEW SOURCE PERMITS	REGISTRATION	82798
AIR NEW SOURCE PERMITS	REGISTRATION	82305
AIR NEW SOURCE PERMITS	REGISTRATION	88068
AIR NEW SOURCE PERMITS	REGISTRATION	85675
WATER QUALITY NON PERMITTED	ID NUMBER	R12SW0008
WATER LICENSING	LICENSE	0790119
WASTEWATER	PERMIT	WQ0004306000
WASTEWATER	EPA ID	TPDES0112461
WASTEWATER	PERMIT	TPDES0112461
WASTEWATER	PERMIT	TX0112461
STORMWATER	PERMIT	TXR05T916
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	31502
AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	FG0053G

Location: LOCATED AT 3130 FARM-TO-MARKET ROAD 521, APPROXIMATELY 2.25 MILES NORTH OF THE INTERSECTION OF FARM-TO-MARKET ROAD 521 AND STATE HIGHWAY 6, IN FRESNO, FORT BEND COUNTY, TEXAS

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: April 09, 2010

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: April 09, 2005 to April 09, 2010

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

Name: Marty Hott Phone: 512-239-2587

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator? N/A
4. if Yes, who was/were the prior owner(s)/operator(s) ? N/A
5. When did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2009 Repeat Violator: NO

Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 04/29/2006 ADMINORDER 2005-1727-IHW-E

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(2)
30 TAC Chapter 335, SubChapter C 335.69(a)(3)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(2)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(3)

Description: Failure to label hazardous waste containers with the words "hazardous waste" and with the beginning accumulation date.

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)

Description: Failure to update the Notice of Registration.

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter A 335.9(a)(2)

Description: Failure to submit a complete and correct Annual Waste Summary.

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter O 335.431(c)
40 CFR Chapter 268, SubChapter I, PT 268, SubPT A 268.7(a)(2)
40 CFR Chapter 268, SubChapter I, PT 268, SubPT A 268.7(a)(8)

Description: Failure to properly complete a Land Disposal Restriction Form for waste stream 4136404H.

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(1)(B)
30 TAC Chapter 335, SubChapter E 335.112(a)(9)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(1)(ii)
40 CFR Chapter 265, SubChapter I, PT 265, SubPT J 265.193(f)

Description: Failure to have secondary containment for underground ancillary equipment associated with hazardous waste tanks.

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(1)(B)
30 TAC Chapter 335, SubChapter E 335.112(a)(9)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(1)(ii)
40 CFR Chapter 265, SubChapter I, PT 265, SubPT J 265.192(a)
40 CFR Chapter 265, SubChapter I, PT 265, SubPT J 265.193(e)(3)(iii)

Description: Failure to have four hazardous waste tanks certified by a professional engineer and have an adequate leak detection system for a hazardous waste underground storage tank.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	04/22/2005	(426734)
2	06/09/2005	(426735)
3	06/22/2005	(426736)
4	07/19/2005	(446960)
5	08/11/2005	(446961)
6	08/12/2005	(398585)
7	08/24/2005	(400090)
8	09/12/2005	(446962)
9	11/03/2005	(490951)
10	11/10/2005	(490952)
11	12/13/2005	(490953)
12	01/23/2006	(490954)
13	02/21/2006	(490949)

14	03/16/2006	(490950)
15	04/17/2006	(505551)
16	05/15/2006	(505552)
17	06/14/2006	(505553)
18	07/18/2006	(527828)
19	08/21/2006	(527829)
20	09/18/2006	(527830)
21	10/13/2006	(588372)
22	10/17/2006	(513120)
23	11/13/2006	(588373)
24	01/08/2007	(588374)
25	01/22/2007	(588375)
26	02/20/2007	(588367)
27	03/14/2007	(588368)
28	04/20/2007	(588369)
29	05/18/2007	(588370)
30	06/08/2007	(588371)
31	07/12/2007	(605416)
32	08/17/2007	(605417)
33	09/07/2007	(605418)
34	10/03/2007	(605419)
35	11/08/2007	(629632)
36	12/07/2007	(629633)
37	01/11/2008	(629634)
38	02/07/2008	(676772)
39	03/05/2008	(676773)
40	04/08/2008	(676774)
41	05/07/2008	(695335)
42	06/10/2008	(695336)
43	06/23/2008	(682532)
44	07/15/2008	(695337)
45	08/12/2008	(716863)
46	08/21/2008	(687929)
47	09/10/2008	(716864)
48	10/13/2008	(716865)
49	11/11/2008	(732288)
50	12/10/2008	(732289)
51	01/12/2009	(732290)
52	02/09/2009	(755605)
53	03/04/2009	(724409)
54	03/09/2009	(755606)
55	04/09/2009	(755607)
56	05/12/2009	(772650)
57	06/09/2009	(746102)
58	06/12/2009	(772651)
59	03/25/2010	(793623)

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

Date: 04/30/2005 (426735) CN600361869

Self 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: 07/31/2006 (527829) CN600361869

Self 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: 11/30/2009 CN600361869
Self YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)(1)
Description: Failure to meet the limit for one or more permit parameter
Date: 12/31/2009 CN600361869
Self YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)(1)
Description: Failure to meet the limit for one or more permit parameter
Date: 01/31/2010 CN600361869
Self YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)(1)
Description: Failure to meet the limit for one or more permit parameter
Date: 02/28/2010 CN600361869
Self YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)(1)
Description: Failure to meet the limit for one or more permit parameter

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 CHAMPION TECHNOLOGIES, INC. RN101618882	§ § § § §	**BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2010-0570-IWD-E

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Champion Technologies, Inc. ("the Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent 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, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement 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 the Respondent.

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

I. FINDINGS OF FACT

1. The Respondent owns and operates an organic chemical manufacturing plant with an associated wastewater treatment facility located at 3130 Farm-To-Market Road 521, approximately 2.25 miles north of the intersection of Farm-To-Market Road 521 and State Highway 6 in Fresno, Fort Bend County, Texas (the "Facility").

2. The Respondent has discharged industrial waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.

3. During a record review on February 25, 2010, TCEQ staff documented that the Respondent did not comply with its permitted effluent limits, as shown in the table below:

EFFLUENT VIOLATION TABLE					
Months	Free Available Chlorine Daily Ave. Conc.	Free Available Chlorine Daily Max Conc.	E. coli Daily Ave. Conc.	E. coli Daily Max Conc.	Total Zinc Daily Max Conc.
	Limit = 0.20 mg/L	Limit = 0.50 mg/L	Limit = 126 /100 mls	Limit = 200 /100 mls	Limit = 1.14 mg/L
11/30/2009	0.33	c	1,492	4,100	c
12/31/2009	0.53	0.79	4,194	13,000	1.30

ave. = average conc. = concentration mg/L = milligrams per Liter

c = compliant mls = milliliters E. coli = Escherichia coli

#/100 mls = number of colonies of bacteria per 100 milliliters effluent

4. The Respondent received notice of the violations on March 30, 2010.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7 and 26 and the rules of the Commission.

2. As evidenced by Findings of Fact No. 3, the Respondent failed to comply with permitted effluent limits, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0004306000 Effluent Limitations and Monitoring Requirements No. 1.

3. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.

4. An administrative penalty in the amount of Eleven Thousand Two Hundred Fifty Dollars ($11,250) 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. The Respondent has paid the Eleven Thousand Two Hundred Fifty Dollar ($11,250) administrative penalty.

III. ORDERING PROVISIONS

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

1. The Respondent is assessed an administrative penalty in the amount of Eleven Thousand Two Hundred Fifty Dollars ($11,250) as set forth in Section II, Paragraph 4 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent'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 "TCEQ" and shall be sent with the notation "Re: Champion Technologies, Inc., Docket No. 2010-0570-IWD-E" to:

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

2. It is further ordered that, within 180 days after the effective date of this Agreed Order, the Respondent shall submit written certification of compliance with the permitted effluent limits of TPDES Permit No. WQ0004306000, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limits. The certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with the permitted effluent limits. 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 fines 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:

Water Section, Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas 77023-1486

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 Facility 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. 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 the Respondent if the Executive Director determines that the Respondent 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 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.

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 under this Agreed Order.

10. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

_____
For the Commission

_____ 8/20/2010
For the Executive Director Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Champion Technologies, Inc. I am authorized to agree to the attached Agreed Order on behalf of Champion Technologies, Inc., 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 understand that by entering into this Agreed Order, Champion Technologies, Inc. waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

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.

_____ July 19, 2010
Signature Date

Chris Lancaster _____ Vice President
Name (Printed or typed) Title
Authorized Representative of
Champion Technologies, Inc.

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