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EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2010-0617-IWD-E **TCEQ ID:** RN102157609 **CASE NO.:** 39527
RESPONDENT NAME: MeadWestvaco Texas, L.P.

| | | |
|--|--|---|
| ORDER TYPE: | | |
| <input checked="" type="checkbox"/> 1660 AGREED ORDER | <input type="checkbox"/> FINDINGS AGREED ORDER | <input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING |
| <input type="checkbox"/> FINDINGS DEFAULT ORDER | <input type="checkbox"/> SHUTDOWN ORDER | <input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER |
| <input type="checkbox"/> AMENDED ORDER | <input type="checkbox"/> EMERGENCY ORDER | |
| CASE TYPE: | | |
| <input type="checkbox"/> AIR | <input type="checkbox"/> MULTI-MEDIA (check all that apply) | <input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE |
| <input type="checkbox"/> PUBLIC WATER SUPPLY | <input type="checkbox"/> PETROLEUM STORAGE TANKS | <input type="checkbox"/> OCCUPATIONAL CERTIFICATION |
| <input checked="" type="checkbox"/> WATER QUALITY | <input type="checkbox"/> SEWAGE SLUDGE | <input type="checkbox"/> UNDERGROUND INJECTION CONTROL |
| <input type="checkbox"/> MUNICIPAL SOLID WASTE | <input type="checkbox"/> RADIOACTIVE WASTE | <input type="checkbox"/> DRY CLEANER REGISTRATION |
| <p>SITE WHERE VIOLATION(S) OCCURRED: MeadWestvaco Texas, located approximately one mile south of Farm-to-Market Road 2246 and one mile southeast of Evadale, Jasper County</p> <p>TYPE OF OPERATION: Wastewater treatment facility</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on September 27, 2010. 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. Jorge Ibarra, P.E., Enforcement Division, Enforcement Team 3, MC R-04, (817) 588-5890; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495 Respondent: Ms. Katherine S. Davis, Environmental Manager, MeadWestvaco Texas, L.P., P.O. Box 816, Silsbee, Texas 77656 Mr. James H. Gresham, Vice President of Evadale Operations, MeadWestvaco Texas, L.P., P.O. Box 816, Silsbee, Texas 77656 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: February 17, 2010</p> <p>Date of NOV/NOE Relating to this Case: April 16, 2010 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>WATER</p> <p>1) Failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained. Specifically, it was noted that sludge was leaking onto the ground through breaks on the clarifier's sludge tap lines, solids were washing over the effluent weir and about one half of the clarifier surface was covered with solids and scum, the water level in the thickener was high and solids were spewing out into the decant collection box, a sludge conveyance line was leaking at the thickener, and a leak of cooling water from an overhead pipe was noted within the mill's process area [Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0000493000, Operational Requirements No. 1, 30 TEX. ADMIN. CODE § 305.125(1) and (5), and TEX. WATER CODE § 26.121(a)].</p> <p>2) Failed to conform to the installation and flow measurement procedures prescribed in the Water Measurement Manual, United States Department of the Interior Bureau of Reclamation, Washington, D.C., or by methods that are equivalent as approved by the Executive Director. Specifically, the staff gauge at Outfall 01a was mounted along the rectangular weir instead of upstream from the weir [TPDES Permit No. WQ0000493000, Monitoring and Reporting</p> | <p>Total Assessed: \$28,361</p> <p>Total Deferred: \$5,672 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$11,345</p> <p>Total Paid to General Revenue: \$11,344</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 at the Facility:</p> <p>a. Ensured that all systems of collection, treatment, and disposal are properly operated and maintained by fixing the breaks on the clarifier's sludge tap lines and vacuuming the sludge from the affected area; removed solids that were washing over the effluent weir; the thickener water pipe was cleaned to allow increased flow to the thickener; repaired the leaking sludge conveyance line at the thickener; and repaired the leak of cooling water from an overhead pipe within the mill's process area on March 22, 2010;</p> <p>b. Installed the staff gauge at Outfall 01a upstream from the weir on May 25, 2010;</p> <p>c. Submitted the noncompliance notification for the unauthorized discharge of January 14, 2010 on March 25, 2010; and</p> <p>d. Took corrective action for three unauthorized discharges:</p> <p>i. On August 14, 2008, Outfall 002 was closed and absorbent socks and pads were placed at a location between the storm water outfall and the Neches River to absorb any oil before it reached the river;</p> <p>ii. On April 3, 2009, a gate at Outfall 002 was closed to prevent the discharge of additional storm water until the cloudy water in the ditch was vacuumed; and</p> <p>iii. On January 14, 2010, the gate at Outfall 002 was closed and a local contractor vacuumed the water from the ditch leading to Outfall 002 and the tank containment.</p> |

| | | |
|--|--|--|
| <p>Requirements No. 2 and 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.11(d)].</p> <p>3) Failed to prevent the unauthorized discharge of wastewater into or adjacent to water in the state [TPDES Permit No. WQ0000493000, Permit Conditions No. 2.d., 30 TEX. ADMIN. CODE § 305.125(1), and TEX. WATER CODE § 26.121(a)].</p> <p>4) Failed to timely submit noncompliance notification for any effluent violation which deviates from the permitted effluent limitation by greater than 40% in writing to the Regional Office and the Enforcement Division within five working days of becoming aware of the non-compliance. Specifically, the notification for the oil and grease ("O&G") exceedance documented during the unauthorized discharge of black liquor soap that occurred on January 14, 2010 was submitted on March 25, 2010 [TPDES Permit No. WQ0000493000, Monitoring and Reporting Requirements No. 7 and 30 TEX. ADMIN. CODE § 305.125(1)].</p> <p>5) Failed to prevent the unauthorized discharge of wastewater that occurred on January 14, 2010 which also resulted in an exceedance of its permitted effluent limits. Specifically, black liquor soap leaked through a containment wall into a ditch leading to Outfall 002. A grab sample taken on January 14, 2010, the same date of the unauthorized discharge, indicated an O&G concentration of 56 milligrams per liter ("mg/L"). The permitted limit for O&G is 15 mg/L [TPDES Permit No. WQ0000493000, Effluent Limitations and Monitoring Requirements No. 1, 30 TEX. ADMIN. CODE § 305.125(1), and TEX. WATER CODE § 26.121(a)].</p> | | <p>Ordering Provisions:</p> <p>1) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A)</p> <p>2) The Order will also require the Respondent to:</p> <p>Within 90 days after the effective date of this Agreed Order, submit written certification of compliance with the permitted effluent limitations of Permit No. WQ0000493000, 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 limitations.</p> |
|--|--|--|

Additional ID No(s): TPDES No. WQ0000493000

Attachment A
Docket Number: 2010-0617-IWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: MeadWestvaco Texas, L.P.

Payable Penalty Amount: Twenty-Two Thousand Six Hundred Eighty-Nine Dollars (\$22,689)

SEP Amount: Eleven Thousand Three Hundred Forty-Five Dollars (\$11,345)

Type of SEP: Pre-approved

Third-Party Recipient: Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")- Water or Wastewater Treatment Assistance

Location of SEP: Neches River Basin

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 shall contribute the SEP offset amount to the Third-Party Recipient named above. The contribution will be to Texas Association of Resource Conservation and Development Areas, Inc. to be used for the RC&D Water or Wastewater Treatment Assistance Program as set forth in an agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to provide low income rural homeowners with assistance to enable the repair or replacement of their failing on-site wastewater systems. SEP monies will be used to pay for the labor and materials costs related to repairing or replacing the failing systems. The recipients will not be charged for the cost of replacing or repairing the failing systems.

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 protecting water sources for drinking, recreation, and wildlife from contamination from failing treatment systems.

C. Minimum Expenditure

The 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:

Texas Association of Resource Conservation and Development Areas, Inc.
1716 Briarcrest Drive, Suite 510
Bryan, Texas 77802-2700

3. Records and Reporting

Concurrent with the payment of the SEP amount, the Respondent shall provide the Enforcement Division 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:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

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

| | | | | | |
|-------------|--------------|-----------------------------|------------------------|------------------------------|----------------|
| ICAQ | DATES | Assigned 19-Apr-2010 | PCW 21-Jun-2010 | Screening 19-Apr-2010 | EPA Due |
|-------------|--------------|-----------------------------|------------------------|------------------------------|----------------|

| | |
|--|--------------------------|
| RESPONDENT/FACILITY INFORMATION | |
| Respondent | MeadWestvaco Texas, L.P. |
| Reg. Ent. Ref. No. | RN102157609 |
| Facility/Site Region | 10-Beaumont |
| Major/Minor Source | Major |

| | | | |
|--|-----------------|------------------------------|--------------------|
| CASE INFORMATION | | | |
| Enf./Case ID No. | 39527 | No. of Violations | 5 |
| Docket No. | 2010-0617-IWD-E | Order Type | 1660 |
| Media Program(s) | Water Quality | Government/Non-Profit | No |
| Multi-Media | | Enf. Coordinator | Jorge Ibarra, P.E. |
| Admin. Penalty \$ Limit Minimum | \$0 | EC's Team | Enforcement Team 3 |
| Maximum | \$10,000 | | |

| | |
|--|---|
| Penalty Calculation Section | |
| TOTAL BASE PENALTY (Sum of violation base penalties) | Subtotal 1 \$20,100 |
| 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 | 61.0% Enhancement Subtotals 2, 3, & 7 \$12,261 |
| Notes | The Respondent was issued one 1660 Agreed Order containing denial of liability language, one NOV with the same/similar type of violations, nine NOVs without the same/similar type of violations, self-reported five months of effluent violations, and submitted three Notices of Intent and two Disclosure of Violations. |
| 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 \$4,000 |
| Economic Benefit | 0.0% Enhancement* Subtotal 6 \$0 |
| <small>Total EB Amounts</small> \$186 | <small>*Capped at the Total EB \$ Amount</small> |
| <small>Approx. Cost of Compliance</small> \$8,500 | |
| SUM OF SUBTOTALS 1-7 | Final Subtotal \$28,361 |
| OTHER FACTORS AS JUSTICE MAY REQUIRE | 0.0% Adjustment |
| <small>Reduces or enhances the Final Subtotal by the indicated percentage.</small> | |
| Notes | |
| | Final Penalty Amount \$28,361 |
| STATUTORY LIMIT ADJUSTMENT | Final Assessed Penalty \$28,361 |
| DEFERRAL | 20.0% Reduction Adjustment -\$5,672 |
| <small>Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)</small> | |
| Notes | Deferral offered for expedited settlement. |
| PAYABLE PENALTY | \$22,689 |

Screening Date 19-Apr-2010

Docket No. 2010-0617-IWD-E

PCW

Respondent MeadWestvaco Texas, L.P.

Policy Revision 2 (September 2002)

Case ID No. 39527

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102157609

Media [Statute] Water Quality

Enf. Coordinator Jorge Ibarra, P.E.

Compliance History Worksheet

>> **Compliance History Site Enhancement (Subtotal 2)**

| Component | Number of... | Enter Number Here | Adjust. |
|-------------------------------|--|-------------------|---------|
| NOVs | Written NOV's with same or similar violations as those in the current enforcement action (number of NOV's meeting criteria) | 6 | 30% |
| | Other written NOV's | 9 | 18% |
| 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 judgments 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) | 3 | -3% |
| | Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed) | 2 | -4% |
| <i>Please Enter Yes or No</i> | | | |
| Other | Environmental management systems in place for one year or more | No | 0% |
| | Voluntary on-site compliance assessments conducted by the executive director under a special assistance program | No | 0% |
| | Participation in a voluntary pollution reduction program | No | 0% |
| | Early compliance with, or offer of a product that meets future state or federal government environmental requirements | No | 0% |

Adjustment Percentage (Subtotal 2) 61%

>> **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 Respondent was issued one 1660 Agreed Order containing denial of liability language, one NOV with the same/similar type of violations, nine NOV's without the same/similar type of violations, self-reported five months of effluent violations, and submitted three Notices of Intent and two Disclosure of Violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 61%

| | | | |
|---|---|--|---------------------------------|
| Screening Date 19-Apr-2010 | Docket No. 2010-0617-IWD-E | PCW | |
| Respondent MeadWestvaco Texas, L.P. | <i>Policy Revision 2 (September 2002)</i> | | |
| Case ID No. 39527 | <i>PCW Revision October 30, 2006</i> | | |
| Reg. Ent. Reference No. RN102157609 | | | |
| Media [Statute] Water Quality | | | |
| Enf. Coordinator Jorge Ibarra, P.E. | | | |
| Violation Number 1 | | | |
| Rule Cite(s) | Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0000493000; Operational Requirements No. 1, 30 Tex. Admin. Code § 305.125(1) and (5), and Tex. Water Code § 26.121(a) | | |
| Violation Description | Failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained. Specifically, during the February 17, 2010 investigation, it was noted that sludge was leaking onto the ground through breaks on the clarifier's sludge tap lines, solids were washing over the effluent weir and about one half of the clarifier surface was covered with solids and scum, the water level in the thickener was high and solids were spewing out into the decant collection box, a sludge conveyance line was leaking at the thickener, and a leak of cooling water from an overhead pipe was noted within the mill's process area. | | |
| Base Penalty | | \$10,000 | |
| >> Environmental, Property and Human Health Matrix | | | |
| OR | Harm | | |
| | Major | Moderate | Minor |
| Actual | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Potential | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Percent | | | 50% |
| >> Programmatic Matrix | | | |
| Falsification | | | |
| Major Moderate Minor | | | |
| <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> | | | |
| Percent | | | 0% |
| Matrix Notes | Failure to ensure that all systems of collection at the Facility are properly operated and maintained resulted in the release of 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 | | | \$5,000 |
| | | | \$5,000 |
| Violation Events | | | |
| Number of Violation Events | | 2 | Number of violation days |
| | | | 33 |
| <i>mark only one with an x</i> | daily | <input type="checkbox"/> | Violation Base Penalty |
| | 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"/> | |
| Two monthly events are recommended from the investigation date of February 17, 2010 to the compliance date of March 22, 2010. | | | \$10,000 |
| Good Faith Efforts to Comply | | 25.0% Reduction | \$2,500 |
| | | Before NOV NOV to EDRP/Settlement | |
| Extraordinary | <input type="checkbox"/> | <input type="checkbox"/> | |
| Ordinary | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| N/A | <input type="checkbox"/> | (mark with x) | |
| Notes | The Respondent achieved compliance by March 22, 2010 for this violation. | | |
| Violation Subtotal | | | \$7,500 |
| Economic Benefit (EB) for this violation | | Statutory Limit Test | |
| Estimated EB Amount | \$14 | Violation Final Penalty Total | \$13,600 |
| This violation Final Assessed Penalty (adjusted for limits) | | | \$13,600 |

Economic Benefit Worksheet

Respondent: MeadWestvaco Texas, L.P.
Case ID No.: 39527
Reg. Ent. Reference No.: RN102157609
Media: Water Quality
Violation No.: 1

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0 | 16 |

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

Delayed Costs

| | | | | | | | |
|--------------------------|---------|-------------|-------------|------|------|-----|------|
| Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |
| Engineering/construction | | | | 0.00 | \$0 | \$0 | \$0 |
| Land | | | | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.00 | \$0 | n/a | \$0 |
| Training/Sampling | | | | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal | \$3,000 | 17-Feb-2010 | 22-Mar-2010 | 0.09 | \$14 | n/a | \$14 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | n/a | \$0 |

Notes for DELAYED costs

Estimated cost to ensure that all systems of collection at the Facility are properly operated and maintained and to remediate the affected areas. Date Required is the investigation date. Final Date is the compliance date.

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

\$3,000

TOTAL

\$14

| | | | | |
|--|--|-----------------------------|--------------------------------------|--------------------------|
| Screening Date 19-Apr-2010 | Docket No. 2010-0617-IWD-E | PCW | | |
| Respondent MeadWestvaco Texas, L.P. | <small>Policy Revision 2 (September 2002) PCW Revision October 30, 2008</small> | | | |
| Case ID No. 39527 | | | | |
| Reg. Ent. Reference No. RN102157609 | | | | |
| Media [Statute] Water Quality | | | | |
| Enf. Coordinator Jorge Ibarra, P.E. | | | | |
| Violation Number 2 | | | | |
| Rule Cite(s) | TPDES Permit No. WQ0000493000; Monitoring and Reporting Requirements No. 2 and 30 Tex. Admin. Code §§ 305.125(1) and 319.11(d) | | | |
| Violation Description | Failed to conform to the installation and flow measurement procedures prescribed in the Water Measurement Manual, United States Department of the Interior, Bureau of Reclamation, Washington, D.C., or by methods that are equivalent as approved by the Executive Director. Specifically, the staff gauge at Outfall 01a was mounted along the rectangular weir instead of upstream from the weir. | | | |
| Base Penalty | | \$10,000 | | |
| >> Environmental, Property and Human Health Matrix | | | | |
| OR | Harm | | | |
| | Release | Major | Moderate | Minor |
| | Actual | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Potential | <input type="checkbox"/> | X | <input type="checkbox"/> |
| Percent | | | | 25% |
| >> Programmatic Matrix | | | | |
| | Falsification | Major | Moderate | Minor |
| | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Percent | | | | 0% |
| Matrix Notes | Failure to take the effluent head measurement at the proper location could result in the release of significant amounts of pollutants which would 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 | Number of violation days | |
| | | 61 | | |
| <small>mark only one with an x</small> | daily | <input type="checkbox"/> | | |
| | weekly | <input type="checkbox"/> | | |
| | monthly | <input type="checkbox"/> | | |
| | quarterly | X | | |
| | semiannual | <input type="checkbox"/> | | |
| | annual | <input type="checkbox"/> | | |
| | single event | <input type="checkbox"/> | | |
| Violation Base Penalty | | | | \$2,500 |
| One quarterly event is recommended from the investigation date of February 17, 2010 to the screening date of April 19, 2010. | | | | |
| Good Faith Efforts to Comply | | 10.0% Reduction | \$250 | |
| | | Before NOV | NOV to EDCPRP/Settlement Offer | |
| Extraordinary | <input type="checkbox"/> | <input type="checkbox"/> | | |
| Ordinary | <input type="checkbox"/> | X | | |
| N/A | <small>(mark with x)</small> | | | |
| Notes | The Respondent achieved compliance by May 25, 2010 for this violation. | | | |
| Violation Subtotal | | | | \$2,250 |
| Economic Benefit (EB) for this violation | | Statutory Limit Test | | |
| Estimated EB Amount | | \$9 | Violation Final Penalty Total | |
| | | | \$3,775 | |
| This violation Final Assessed Penalty (adjusted for limits) | | | | \$3,775 |

Economic Benefit Worksheet

Respondent MeadWestvaco Texas, L.P.
Case ID No. 39527
Reg. Ent. Reference No. RN102157609
Media Water Quality
Violation No. 2

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0 | 15 |

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|------------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
| <i>No commas or \$</i> | | | | | | | |

Delayed Costs

| | | | | | | | |
|--------------------------|-------|-------------|-------------|------|-----|-----|-----|
| Equipment | \$500 | 17-Feb-2010 | 25-May-2010 | 0.27 | \$0 | \$9 | \$9 |
| 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

Estimated cost to install the staff gauge at Outfall 01a upstream from the weir. Date Required is the investigation date. Final Date is the compliance date.

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

\$500

TOTAL

\$9

| | | | | |
|---|--|--------------------------------------|-------------------------------|-------------------------------------|
| Screening Date 19-Apr-2010 | Docket No. 2010-0617-IWD-E | PCW | | |
| Respondent MeadWestvaco Texas, L.P. | <small>Policy Revision 2 (September 2002) PCW Revision October 30, 2008</small> | | | |
| Case ID No. 39527 | | | | |
| Reg. Ent. Reference No. RN102157609 | | | | |
| Media [Statute] Water Quality | | | | |
| Enf. Coordinator Jorge Ibarra, P.E. | | | | |
| Violation Number 3 | | | | |
| Rule Cite(s) | TPDES Permit No. WQ0000493000, Permit Conditions No. 2.d., 30 Tex. Admin. Code § 305.125(1), and Tex. Water Code § 26.121(a) | | | |
| Violation Description | Failed to prevent the unauthorized discharge of wastewater into or adjacent to water in the state. Specifically, during the period of August 2008 through April 2009 the Respondent reported two unauthorized discharges as shown in the attached table. | | | |
| Base Penalty | | \$10,000 | | |
| >> Environmental, Property and Human Health Matrix | | | | |
| OR | Harm | | | |
| | Release | Major | Moderate | Minor |
| | Actual | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Potential | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| Percent | | 25% | | |
| >> Programmatic Matrix | | | | |
| Falsification | | | | |
| Major | | | | |
| Moderate | | | | |
| Minor | | | | |
| Percent | | 0% | | |
| Matrix Notes | Failure to prevent unauthorized discharges resulted in the release of insignificant amounts of pollutants as a result of this violation. | | | |
| Adjustment | | \$7,500 | | |
| | | \$2,500 | | |
| Violation Events | | | | |
| Number of Violation Events | 2 | Number of violation days | 2 | |
| <small>mark only one with an x</small> | daily | <input type="checkbox"/> | Violation Base Penalty | |
| | weekly | <input type="checkbox"/> | | |
| | monthly | <input type="checkbox"/> | | |
| | quarterly | <input checked="" type="checkbox"/> | | |
| | semiannual | <input type="checkbox"/> | | |
| | annual | <input type="checkbox"/> | | |
| | single event | <input type="checkbox"/> | | |
| Two quarterly events are recommended, one quarter for each discharge. | | | \$5,000 | |
| Good Faith Efforts to Comply | | | | |
| 25.0% Reduction | | \$1,250 | | |
| <small>Before NOV NOV to EDPRP/Settlement Offer</small> | | | | |
| Extraordinary | <input type="checkbox"/> | <input type="checkbox"/> | | |
| Ordinary | <input checked="" type="checkbox"/> | <input type="checkbox"/> | | |
| N/A | <small>(mark with x)</small> | | | |
| Notes | The Respondent achieved compliance by April 3, 2009 for this violation. | | | |
| Violation Subtotal | | \$3,750 | | |
| Economic Benefit (EB) for this violation | | Statutory Limit Test | | |
| Estimated EB Amount | \$111 | Violation Final Penalty Total | \$6,800 | |
| This violation Final Assessed Penalty (adjusted for limits) | | \$6,800 | | |

Economic Benefit Worksheet

Respondent: MeadWestvaco Texas, L.P.

Case ID No.: 39527

Reg. Ent. Reference No.: RN102157609

Media: Water Quality

Violation No.: 3

| | |
|------------------|-----------------------|
| Percent Interest | Years of Depreciation |
| 5.0 | 15 |

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|

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 | \$3,000 | 14-Aug-2008 | 3-Apr-2009 | 0.64 | \$95 | n/a | \$95 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | \$500 | 14-Aug-2008 | 3-Apr-2009 | 0.64 | \$16 | n/a | \$16 |

Notes for DELAYED costs

Estimated cost to take immediate corrective measures to contain the unauthorized discharges from the Facility and to remediate the impacted receiving stream and properly dispose of the waste. Date Required is the first date of noncompliance. Final Date is the compliance date.

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

\$3,500

TOTAL

\$111

| | | | |
|--|--|--|-------------------------------------|
| Screening Date 19-Apr-2010 | Docket No. 2010-0617-IWD-E | PCW | |
| Respondent MeadWestvaco Texas, L.P. | <small>Policy Revision 2 (September 2002)</small> | | |
| Case ID No. 39527 | <small>PCW Revision October 30, 2008</small> | | |
| Reg. Ent. Reference No. RN102157609 | | | |
| Media [Statute] Water Quality | | | |
| Enf. Coordinator Jorge Ibarra, P.E. | | | |
| Violation Number 4 | | | |
| Rule Cite(s) | TPDES Permit No. WQ0000493000, Monitoring and Reporting Requirements No. 7 and 30 Tex. Admin. Code § 305.125(1) | | |
| Violation Description | Failed to timely submit noncompliance notification for any effluent violation which deviates from the permitted effluent limitation by greater than 40% in writing to the Regional Office and the Enforcement Division within five working days of becoming aware of the non-compliance. Specifically, the notification for the oil and grease ("O&G") exceedance documented during the unauthorized discharge of black liquor soap that occurred on January 14, 2010 was submitted on March 25, 2010. | | |
| Base Penalty | | \$10,000 | |
| >> Environmental, Property and Human Health Matrix | | | |
| OR | Harm | | |
| | Major | Moderate | Minor |
| Actual | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Potential | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Percent | | | 0% |
| >> Programmatic Matrix | | | |
| Falsification | | | |
| Major | | | Minor |
| <input type="checkbox"/> | | | <input checked="" type="checkbox"/> |
| Percent | | | 1% |
| Matrix Notes | Less than 30% of the rule requirement was not met. | | |
| Adjustment | | | \$9,900 |
| | | | \$100 |
| Violation Events | | | |
| Number of Violation Events 1 | | Number of violation days 1 | |
| <small>mark only one with an x</small> | daily | <input type="checkbox"/> | Violation Base Penalty \$100 |
| | weekly | <input type="checkbox"/> | |
| | monthly | <input type="checkbox"/> | |
| | quarterly | <input type="checkbox"/> | |
| | semiannual | <input type="checkbox"/> | |
| | annual | <input type="checkbox"/> | |
| | single event | <input checked="" type="checkbox"/> | |
| One single event is recommended. | | | |
| Good Faith Efforts to Comply | | 0.0% Reduction \$0 | |
| | Before NOV | NOV to ED/PRP/Settlement Offer | |
| Extraordinary | <input type="checkbox"/> | <input type="checkbox"/> | |
| Ordinary | <input type="checkbox"/> | <input type="checkbox"/> | |
| N/A | <input checked="" type="checkbox"/> | (mark with x) | |
| Notes | The Respondent does not meet the good faith criteria for this violation. | | |
| Violation Subtotal | | | \$100 |
| Economic Benefit (EB) for this violation | | Statutory Limit Test | |
| Estimated EB Amount \$4 | | Violation Final Penalty Total \$161 | |
| This violation Final Assessed Penalty (adjusted for limits) \$161 | | | |

Economic Benefit Worksheet

Respondent: MeadWestvaco Texas, L.P.
Case ID No.: 39527
Reg. Ent. Reference No.: RN102157609
Media: Water Quality
Violation No.: 4

| | |
|------------------|-----------------------|
| Percent Interest | Years of Depreciation |
| 5.0 | 15 |

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

Delayed Costs

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|--------------------------|-----------|---------------|-------------|------|----------------|---------------|-----------|
| 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) | \$500 | 19-Jan-2010 | 25-Mar-2010 | 0.18 | \$4 | n/a | \$4 |

Notes for DELAYED costs

Estimated cost to submit the required noncompliance notification. Date Required is the date the noncompliance notification was due. Final Date is the date the notification was submitted.

Avoided Costs

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

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|-------------------------------|-----------|---------------|------------|------|----------------|---------------|-----------|
| 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

\$500

TOTAL

\$4

| | | | | | | | | | | | | | | | | | |
|--|---|--|--------------------------------------|--------------------------|--------|--------------------------|---------|--------------------------|-----------|--------------------------|------------|--------------------------|--------|--------------------------|--------------|-------------------------------------|-------------------------------|
| Screening Date 19-Apr-2010 | Docket No. 2010-0617-IWD-E | PCW | | | | | | | | | | | | | | | |
| Respondent MeadWestvaco Texas, L.P. | <i>Policy Revision 2 (September 2002)</i> | | | | | | | | | | | | | | | | |
| Case ID No. 39527 | <i>PCW Revision October 30, 2008</i> | | | | | | | | | | | | | | | | |
| Reg. Ent. Reference No. RN102157609 | | | | | | | | | | | | | | | | | |
| Media [Statute] Water Quality | | | | | | | | | | | | | | | | | |
| Enf. Coordinator Jorge Ibarra, P.E. | | | | | | | | | | | | | | | | | |
| Violation Number | 5 | | | | | | | | | | | | | | | | |
| Rule Cite(s) | TPDES Permit No. WQ0000493000; Effluent Limitations and Monitoring Requirements No. 1, 30 Tex. Admin. Code § 305.126(1), and Tex. Water Code § 26.121(a) | | | | | | | | | | | | | | | | |
| Violation Description | Failed failed to prevent the unauthorized discharge of wastewater which also resulted in an exceedance of its permitted effluent limits. Specifically, black liquor soap leaked through a containment wall into a ditch leading to Outfall 002. A grab sample taken during the unauthorized discharge of January 14, 2010 at the discharge site indicated an O&G concentration of 66 milligrams per liter ("mg/L"). The permitted limit for O&G is 15 mg/L. | | | | | | | | | | | | | | | | |
| | Base Penalty | \$10,000 | | | | | | | | | | | | | | | |
| >> Environmental, Property and Human Health Matrix | | | | | | | | | | | | | | | | | |
| OR | Release | Harm | | | | | | | | | | | | | | | |
| | | Major Moderate Minor | | | | | | | | | | | | | | | |
| | Actual | <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> | Percent 25% | | | | | | | | | | | | | | |
| | 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 0% | | | | | | | | | | | | | | |
| Matrix Notes | Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environment receptors as a result of the violation. | | | | | | | | | | | | | | | | |
| | Adjustment | \$7,500 | | | | | | | | | | | | | | | |
| | | | \$2,500 | | | | | | | | | | | | | | |
| Violation Events | | | | | | | | | | | | | | | | | |
| | Number of Violation Events | 1 | Number of violation days | | | | | | | | | | | | | | |
| | | 1 | | | | | | | | | | | | | | | |
| | <i>mark only one with an x</i> | <table border="1" style="width:100%; border-collapse: collapse;"> <tr><td>daily</td><td><input type="checkbox"/></td></tr> <tr><td>weekly</td><td><input type="checkbox"/></td></tr> <tr><td>monthly</td><td><input type="checkbox"/></td></tr> <tr><td>quarterly</td><td><input type="checkbox"/></td></tr> <tr><td>semiannual</td><td><input type="checkbox"/></td></tr> <tr><td>annual</td><td><input type="checkbox"/></td></tr> <tr><td>single event</td><td><input checked="" type="checkbox"/></td></tr> </table> | daily | <input type="checkbox"/> | weekly | <input type="checkbox"/> | monthly | <input type="checkbox"/> | quarterly | <input type="checkbox"/> | semiannual | <input type="checkbox"/> | annual | <input type="checkbox"/> | single event | <input checked="" type="checkbox"/> | Violation Base Penalty |
| daily | <input type="checkbox"/> | | | | | | | | | | | | | | | | |
| weekly | <input type="checkbox"/> | | | | | | | | | | | | | | | | |
| monthly | <input type="checkbox"/> | | | | | | | | | | | | | | | | |
| quarterly | <input type="checkbox"/> | | | | | | | | | | | | | | | | |
| semiannual | <input type="checkbox"/> | | | | | | | | | | | | | | | | |
| annual | <input type="checkbox"/> | | | | | | | | | | | | | | | | |
| single event | <input checked="" type="checkbox"/> | | | | | | | | | | | | | | | | |
| | | | \$2,500 | | | | | | | | | | | | | | |
| One single event is recommended. | | | | | | | | | | | | | | | | | |
| Good Faith Efforts to Comply | | | \$0 | | | | | | | | | | | | | | |
| | 0.0% Reduction | | | | | | | | | | | | | | | | |
| | Before NOV NOV to EDPRP/Settlement Offer | | | | | | | | | | | | | | | | |
| Extraordinary | <input type="checkbox"/> | | | | | | | | | | | | | | | | |
| Ordinary | <input type="checkbox"/> | | | | | | | | | | | | | | | | |
| N/A | <input checked="" type="checkbox"/> (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 | | | Statutory Limit Test | | | | | | | | | | | | | | |
| | Estimated EB Amount | \$48 | Violation Final Penalty Total | | | | | | | | | | | | | | |
| | | | \$4,025 | | | | | | | | | | | | | | |
| This violation Final Assessed Penalty (adjusted for limits) | | | \$4,025 | | | | | | | | | | | | | | |

Economic Benefit Worksheet

Respondent: MeadWestvaco Texas, L.P.
Case ID No.: 39527
Reg. Ent. Reference No.: RN102167609
Media: Water Quality
Violation No.: 5

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0 | 15 |

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

Delayed Costs

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|--------------------------|-----------|---------------|------------|------|----------------|---------------|-----------|
| 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) | \$1,000 | 17-Feb-2010 | 1-Feb-2011 | 0.96 | \$48 | n/a | \$48 |

Notes for DELAYED costs

Estimated cost to develop and implement measures to ensure that O&G concentrations are maintained below permitted levels. Date Required is the investigation date. Final Date is the expected compliance date.

Avoided Costs

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

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|-------------------------------|-----------|---------------|------------|------|----------------|---------------|-----------|
| 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

\$1,000

TOTAL

\$48

MeadWestvaco Texas, L.P.
Unauthorized Discharges
RN102157609, Docket No. 2010-0617-IWD-E

| Date | Amount discharge (gallons) | Description |
|-------------|---------------------------------------|---|
| 08/14/2008 | Less that one gallon | Hydraulic oil escaped from No. 4 and No. 5 Chip Dump area, entered the north storm water ditch and discharged through Outfall 002. |
| 04/03/2009 | No amount reported | Clogging/backup in some of the mill's paper machines drainage system caused an overflow of white/cloudy wastewater, and it was suspected that bleached white fiber, starch and clay coating material were discharged through Outfall 002. |

Compliance History Report

| | | | |
|-------------------------------------|---|----------------------------------|------------------|
| Customer/Respondent/Owner-Operator: | CN601549496 MeadWestvaco Texas, L.P. | Classification: AVERAGE | Rating: 2.78 |
| Regulated Entity: | RN102157609 MEADWESTVACO TEXAS | Classification: AVERAGE | Site Rating: 1.4 |
| ID Number(s): | AIR OPERATING PERMITS | ACCOUNT NUMBER | JC0003K |
| | AIR OPERATING PERMITS | PERMIT | 1265 |
| | PUBLIC WATER SYSTEM/SUPPLY | REGISTRATION | 1210050 |
| | WASTEWATER | PERMIT | WQ0000493000 |
| | WASTEWATER | PERMIT | TPDES0003891 |
| | WASTEWATER | PERMIT | TX0003891 |
| | INDUSTRIAL AND HAZARDOUS WASTE GENERATION | EPA ID | TXD000821223 |
| | INDUSTRIAL AND HAZARDOUS WASTE GENERATION | SOLID WASTE REGISTRATION # (SWR) | 30261 |
| | PETROLEUM STORAGE TANK REGISTRATION | REGISTRATION | 24829 |
| | AIR NEW SOURCE PERMITS | PERMIT | 7255 |
| | AIR NEW SOURCE PERMITS | PERMIT | 8738 |
| | AIR NEW SOURCE PERMITS | PERMIT | 20365 |
| | AIR NEW SOURCE PERMITS | REGISTRATION | 33941 |
| | AIR NEW SOURCE PERMITS | REGISTRATION | 44406 |
| | AIR NEW SOURCE PERMITS | REGISTRATION | 49029 |
| | AIR NEW SOURCE PERMITS | ACCOUNT NUMBER | JC0003K |
| | AIR NEW SOURCE PERMITS | REGISTRATION | 70534 |
| | AIR NEW SOURCE PERMITS | REGISTRATION | 70229 |
| | AIR NEW SOURCE PERMITS | REGISTRATION | 70297 |
| | AIR NEW SOURCE PERMITS | AFS NUM | 4824100001 |
| | AIR NEW SOURCE PERMITS | EPA ID | PSDTX785M5 |
| | AIR NEW SOURCE PERMITS | REGISTRATION | 50799 |
| | AIR NEW SOURCE PERMITS | REGISTRATION | 50800 |
| | AIR NEW SOURCE PERMITS | REGISTRATION | 50801 |
| | AIR NEW SOURCE PERMITS | REGISTRATION | 50802 |
| | AIR NEW SOURCE PERMITS | REGISTRATION | 50803 |
| | AIR NEW SOURCE PERMITS | REGISTRATION | 91894 |
| | AIR NEW SOURCE PERMITS | EPA ID | PSDTX785M2 |
| | AIR NEW SOURCE PERMITS | EPA ID | PSDTX785M7 |
| | AIR NEW SOURCE PERMITS | REGISTRATION | 87267 |
| | AIR NEW SOURCE PERMITS | EPA ID | PSDTX785M6 |
| | AIR NEW SOURCE PERMITS | REGISTRATION | 86620 |
| | WATER LICENSING | LICENSE | 1210050 |
| | AIR EMISSIONS INVENTORY | ACCOUNT NUMBER | JC0003K |

Location: located approximately one mile south of Farm-to-Market Road 2246 and one mile southeast of the Town of Evadale, Texas 77615

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: April 19, 2010

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: April 19, 2005 to April 19, 2010

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

Name: Jorge Ibarra, P.E. Phone: (817) 588-5890

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: 11/19/2007

ADMINORDER 2007-0332-IWD-E

Classification: Moderate

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

Rqmt Prov: Effluent Limits PERMIT

Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data.

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 | 04/20/2005 | (376154) |
| 2 | 04/20/2005 | (376158) |
| 3 | 04/21/2005 | (378622) |
| 4 | 04/21/2005 | (378632) |
| 5 | 04/22/2005 | (419590) |
| 6 | 04/28/2005 | (378584) |
| 7 | 05/18/2005 | (376617) |
| 8 | 05/18/2005 | (376715) |
| 9 | 05/18/2005 | (379409) |
| 10 | 05/18/2005 | (379418) |
| 11 | 05/24/2005 | (419591) |
| 12 | 06/13/2005 | (381204) |
| 13 | 06/15/2005 | (342457) |
| 14 | 06/15/2005 | (342459) |
| 15 | 06/15/2005 | (381152) |
| 16 | 06/15/2005 | (381153) |
| 17 | 06/15/2005 | (394292) |
| 18 | 06/15/2005 | (394293) |
| 19 | 06/15/2005 | (394294) |
| 20 | 06/15/2005 | (395936) |
| 21 | 06/15/2005 | (395947) |
| 22 | 06/15/2005 | (395951) |
| 23 | 06/15/2005 | (395966) |
| 24 | 06/15/2005 | (395973) |
| 25 | 06/15/2005 | (395982) |
| 26 | 06/17/2005 | (393969) |
| 27 | 06/17/2005 | (394295) |
| 28 | 06/17/2005 | (394296) |
| 29 | 06/17/2005 | (394297) |
| 30 | 06/21/2005 | (395427) |
| 31 | 06/23/2005 | (397162) |
| 32 | 06/23/2005 | (419592) |
| 33 | 07/05/2005 | (397716) |
| 34 | 07/05/2005 | (397736) |

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| 35 | 07/25/2005 | (440734) |
| 36 | 08/12/2005 | (402342) |
| 37 | 08/12/2005 | (402345) |
| 38 | 08/15/2005 | (402024) |
| 39 | 08/17/2005 | (399634) |
| 40 | 08/24/2005 | (398730) |
| 41 | 08/24/2005 | (440735) |
| 42 | 09/15/2005 | (403165) |
| 43 | 09/15/2005 | (403393) |
| 44 | 09/15/2005 | (403618) |
| 45 | 09/15/2005 | (403702) |
| 46 | 09/15/2005 | (403774) |
| 47 | 09/15/2005 | (403804) |
| 48 | 09/23/2005 | (440736) |
| 49 | 10/26/2005 | (468254) |
| 50 | 11/03/2005 | (418550) |
| 51 | 11/22/2005 | (468255) |
| 52 | 12/05/2005 | (437743) |
| 53 | 12/05/2005 | (438079) |
| 54 | 12/06/2005 | (435671) |
| 55 | 12/06/2005 | (437346) |
| 56 | 12/27/2005 | (468256) |
| 57 | 01/04/2006 | (450467) |
| 58 | 01/04/2006 | (450543) |
| 59 | 01/18/2006 | (439026) |
| 60 | 01/27/2006 | (468257) |
| 61 | 02/03/2006 | (439517) |
| 62 | 02/04/2006 | (453265) |
| 63 | 02/14/2006 | (450339) |
| 64 | 02/16/2006 | (453241) |
| 65 | 02/27/2006 | (468252) |
| 66 | 02/28/2006 | (456430) |
| 67 | 02/28/2006 | (456602) |
| 68 | 03/23/2006 | (468253) |
| 69 | 03/30/2006 | (454571) |
| 70 | 04/21/2006 | (459827) |
| 71 | 04/24/2006 | (498079) |
| 72 | 05/01/2006 | (460671) |
| 73 | 05/16/2006 | (464292) |
| 74 | 05/16/2006 | (464771) |
| 75 | 05/18/2006 | (466627) |
| 76 | 05/23/2006 | (465551) |
| 77 | 05/23/2006 | (465915) |
| 78 | 05/23/2006 | (465925) |
| 79 | 05/23/2006 | (465935) |
| 80 | 05/23/2006 | (465942) |
| 81 | 05/23/2006 | (465947) |
| 82 | 05/23/2006 | (465952) |
| 83 | 05/23/2006 | (498080) |
| 84 | 05/26/2006 | (463390) |
| 85 | 06/23/2006 | (498081) |
| 86 | 07/13/2006 | (482789) |
| 87 | 07/21/2006 | (487163) |
| 88 | 07/25/2006 | (520098) |

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| 89 | 08/21/2006 | (520099) |
| 90 | 08/31/2006 | (486412) |
| 91 | 09/20/2006 | (510753) |
| 92 | 09/21/2006 | (510804) |
| 93 | 09/21/2006 | (510819) |
| 94 | 09/21/2006 | (510852) |
| 95 | 09/25/2006 | (520100) |
| 96 | 10/24/2006 | (575056) |
| 97 | 10/30/2006 | (511390) |
| 98 | 11/14/2006 | (515716) |
| 99 | 11/18/2006 | (516871) |
| 100 | 11/21/2006 | (575057) |
| 101 | 11/27/2006 | (518903) |
| 102 | 11/27/2006 | (518926) |
| 103 | 12/27/2006 | (575058) |
| 104 | 12/27/2006 | (575059) |
| 105 | 01/18/2007 | (534675) |
| 106 | 01/18/2007 | (534677) |
| 107 | 01/19/2007 | (531117) |
| 108 | 01/23/2007 | (575060) |
| 109 | 02/20/2007 | (575049) |
| 110 | 02/27/2007 | (539678) |
| 111 | 02/28/2007 | (539506) |
| 112 | 02/28/2007 | (540610) |
| 113 | 03/23/2007 | (575050) |
| 114 | 03/23/2007 | (575052) |
| 115 | 04/02/2007 | (519048) |
| 116 | 04/24/2007 | (575051) |
| 117 | 05/16/2007 | (555342) |
| 118 | 05/16/2007 | (555409) |
| 119 | 05/16/2007 | (555414) |
| 120 | 05/17/2007 | (555354) |
| 121 | 05/21/2007 | (558499) |
| 122 | 05/31/2007 | (556505) |
| 123 | 06/14/2007 | (560654) |
| 124 | 06/21/2007 | (575053) |
| 125 | 06/21/2007 | (575054) |
| 126 | 06/21/2007 | (575055) |
| 127 | 07/06/2007 | (563462) |
| 128 | 08/23/2007 | (565958) |
| 129 | 08/23/2007 | (566375) |
| 130 | 09/19/2007 | (607510) |
| 131 | 09/19/2007 | (607512) |
| 132 | 09/19/2007 | (607513) |
| 133 | 10/12/2007 | (573348) |
| 134 | 10/12/2007 | (573627) |
| 135 | 10/15/2007 | (573634) |
| 136 | 10/15/2007 | (573639) |
| 137 | 10/15/2007 | (573688) |
| 138 | 10/18/2007 | (607511) |
| 139 | 10/24/2007 | (593969) |
| 140 | 11/08/2007 | (598992) |
| 141 | 11/26/2007 | (596547) |
| 142 | 11/26/2007 | (596548) |

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| 143 | 11/26/2007 | (598888) |
| 144 | 11/29/2007 | (598800) |
| 145 | 12/13/2007 | (611712) |
| 146 | 12/18/2007 | (619441) |
| 147 | 12/18/2007 | (619442) |
| 148 | 12/19/2007 | (610564) |
| 149 | 02/04/2008 | (611630) |
| 150 | 02/19/2008 | (671949) |
| 151 | 02/22/2008 | (616922) |
| 152 | 03/18/2008 | (671948) |
| 153 | 03/18/2008 | (671950) |
| 154 | 03/26/2008 | (636247) |
| 155 | 03/26/2008 | (636254) |
| 156 | 03/26/2008 | (636259) |
| 157 | 03/26/2008 | (636372) |
| 158 | 03/26/2008 | (636377) |
| 159 | 04/09/2008 | (638992) |
| 160 | 04/29/2008 | (639087) |
| 161 | 05/07/2008 | (641695) |
| 162 | 05/15/2008 | (669935) |
| 163 | 05/15/2008 | (689868) |
| 164 | 06/11/2008 | (689867) |
| 165 | 06/11/2008 | (689869) |
| 166 | 06/18/2008 | (654824) |
| 167 | 06/18/2008 | (655033) |
| 168 | 06/20/2008 | (682297) |
| 169 | 07/18/2008 | (689870) |
| 170 | 07/30/2008 | (682980) |
| 171 | 07/30/2008 | (682991) |
| 172 | 07/30/2008 | (684452) |
| 173 | 08/20/2008 | (684912) |
| 174 | 09/17/2008 | (710642) |
| 175 | 09/17/2008 | (710644) |
| 176 | 10/07/2008 | (699704) |
| 177 | 10/08/2008 | (699706) |
| 178 | 10/14/2008 | (710643) |
| 179 | 10/23/2008 | (688135) |
| 180 | 12/16/2008 | (750174) |
| 181 | 01/05/2009 | (709919) |
| 182 | 01/05/2009 | (709920) |
| 183 | 01/05/2009 | (709922) |
| 184 | 01/05/2009 | (709923) |
| 185 | 02/03/2009 | (722995) |
| 186 | 02/03/2009 | (723064) |
| 187 | 02/17/2009 | (723108) |
| 188 | 02/17/2009 | (750169) |
| 189 | 03/10/2009 | (750170) |
| 190 | 03/10/2009 | (750172) |
| 191 | 03/11/2009 | (758945) |
| 192 | 03/23/2009 | (737328) |
| 193 | 03/24/2009 | (702482) |
| 194 | 03/30/2009 | (737568) |
| 195 | 04/16/2009 | (750171) |
| 196 | 04/16/2009 | (750173) |

197 04/16/2009 (750175)
 198 05/14/2009 (742335)
 199 05/14/2009 (742338)
 200 05/14/2009 (742340)
 201 05/28/2009 (745886)
 202 06/03/2009 (743594)
 203 06/11/2009 (768288)
 204 06/11/2009 (768289)
 205 06/19/2009 (745862)
 206 06/19/2009 (745863)
 207 06/19/2009 (745864)
 208 06/19/2009 (745865)
 209 07/08/2009 (746751)
 210 07/08/2009 (747830)
 211 07/08/2009 (747846)
 212 07/16/2009 (749865)
 213 08/28/2009 (761374)
 214 09/22/2009 (747880)
 215 10/26/2009 (776196)
 216 11/11/2009 (776687)
 217 11/12/2009 (782381)
 218 02/16/2010 (790660)
 219 02/16/2010 (790683)
 220 02/16/2010 (790697)
 221 03/16/2010 (791566)
 222 03/23/2010 (778100)
 223 04/13/2010 (790889)
 224 04/16/2010 (794378)

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

Date: 10/31/2005 (468255) CN601549496
 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: 03/30/2006 (454571) CN601549496
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 113, SubChapter C 113.100
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.7(b)(1)
 5C THC Chapter 382, SubChapter A 382.085(b)
 O-01265 Special Condition 7 OP

Description: Failure to submit quarterly performance test notification at least 60 days prior to conducting the test.

Self Report? NO Classification: Moderate
 Citation: 20365 and PSD-TX-785M6 PERMIT
 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT BB 60.284(a)(2)
 5C THC Chapter 382, SubChapter A 382.085(b)
 O-01265 Special Condition 10 OP

Description: Failure to continuously monitor the TRS for the No. 1 Lime Kiln on October 3, 2005, and October 18, 2005.

Date: 06/30/2006 (520098) CN601549496
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: 10/31/2006 (575057) CN601549496
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: 11/30/2006 (575058) CN601549496
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: 06/01/2007 (556505) CN601549496
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 113, SubChapter C 113.490
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT QQ 63.964(b)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT S 63.453(l)(3)
5C THC Chapter 382, SubChapter D 382.085(b)
FOP O-01265 General Terms and Conditions OP
FOP O-01265 Special Condition 1A OP
Description: Failure to repair a leaking component within the required 15 days.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 113, SubChapter C 113.490
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.9(e)
5C THC Chapter 382, SubChapter D 382.085(b)
FOP O-01265 General Terms and Conditions OP
FOP O-01265 Special Condition 7F OP
Description: Failure to provide notification of a test 60 days prior to conducting the test.

Date: 10/25/2007 (593969) CN601549496
Self Report? NO Classification: Moderate
Citation: 20365, Special Condition 15 PERMIT
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)
FOP O-01265, Special Condition 10 OP
Description: Failure to conduct the annual relative accuracy test audit for the number 4 Lime Kiln.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 113, SubChapter C 113.240
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Part 63, Subpart S 63.453(k)
5C THC Chapter 382, SubChapter D 382.085(b)
FOP O-01265, Special Condition 1A OP
Description: Failure to perform the monthly leak detection and repair program at the power house in December, 2006, and January, 2007, and at the recovery boiler area in January 2007.

Date 11/08/2007 (598992) CN601549496
Self Report? NO Classification: Minor
Citation: OpR 1 PERMIT

Description: Failure by Mead Westvaco to properly operate and maintain all units of collection, treatment and disposal.

Self Report? NO Classification: Minor

Citation: M&RR 3c vi PERMIT

Description: Failure by Mead Westvaco to maintain complete records of monitoring activities.

Self Report? NO Classification: Minor

Citation: BMP c4 PERMIT

Description: Failure by Mead Westvaco to conduct annual refresher training on facility Best Management Practices (BMPs).

Self Report? NO Classification: Minor

Citation: OpR 1 PERMIT

Description: Failure by Mead Westvaco to properly maintain all units of collection, treatment and disposal.

Self Report? NO Classification: Moderate

Citation: PC 2g PERMIT

Description: Failure by Mead Westvaco to prevent unauthorized discharges into or adjacent to waters of the state.

Date 04/04/2008 (639652) CN601549496

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(i)(II)

Description: Failure to record the amount of each chemical used each day.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(l)

Description: Failure to flush all dead-end mains at monthly intervals.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(n)(2)

Description: Failure to have an accurate and up-to-date map of the distribution system.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.44(h)(1)

Description: Failure to protect the water system from an actual or potential contamination hazard.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.45(d)(2)(B)(v)

Description: Failure to provide a minimum pressure tank capacity of 220 gallons.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.121(a)

Description: Failure to have a monitoring plan.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)

Description: Failure to conduct annual tank inspections.

Date 04/10/2008 (638407) CN601549496

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 113, SubChapter C 113.240
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT S 63.453(k)(1)

5C THSC Chapter 382 382.085(b)
FOP O-01265, General Terms and Condition OP
FOP O-01265, Special Condition 1(A) OP

Description: Failure to perform monthly leak detection and repair inspections at least 21 days apart.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP O-01265, General Terms and Condition OP

FOP O-01265, Special Condition 10 OP
 Permit 20365, Special Condition 19 PERMIT
Description: Failure to maintain records of actions to control dust emissions on plant roads.
Self Report? NO **Classification:** Minor
Citation: 30 TAC Chapter 113, SubChapter C 113.240
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT S 63.453(j)
 5C THSC Chapter 382 382.085(b)
 FOP O-01265 General Terms and Conditions OP
 FOP O-01265 Special Condition 1(A) OP
Description: Failure to properly conduct the second quarter testing of the biological waste ponds.
Self Report? NO **Classification:** Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP O-01265 General Terms and Conditions OP
 FOP O-01265, Special Condition 3(B) OP
Description: Failure to perform an annual observation of visible emissions from the Number 5 Power Boiler, Number 1 Lime Kiln, and Number 3 Lime Kiln.
Self Report? NO **Classification:** Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP O-01265 General Terms and Conditions OP
 FOP O-01265 Special Condition 3(B) OP
Description: Failure to perform a Method 9 opacity test for sources with visible emissions, which included the bleach plant scrubbers, Number 2 Power Boiler, Number 6 Power Boiler, Number 3 Smelt Dissolving Tank, and the Number 5 Power Boiler.
Self Report? NO **Classification:** Minor
Citation: 30 TAC Chapter 113, SubChapter C 113.240
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.10(d)(5)(ii)
 5C THSC Chapter 382 382.085(b)
 FOP O-01265 General Terms and Conditions OP
 FOP O-01265, Special Condition 1(A) OP
Description: Failure to submit reports to the EPA, within two working days, of non-condensable gas vents results from actions not specified in the company's startup, shutdown, and malfunction plan.

Date 10/24/2008 (688135) CN601549496
Self Report? NO **Classification:** Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)(1)
 5C THSC Chapter 382 382.085(b)
Description: Failure to comply with representations made in a permit application.
Self Report? NO **Classification:** Minor
Citation: 30 TAC Chapter 113, SubChapter C 113.240
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT S 63.453(k)(1)
 5C THSC Chapter 382 382.085(b)
 FOP O-01265, General Terms and Condition OP
 FOP O-01265, Special Condition 1(A) OP
Description: Failure to perform monthly leak detection and repair inspections at least 21 days apart.

Date 03/11/2009 (758945) CN601549496
Self Report? NO **Classification:** Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(17)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date 03/31/2009 (737568) CN601549496

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 3A(iii) OP
Description: Failure to perform the annual visual emissions determination on the lime kiln.
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 THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 10 OP
Special Condition 13B(2) PERMIT
Description: Failure to conduct the quarterly cylinder gas audit for the NOx CEM during the second quarter of 2008.

Date 11/12/2009 (776687) CN601549496
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
PSD-TX-785M8, Special Condition 1 PERMIT
Special Condition 10 OP
Description: Failure to limit emissions from the Number 3 Lime Kiln to the authorized limit found in Permit 20365 and PSD-TX-785M8.

Date: 01/31/2010 CN601549496
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

F. Environmental audits.

Notice of Intent Date: 09/14/2006 (514610)
Disclosure Date: 10/24/2006
Viol. Classification: Major
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13
Description: Failure to have permit authorization for modifications/changes to the Power Boiler No. 6.
Disclosure Date: 12/27/2006
Viol. Classification: Major
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13
Description: Failure to have permit authorization for modifications/changes to the Power Boiler No. 6.
Disclosure Date: 02/20/2007
Viol. Classification: Major
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13
Description: Failure to have permit authorization for modifications/changes to the Power Boiler No. 6.
Disclosure Date: 03/14/2007
Viol. Classification: Major
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13
Description: Failure to have permit authorization for modifications/changes to the Power Boiler No. 6.
Notice of Intent Date: 04/22/2008 (671463)
Disclosure Date: 11/12/2008
Viol. Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.132

Description: Failure to include permit 44406, and PBRs 106.452, 106.433, 106.263 in the preconstruction authorization table for Title V permit 1265.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.122

Description: Failure to submit an operational flexibility or off permit notification.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter C 122.215

Description: Failure to include permit renewal applications for 2006 Standard Permit 75618, 49711, PBR 77134, PBR 78649, PBR 80814, and for Power Boiler No. 5 in the Title V permit.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.8(a)

Description: Failure to conduct performance testing for 2, 3, and 4 recovery boilers, EPNs 2, 3, &4 and 26) when operating on natural gas auxiliary fuel.

Notice of Intent Date: 07/16/2009 (795687)

No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

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
MEADWESTVACO TEXAS, L.P.
RN102157609**

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**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2010-0617-IWD-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding MeadWestvaco Texas, L.P. ("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 appear before the Commission and together stipulate that:

1. The Respondent owns and operates a paper mill with a wastewater treatment facility located approximately one mile south of Farm-to-Market Road 2246 and one mile southeast of Evadale, Jasper County, Texas (the "Facility").
2. The Respondent has discharged industrial waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about April 21, 2010.
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 Twenty-Eight Thousand Three Hundred Sixty-One Dollars (\$28,361) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Eleven Thousand Three Hundred Forty-Four Dollars

(\$11,344) of the administrative penalty and Five Thousand Six Hundred Seventy-Two Dollars (\$5,672) 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. Eleven Thousand Three Hundred Forty-Five Dollars (\$11,345) 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 at the Facility:
 - a. Ensured that all systems of collection, treatment, and disposal are properly operated and maintained by fixing the breaks on the clarifier's sludge tap lines and vacuuming the sludge from the affected area; removed solids that were washing over the effluent weir; the thickener water pipe was cleaned to allow increased flow to the thickener; repaired the leaking sludge conveyance line at the thickener; and repaired the leak of cooling water from an overhead pipe within the mill's process area on March 22, 2010;
 - b. Installed the staff gauge at Outfall 01a upstream from the weir on May 25, 2010;
 - c. Submitted the noncompliance notification for the unauthorized discharge of January 14, 2010 on March 25, 2010; and
 - d. Took corrective action for the three unauthorized discharges as shown in the table below:

| Date | Corrective Action Taken |
|------------|---|
| 08/14/2008 | Outfall 002 was closed and absorbent socks and pads were placed at a location between the storm water outfall and the Neches River to absorb any oil before it reached the river. |
| 04/03/2009 | A gate at Outfall 002 was closed to prevent the discharge of additional storm water until the cloudy water in the ditch was vacuumed. |
| 01/14/2010 | The gate at Outfall 002 was closed and a local contractor vacuumed the water from the ditch leading to Outfall 002 and the tank containment. |

10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.

11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have:

1. Failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained, in violation of Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0000493000, Operational Requirements No. 1, 30 TEX. ADMIN. CODE § 305.125(1) and (5), and TEX. WATER CODE § 26.121(a), as documented during an investigation conducted on February 17, 2010. Specifically, it was noted that sludge was leaking onto the ground through breaks on the clarifier's sludge tap lines, solids were washing over the effluent weir and about one half of the clarifier surface was covered with solids and scum, the water level in the thickener was high and solids were spewing out into the decant collection box, a sludge conveyance line was leaking at the thickener, and a leak of cooling water from an overhead pipe was noted within the mill's process area.
2. Failed to conform to the installation and flow measurement procedures prescribed in the Water Measurement Manual, United States Department of the Interior Bureau of Reclamation, Washington, D.C., or by methods that are equivalent as approved by the Executive Director, in violation of TPDES Permit No. WQ0000493000, Monitoring and Reporting Requirements No. 2 and 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.11(d), as documented during an investigation conducted on February 17, 2010. Specifically, the staff gauge at Outfall 01a was mounted along the rectangular weir instead of upstream from the weir.
3. Failed to prevent the unauthorized discharge of wastewater into or adjacent to water in the state, in violation of TPDES Permit No. WQ0000493000, Permit Conditions No. 2.d., 30 TEX. ADMIN. CODE § 305.125(1), and TEX. WATER CODE § 26.121(a), as documented during an investigation conducted on February 17, 2010. Specifically, during the period of August 2008 through April 2009 the Respondent reported two unauthorized discharges as shown in the table below:

| Date | Amount discharge (gallons) | Description |
|------------|----------------------------|---|
| 08/14/2008 | Less than one gallon | Hydraulic oil escaped from No. 4 and No. 5 Chip Dump area, entered the north storm water ditch and discharged through Outfall 002. |
| 04/03/2009 | No amount reported | Clogging/backup in some of the mill's paper machines drainage system caused an overflow of white/cloudy wastewater, and it was suspected that bleached white fiber, starch and clay coating material were discharged through Outfall 002. |

4. Failed to timely submit noncompliance notification for any effluent violation which deviates from the permitted effluent limitation by greater than 40% in writing to the Regional Office and the Enforcement Division within five working days of becoming aware of the non-compliance, in violation of TPDES Permit No. WQ0000493000, Monitoring and Reporting Requirements No. 7 and 30 TEX. ADMIN. CODE § 305.125(1), as documented during an investigation conducted on February 17, 2010. Specifically, the notification for the oil and grease ("O&G") exceedance documented during the unauthorized discharge of black liquor soap that occurred on January 14, 2010 was submitted on March 25, 2010.
5. Failed to prevent the unauthorized discharge of wastewater that occurred on January 14, 2010 which also resulted in an exceedance of its permitted effluent limits, in violation of TPDES Permit No. WQ0000493000, Effluent Limitations and Monitoring Requirements No. 1, 30 TEX. ADMIN. CODE § 305.125(1), and TEX. WATER CODE § 26.121(a), as documented during an investigation conducted on February 17, 2010. Specifically, black liquor soap leaked through a containment wall into a ditch leading to Outfall 002. A grab sample taken on January 14, 2010, the same date of the unauthorized discharge, indicated an O&G concentration of 56 milligrams per liter ("mg/L"). The permitted limit for O&G is 15 mg/L.

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: MeadWestvaco Texas, L.P., Docket No. 2010-0617-IWD-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088
2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Eleven Thousand Three Hundred Forty-Five Dollars (\$11,345) of the assessed administrative penalty shall be offset with the condition that the Respondent implement 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 provisions of the SEP agreement.
3. It is further ordered that the Respondent shall, within 90 days after the effective date of this Agreed Order, submit written certification of compliance with the permitted effluent limitations of Permit No. WQ0000493000, 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 limitations. 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 this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, 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
Beaumont Regional Office
Texas Commission on Environmental Quality
3870 Eastex Freeway
Beaumont, Texas 77703-1892

4. 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.
5. 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.
6. 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.

7. 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.
8. 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.
9. 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 9/13/2010

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 7/13/10

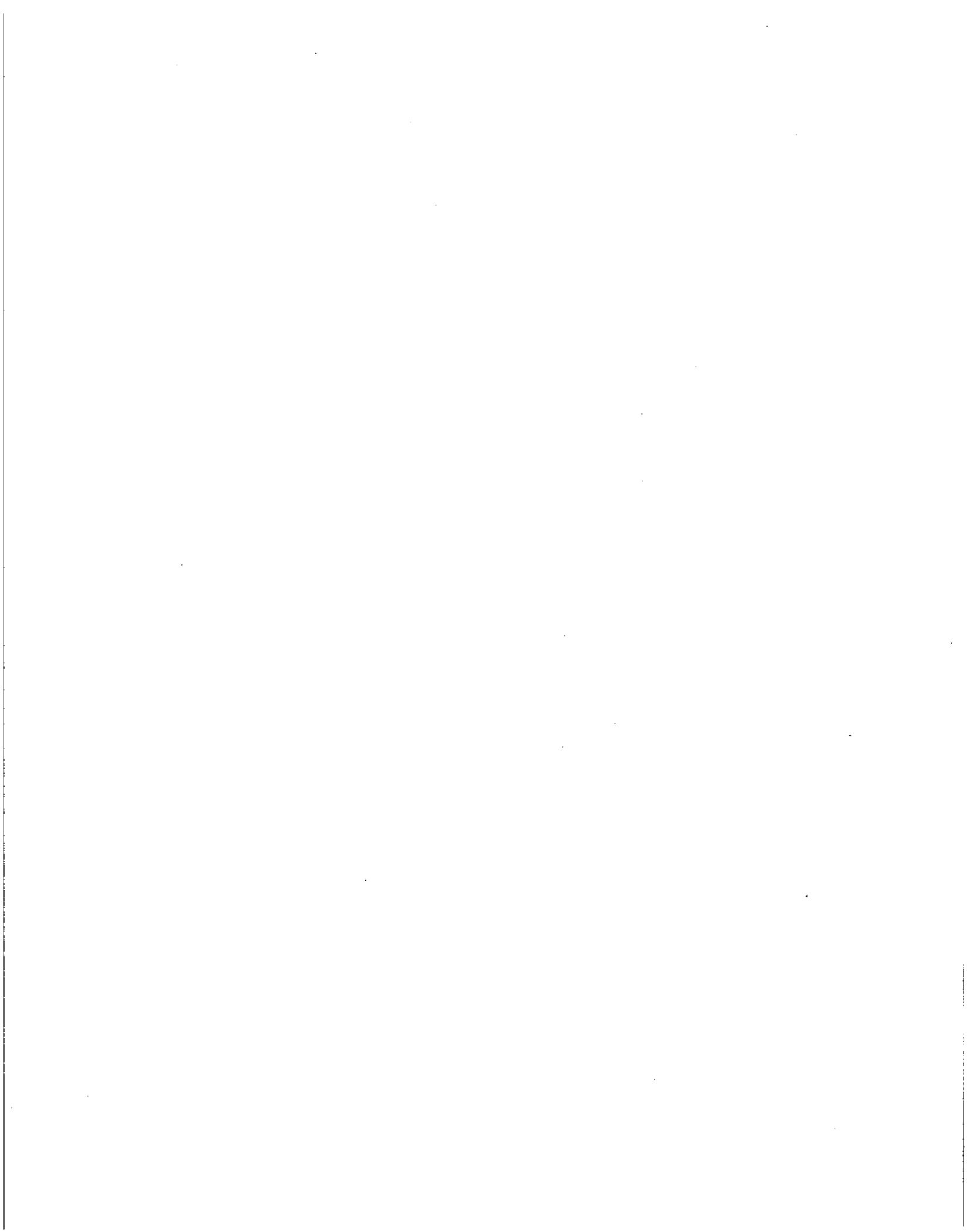
James H Gresham

Name (Printed or typed)
Authorized Representative of
MeadWestvaco Texas, L.P.

Vice President Env Date Operations

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: 2010-0617-IWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: MeadWestvaco Texas, L.P.

Payable Penalty Amount: Twenty-Two Thousand Six Hundred Eighty-Nine Dollars (\$22,689)

SEP Amount: Eleven Thousand Three Hundred Forty-Five Dollars (\$11,345)

Type of SEP: Pre-approved

Third-Party Recipient: Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")- Water or Wastewater Treatment Assistance

Location of SEP: Neches River Basin

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 shall contribute the SEP offset amount to the Third-Party Recipient named above. The contribution will be to Texas Association of Resource Conservation and Development Areas, Inc. to be used for the RC&D Water or Wastewater Treatment Assistance Program as set forth in an agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to provide low income rural homeowners with assistance to enable the repair or replacement of their failing on-site wastewater systems. SEP monies will be used to pay for the labor and materials costs related to repairing or replacing the failing systems. The recipients will not be charged for the cost of replacing or repairing the failing systems.

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 protecting water sources for drinking, recreation, and wildlife from contamination from failing treatment systems.

C. Minimum Expenditure

The 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:

Texas Association of Resource Conservation and Development Areas, Inc.
1716 Briarcrest Drive, Suite 510
Bryan, Texas 77802-2700

3. Records and Reporting

Concurrent with the payment of the SEP amount, the Respondent shall provide the Enforcement Division 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:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

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.

