

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.:** 2010-0850-MWD-E **TCEQ ID:** RN102178845 **CASE NO.:** 39747  
**RESPONDENT NAME:** S. I. Enterprises, LLC

<b>ORDER TYPE:</b>		
<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	
<b>CASE TYPE:</b>		
<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><b>SITE WHERE VIOLATION(S) OCCURRED:</b> S I Enterprises, 16643 Jacintoport Boulevard, Houston, Harris County</p> <p><b>TYPE OF OPERATION:</b> Wastewater treatment facility</p> <p><b>SMALL BUSINESS:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on September 27, 2010. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> None  <b>TCEQ Enforcement Coordinator:</b> Ms. Merrilee Hupp, Enforcement Division, Enforcement Team 1, MC 169, (512) 239-4490; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495  <b>Respondent:</b> Ms. Carol Cole, S. I. Enterprises, LLC, 16643 Jacintoport Boulevard, Houston, Texas 77015  Mr. Gary E. Slay, Manager, S. I. Enterprises, LLC, 16643 Jacintoport Boulevard, Houston, Texas 77015  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input checked="" type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> April 7, 2010</p> <p><b>Date of NOV/NOE Relating to this Case:</b> May 14, 2010 (NOE)</p> <p><b>Background Facts:</b> This was a records review.</p> <p><b>WATER</b></p> <p>Failed to comply with permit effluent limits for carbonaceous biochemical oxygen demand and flow [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0013316001, Effluent Limitations and Monitoring Requirements No. 1].</p>	<p><b>Total Assessed:</b> \$2,040</p> <p><b>Total Deferred:</b> \$408  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$1,632</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that by January 22, 2010, the Respondent replaced the valve for the return sludge and the associated piping, removed 14,700 gallons of mixed liquor from the Facility, and brought in 7,000 gallons of mixed liquor from another wastewater treatment facility and returned to compliance with TPDES Permit No. WQ0013316001 effluent limits on February 28, 2010.</p>

Additional ID No(s): WQ0013316001



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

<b>DATES</b>	<b>Assigned</b> 17-May-2010	<b>PCW</b> 25-May-2010	<b>Screening</b> 25-May-2010	<b>EPA Due</b>
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<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	S. J. Enterprises, LLC
<b>Reg. Ent. Ref. No.</b>	RN102178845
<b>Facility/Site Region</b>	12-Houston
<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	39747	<b>No. of Violations</b>	1
<b>Docket No.</b>	2010-0850-MWD-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Water Quality	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Merrilee Hupp
<b>Admin. Penalty \$ Limit</b>	Minimum \$0 Maximum \$10,000	<b>EC's Team</b>	Enforcement Team 1

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$2,000
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	27.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$540
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**Notes** The Respondent self-reported five effluent violations and received a NOV without same or similar violations.

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

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$500
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts \$192  
Approx. Cost of Compliance \$5,127  
\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$2,040
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

**Notes**

<b>Final Penalty Amount</b>	\$2,040
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$2,040
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<b>DEFERRAL</b>	20.0% Reduction	<b>Adjustment</b>	-\$408
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

**Notes** Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	\$1,632
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Screening Date 25-May-2010

Docket No. 2010-0850-MWD-E

PCW

Respondent S. I. Enterprises, LLC

Policy Revision 2 (September 2002)

Case ID No. 39747

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102178845

Media [Statute] Water Quality

Ent. Coordinator Merrilee Hupp

### Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	5	25%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 27%

>> 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 self-reported five effluent violations and received a NOV without same or similar violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 27%

Screening Date 26-May-2010

Docket No. 2010-0850-MWD-E

PCW

Respondent S. I. Enterprises, LLC

Policy Revision 2 (September 2002)

Case ID No. 39747

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102178845

Media [Statute] Water Quality

Enf. Coordinator: Merrilee Hupp

Violation Number 1

Rule Cite(s)

Tex. Water Code § 26.121(a)(1); 30 Tex. Admin. Code § 305.125(1); and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0013316001, Effluent Limitations and Monitoring Requirements No. 1

Violation Description

Failed to comply with permit effluent limits, as documented during a record review conducted on April 7, 2010 and shown in the attached effluent violation table.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 10%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor

Percent 0%

Matrix Notes

A simplified model was used to evaluate carbonaceous biochemical oxygen demand and flow to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. As a result of these discharges, human health or the environment has been exposed to pollutants which do not exceed levels that are protective of human health or environmental receptors.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 2

93 Number of violation days

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

Violation Base Penalty \$2,000

Two quarterly events are recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$500

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

Notes

The Respondent achieved compliance by February 28, 2010.

Violation Subtotal \$1,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$192

Violation Final Penalty Total \$2,040

This violation Final Assessed Penalty (adjusted for limits) \$2,040

## Economic Benefit Worksheet

**Respondent** S. I. Enterprises, LLC  
**Case ID No.** 39747  
**Reg. Ent. Reference No.** RM102176845  
**Media** Water Quality  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost <small>No commas or \$</small>	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$5,127	31-May-2009	28-Feb-2010	0.75	\$192	n/a	\$192

Notes for DELAYED costs

Actual cost for replacement of valve for return sludge and associated piping as well as hauling of 7,000 gallons of mixed liquor to, and 14,7000 gallons from, the Facility. Date required is the first noncompliant month and final date is the date of compliance.

### Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,127

TOTAL

\$192

Respondent: S. I. Enterprises, LLC  
 TPDES Permit No. WQ0013316001  
 Docket No. 2010-0850-MWD-E

Effluent Violation Table

<i>Monitoring Period End Date</i>	<i>Effluent Parameter Permit Limit</i>	<i>Effluent Parameter Permit Limit</i>
	Daily Average Flow (MGD) Permit Limit = 0.002 MGD	Daily Average CBOD <sub>5</sub> Conc. (mg/L) Permit Limit = 10 mg/L
May 31, 2009	0.00255	c
December 31, 2009	c	18.24
January 31, 2010	c	18.75

Conc.: concentration MGD: million gallons per day mg/L: milligrams per liter  
 CBOD<sub>5</sub>: 5-day carbonaceous biochemical oxygen demand c: compliant



# Compliance History Report

Customer/Respondent/Owner-Operator:	CN601178924	S. I. Enterprises, LLC	Classification: AVERAGE	Rating: 0.29
Regulated Entity:	RN102178845	S I ENTERPRISES	Classification: AVERAGE	Site Rating: 0.29
ID Number(s):	WASTEWATER	PERMIT		WQ0013316001
	WASTEWATER	PERMIT		TPDES0065943
	WASTEWATER	PERMIT		TX0065943
	STORMWATER	PERMIT		TXR050182
	WASTEWATER LICENSING	LICENSE		WQ0013316001
Location:	16643 JACINTOPORT BLVD, HOUSTON, HARRIS CO., TX.			
TCEQ Region:	REGION 12 - HOUSTON			
Date Compliance History Prepared:	June 03, 2010			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	May 24, 2005 to May 24, 2010			

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

Name: Merrilee Hupp Phone: 512-239-4490

### 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.

N/A

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

N/A

C. Chronic excessive emissions events.

N/A

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

1	06/23/2005	(423224)
2	07/21/2005	(444082)
3	08/22/2005	(444083)
4	09/19/2005	(444084)
5	10/21/2005	(474407)
6	11/28/2005	(434793)
7	12/09/2005	(474408)
8	12/27/2005	(474409)
9	01/17/2006	(474410)
10	02/27/2006	(474405)
11	03/20/2006	(474406)
12	04/17/2006	(502240)
13	05/17/2006	(502241)
14	06/19/2006	(502242)
15	07/21/2006	(524579)
16	09/05/2006	(524580)
17	09/21/2006	(524581)

18	10/18/2006	(622717)
19	11/27/2006	(622719)
20	12/22/2006	(622721)
21	01/22/2007	(622723)
22	02/22/2007	(622709)
23	03/23/2007	(622710)
24	05/09/2007	(622711)
25	05/25/2007	(622712)
26	06/21/2007	(622713)
27	07/26/2007	(622714)
28	08/22/2007	(622715)
29	09/24/2007	(622716)
30	10/22/2007	(622718)
31	11/15/2007	(608665)
32	11/29/2007	(622720)
33	12/14/2007	(622722)
34	01/11/2008	(622724)
35	02/12/2008	(674237)
36	03/13/2008	(674238)
37	04/16/2008	(674239)
38	05/15/2008	(692568)
39	06/13/2008	(692569)
40	07/15/2008	(692570)
41	08/14/2008	(713697)
42	09/08/2008	(713698)
43	10/23/2008	(713699)
44	11/20/2008	(729707)
45	12/17/2008	(752950)
46	01/20/2009	(729708)
47	02/11/2009	(752947)
48	03/27/2009	(752948)
49	04/15/2009	(752949)
50	05/20/2009	(770535)
51	06/15/2009	(770536)
52	08/07/2009	(811330)
53	09/03/2009	(811331)
54	09/15/2009	(811332)
55	10/20/2009	(811333)
56	11/20/2009	(811334)
57	12/20/2009	(811335)
58	01/20/2010	(811336)
59	02/19/2010	(811329)
60	05/14/2010	(798540)

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

Date: 11/22/2005 (434793) CN601178924

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)  
30 TAC Chapter 317 317.6(b)(3)

Description: Failure to properly maintain the chlorine contact basin.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to calibrate the flow meter annually.

Date: 11/30/2005 (474409) CN601178924

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: 10/31/2007 (622720) CN601178924

Self Report? YES

Classification: Moderate

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

Description: Failure to meet the limit for one or more permit parameter

Date: 05/31/2009 (770536) CN601178924

Self Report? YES

Classification: Moderate

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

Description: Failure to meet the limit for one or more permit parameter

Date: 12/31/2009 (811336) CN601178924

Self Report? YES

Classification: Moderate

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

Description: Failure to meet the limit for one or more permit parameter

Date: 01/31/2010 (811329) CN601178924

Self Report? YES

Classification: Moderate

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

Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
S. I. ENTERPRISES, LLC  
RN102178845**

§  
§  
§  
§  
§

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2010-0850-MWD-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 S. I. Enterprises, LLC ("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 a wastewater treatment facility located at 16643 Jacintoport Boulevard in Houston, Harris County, Texas (the "Facility").
2. The Respondent has discharged municipal 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 May 19, 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 Two Thousand Forty Dollars (\$2,040) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid One Thousand Six Hundred Thirty-Two Dollars (\$1,632) of the administrative penalty and Four Hundred Eight Dollars (\$408) 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.
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 by January 22, 2010, the Respondent replaced the valve for the return sludge and the associated piping, removed 14,700 gallons of mixed liquor from the Facility, and brought in 7,000 gallons of mixed liquor from another wastewater treatment facility and returned to compliance with Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0013316001 effluent limits on February 28, 2010.
  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 of the Facility, the Respondent is alleged to have failed to comply with permit effluent limits, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0013316001, Effluent Limitations and Monitoring Requirements No. 1, as documented during a record review conducted on April 7, 2010 and described in the following table:

<i>Monitoring Period End Date</i>	<i>Effluent Parameter</i>	<i>Effluent Parameter</i>
	<i>Permit Limit</i>	<i>Permit Limit</i>
	Daily Average Flow (MGD) Permit Limit = 0.002 MGD	Daily Average CBOD <sub>5</sub> Conc. (mg/L) Permit Limit = 10 mg/L
May 31, 2009	0.00255	c
December 31, 2009	c	18.24
January 31, 2010	c	18.75

Conc.: concentration MGD: million gallons per day mg/L: milligrams per liter  
 CBOD<sub>5</sub>: 5-day carbonaceous biochemical oxygen demand c: compliant

### 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: S. I. Enterprises, LLC, Docket No. 2010-0850-MWD-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 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.
3. 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.
4. 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.
5. 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.

TCEQ Enforcement

Fax: 512-239-0036

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S. I. Enterprises, LLC  
DOCKET NO. 2010-0850-MWD-E  
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**SIGNATURE PAGE**

**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

\_\_\_\_\_  
For the Commission

  
\_\_\_\_\_  
For the Executive Director

\_\_\_\_\_  
Date 9/21/2010

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 document may result in criminal prosecution.

  
\_\_\_\_\_  
Signature

September 3, 2010  
\_\_\_\_\_  
Date

Gary E. Slay  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
S. I. Enterprises, LLC

\_\_\_\_\_  
Manager  
\_\_\_\_\_  
Title

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