

Page 1 of 3

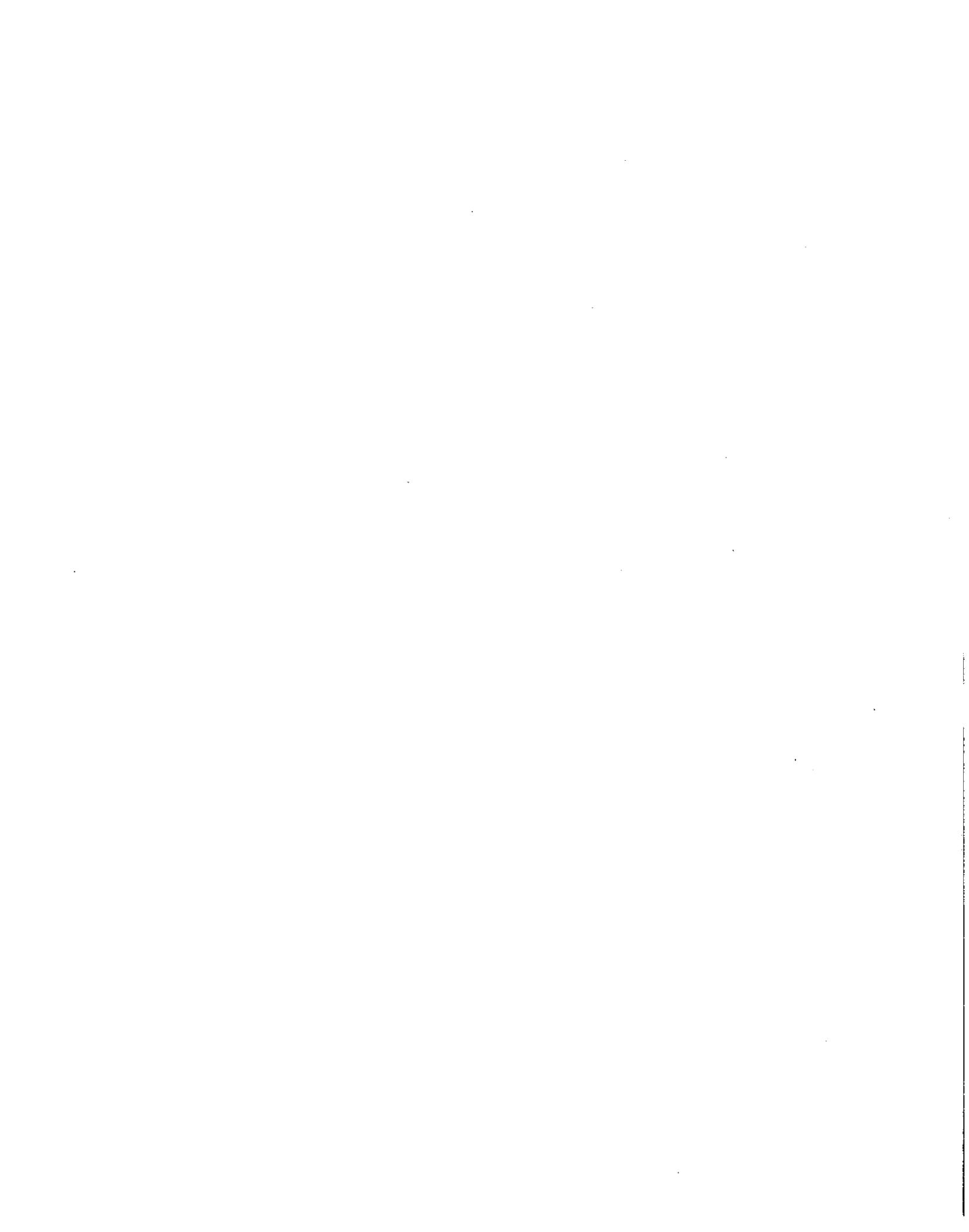
EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2010-1100-IWD-E **TCEQ ID:** RN102334075 **CASE NO.:** 39981
RESPONDENT NAME: Dallas Chemical Technologies, Inc.

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: Dallas Chemical Technologies, 10120 Hirsch Road, southeast of the Parker Street and Hirsch Road intersection, Houston, Harris County</p> <p>TYPE OF OPERATION: Chemical manufacturing and warehousing facility</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input 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 October 4, 2010. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Thomas Jecha, P.G., Enforcement Division, Enforcement Team 3, MC 169, (512) 239-2576; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495 Respondent: Mr. Robert H. Dallas II, Chief Executive Officer, Dallas Chemical Technologies, Inc., 374 Route 22, Post Office Box 478, Whitehouse, New Jersey 08888 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: April 27, 2010</p> <p>Date of NOV/NOE Relating to this Case: June 22, 2010 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>WATER</p> <p>1) Failed to submit monthly effluent reports by the 20th day of the following month whether or not a discharge is made that month. Specifically, discharge monitoring reports ("DMR") of effluent data or indicating no discharge for Outfall 002 were not submitted for December 2008 through and including June 2009, the last month of operations at the Facility [30 TEX. ADMIN. CODE §§ 305.125(1), 319.1, and 319.7(d) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0001968000, Monitoring and Reporting Requirements No. 1].</p> <p>2) Failed to comply with permit requirements for development of a complete storm water pollution prevention plan ("SWP3"). Specifically, Appendices C and F of the SWP3 dated August 2008 do not contain any information about exposed materials and potential pollution sources or storm water sampling procedures [30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0001968000, Other Requirements No. 5].</p> <p>3) Failed to comply with schedules of activities for attainment of water quality-based final effluent limitations for total zinc and total aluminum at Outfall 002. Specifically, prior to</p>	<p>Total Assessed: \$14,169</p> <p>Total Deferred: \$2,833 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$11,336</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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order, update the Facility's SWP3 dated August 2008 to include specific information on exposed materials, potential pollution sources, and storm water sampling procedures in Appendices C and F of the SWP3.</p> <p>b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision a.</p>

ceasing operations on July 1, 2009, quarterly progress reports due on July 1 and October 1, 2008 and January 1 and April 1, 2009 were not submitted [30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0001968000, Other Requirements No. 6].		
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Additional ID No(s): TPDES Permit No. WQ0001968000





Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

DATES	Assigned	28-Jun-2010	Screening	6-Jul-2010	EPA Due	
	PCW	8-Jul-2010				

RESPONDENT/FACILITY INFORMATION	
Respondent	Dallas Chemical Technologies, Inc.
Reg. Ent. Ref. No.	RN102334075
Facility/Site Region	12-Houston
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	89981	No. of Violations	3
Docket No.	2010-1100-IWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Thomas Jecha, P.G.
		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$11,100
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ADJUSTMENTS (+/-) TO SUBTOTAL 1			
<small>Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.</small>			
Compliance History	13.0% Enhancement	Subtotals 2, 3, & 7	\$1,443

Notes: Enhancement for one NOV with same or similar violations, three months of self-reported effluent violations, and one NOV with dissimilar violations for this Facility within the past five years.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts \$1,639
 Approx. Cost of Compliance \$1,800
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$12,543
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OTHER FACTORS AS JUSTICE MAY REQUIRE	13.0%	Adjustment	\$1,626
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Recommended enhancement to recover avoided costs of compliance associated with Violation Nos. 1 and 3.

Final Penalty Amount	\$14,169
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$14,169
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DEFERRAL	20.0% Reduction	Adjustment	-\$2,833
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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.

PAYABLE PENALTY	\$11,336
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Screening Date 6-Jul-2010

Docket No. 2010-1100-IWD-E

PCW

Respondent Dallas Chemical Technologies, Inc.

Policy Revision 2 (September 2002)

Case ID No. 39981

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102334075

Media [Statute] Water Quality

Enf. Coordinator Thomas Jecha, P.G.

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 (<i>number of NOVs meeting criteria</i>)	1	5%
	Other written NOVs	4	8%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	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 (<i>number of judgements or consent decrees meeting criteria</i>)	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 (<i>number of</i>	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	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 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	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) 13%

>> **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

Enhancement for one NOV with same or similar violations, three months of self-reported effluent violations, and one NOV with dissimilar violations for this Facility within the past five years.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 13%

Screening Date 6-Jul-2010

Docket No. 2010-1100-IWD-E

PCW

Respondent Dallas Chemical Technologies, Inc.

Policy Revision 2 (September 2002)

Case ID No. 39981

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102334075

Media [Statute] Water Quality

Enf. Coordinator Thomas Jecha, P.G.

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1), 319.1, and 319.7(d) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0001968000, Monitoring and Reporting Requirements No. 1

Violation Description Failed to submit monthly effluent reports by the 20th day of the following month whether or not a discharge is made that month. Specifically, discharge monitoring reports ("DMR") of effluent data or indicating no discharge for Outfall 002 were not submitted for December 2008 through and including June 2009, the last month of operations at the Facility.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
	X			10%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 7 Number of violation days 212

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$7,000

Seven monthly events are recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

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

Violation Subtotal \$7,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$749

Violation Final Penalty Total \$8,935

This violation Final Assessed Penalty (adjusted for limits) \$8,935

Economic Benefit Worksheet

Respondent: Dallas Chemical Technologies, Inc.

Case ID No.: 39981

Reg. Ent. Reference No.: RN102334075

Media: Water Quality

Violation No.: 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

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]	\$700	20-Jan-2009	20-Jul-2009	1.41	\$49	\$700	\$749
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated cost to complete and submit seven DMRs. The date required is the submittal deadline date of the first missing DMR and the final date is the submittal deadline date of the DMR for the last month before operations ceased.

Approx. Cost of Compliance

\$700

TOTAL

\$749

Screening Date 6-Jul-2010

Docket No. 2010-1100-IWD-E

PCW

Respondent Dallas Chemical Technologies, Inc.

Policy Revision 2 (September 2002)

Case ID No. 39981

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102334075

Media [Statute] Water Quality

Enf. Coordinator Thomas Jecha, P.G.

Violation Number 2

Rule Cite(s) 30 Tex. Admn. Code § 305.125(1) and TPDES Permit No. WQ0001968000, Other Requirements No. 5

Violation Description

Failed to comply with permit requirements for development of a complete storm water pollution prevention plan ("SWP3"). Specifically, Appendices C and F of the SWP3 dated August 2008 do not contain any information about exposed materials and potential pollution sources or storm water sampling procedures.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor
			X

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

70 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$100

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

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

Violation Subtotal \$100

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$13

Violation Final Penalty Total \$128

This violation Final Assessed Penalty (adjusted for limits) \$128

Economic Benefit Worksheet

Respondent: Dallas Chemical Technologies, Inc.

Case ID No.: 39981

Req. Ent. Reference No.: RN102334075

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
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$300	27-Apr-2010	27-Feb-2011	0.84	\$13	n/a	\$13

Notes for DELAYED costs

Estimated cost to complete Appendices C and F of the SWP3. The date required is the investigation date and the final date is the estimated 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

\$300

TOTAL

\$13

Screening Date 6-Jul-2010

Docket No. 2010-1100-IWD-E

PCW

Respondent Dallas Chemical Technologies, Inc.

Policy Revision 2 (September 2002)

Case ID No. 39981

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102334075

Media [Statute] Water Quality

Enf. Coordinator Thomas Jecha, P.G.

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. WQ0001968000, Other Requirements No. 6

Violation Description

Failed to comply with schedules of activities for attainment of water quality-based final effluent limitations for total zinc and total aluminum at Outfall 002. Specifically, prior to ceasing operations on July 1, 2009, quarterly progress reports due on July 1 and October 1, 2008 and January 1 and April 1, 2009 were not submitted.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 4

365 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$4,000

Four single events (one event per report) are recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

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

Violation Subtotal \$4,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$877

Violation Final Penalty Total \$5,106

This violation Final Assessed Penalty (adjusted for limits) \$5,106

Economic Benefit Worksheet

Respondent Dallas Chemical Technologies, Inc.
Case ID No. 39981
Req. Ent. Reference No. RN102334075
Media Water Quality
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

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)	\$800	1-Jul-2008	1-Jul-2009	1.92	\$77	\$800	\$877

Notes for AVOIDED costs

Estimated cost to develop and submit four quarterly progress reports. The date required is the date the first report was due and the final date is the date operations ceased at the facility.

Approx. Cost of Compliance \$800 **TOTAL** \$877

Compliance History Report

Customer/Respondent/Owner-Operator:	CN602441107	Dallas Chemical Technologies, Inc.	Classification: AVERAGE	Rating: 0.80
Regulated	RN102334075	DALLAS CHEMICAL	Classification: AVERAGE	Site Rating: 0.80
ID Number(s):	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD088360813	
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30593	
	WASTEWATER	PERMIT	WQ0001968000	
	WASTEWATER	PERMIT	TPDES0030571	
	WASTEWATER	PERMIT	TX0030571	
	VOLUNTARY CLEANUP PROGRAM	ID NUMBER	1116	
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HG0275V	
	AIR NEW SOURCE PERMITS	PERMIT	56211	
	AIR NEW SOURCE PERMITS	AFS NUM	4820101677	
	WASTEWATER LICENSING	LICENSE	WQ0001968000	
	AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	HG0275V	
	STORMWATER	PERMIT	TXR05X744	
Location:	10120 HIRSCH RD, SE of PARKER ST. & HIRSCH RD INTERSECTION IN HOUSTON, HARRIS CO, TX			
TCEQ Region:	REGION 12 - HOUSTON			
Date Compliance History Prepared:	June 30, 2010			
Agency Decision Requiring Compliance	Enforcement			
Compliance Period:	June 30, 2005 to June 30, 2010			

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

Name: Thomas Jecha Phone: 239 - 2576

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

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	07/06/2005	(421491)
2	07/11/2005	(442474)
3	08/09/2005	(394002)
4	08/19/2005	(442475)
5	08/30/2005	(442477)

6	09/12/2005	(431013)
7	09/21/2005	(442476)
8	10/25/2005	(471586)
9	10/26/2005	(435440)
10	02/08/2006	(471584)
11	02/08/2006	(471587)
12	02/08/2006	(471588)
13	03/16/2006	(471585)
14	06/06/2006	(500194)
15	06/22/2006	(500195)
16	07/11/2006	(522303)
17	08/01/2006	(500193)
18	08/28/2006	(522304)
19	10/30/2006	(546986)
20	10/30/2006	(546987)
21	11/27/2006	(546988)
22	01/10/2007	(579396)
23	01/10/2007	(579397)
24	02/15/2007	(579395)
25	11/19/2007	(621137)
26	11/19/2007	(621138)
27	11/19/2007	(621139)
28	11/19/2007	(621140)
29	11/19/2007	(621141)
30	11/19/2007	(621142)
31	11/19/2007	(621143)
32	11/19/2007	(621144)
33	11/19/2007	(621145)
34	12/20/2007	(608972)
35	12/27/2007	(621146)
36	01/29/2008	(673230)
37	02/25/2008	(673228)
38	03/17/2008	(673229)
39	04/29/2008	(691381)
40	05/07/2008	(654363)
41	06/26/2008	(682491)
42	09/10/2008	(712312)
43	09/10/2008	(712313)
44	09/10/2008	(712314)
45	09/10/2008	(712315)
46	01/15/2009	(728608)
47	01/15/2009	(728609)
48	01/15/2009	(728610)
49	02/12/2009	(751690)
50	06/24/2010	(800570)

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

Date:	08/03/2005	(394002)	CN602441107
Self	NO	Classification:	Major
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to maintain compliance with effluent permit limits for total organic carbon (TOC).		
Self	NO	Classification:	Major
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to provide noncompliance notifications for violations 40% greater than		

permitted limits as required by the permit.

Self NO Classification: Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.7(c)

Description: Failure to properly complete the discharge monitoring reports.

Date: 02/28/2006 (471585) CN602441107

Self YES Classification: Moderate

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

TWC Chapter 26 26.121(a)

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

Date: 07/31/2006 (522304) CN602441107

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 04/30/2007 (621139) CN602441107

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 12/17/2007 (608972) CN602441107

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.11(b)

Description: Failure to maintain a thermometer and temperature log for the sample storage refrigerator.

Self Report? NO Classification: Moderate

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

EL&MR, pg. 2, no. 1 PERMIT

Description: Failure to maintain a record of the time when the discharge from outfall 002 starts and stops. This time must be recorded to assure that the samples are being collected within 30 minutes of the start of the discharge and that samples are being collected once a day (each 24 hours).

Self Report? NO Classification: Major

Citation: 30 TAC Chapter 319, SubChapter A 319.7(c)

Description: Failure to submit Discharge Monitoring Reports (DMRs) by the 20th day of the following month. DMRs were not submitted from January 2007 through September 2007.

Self Report? NO Classification: Moderate

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

Other Requirements, pg. 13, no. 7 PERMIT

Description: Failure to sample and analyze for those parameters listed on Attachment A in "Other Requirements" of the permit. Samples must be analyzed for those parameters for four separate discharge events from outfall 002. Samples were only collected and analyzed for one discharge event. These samples must be collected and analyzed during the next three discharge events that are at least a week apart.

Self Report? NO Classification: Minor

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)

Description: Failure to prevent the unauthorized discharge of wastewater from a hand washing sink. Wastewater from the sink was discharging onto the ground.

Self Report? NO Classification: Major

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)

Description: Failure to prevent the unauthorized discharge of wastewater onto the ground. Contaminated soil was noted on the railroad tracks and behind the warehouse by the wet scrubber. The contamination on the railroad tracks was from loading/unloading operations. The contamination behind the warehouse was from the wet scrubber becoming clogged with wet binding powder and spewing this material onto the ground.

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
DALLAS CHEMICAL
TECHNOLOGIES, INC.
RN102334075**

§
§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2010-1100-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 Dallas Chemical Technologies, Inc. ("the Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a chemical manufacturing and warehousing facility at 10120 Hirsch Road, southeast of the Parker Street and Hirsch Road intersection in Houston, Harris County, Texas (the "Facility").
2. The Respondent has committed any other act or engaged in any other activity which in itself or in conjunction with any other discharge or activity causes, continues to cause, or will cause pollution of 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 June 27, 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 Fourteen Thousand One Hundred Sixty-Nine Dollars (\$14,169) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Eleven Thousand Three Hundred Thirty-Six Dollars (\$11,336) of the administrative penalty and Two Thousand Eight Hundred Thirty-Three Dollars (\$2,833) 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 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.
10. 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.
11. 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 submit monthly effluent reports by the 20th day of the following month whether or not a discharge is made that month, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1), 319.1, and 319.7(d) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0001968000, Monitoring and Reporting Requirements No. 1, as documented during an investigation conducted on April 27, 2010. Specifically, discharge monitoring reports ("DMR") of effluent data or indicating no discharge for Outfall 002 were not submitted for December 2008 through and including June 2009, the last month of operations at the Facility.
2. Failed to comply with permit requirements for development of a complete storm water pollution prevention plan ("SWP3"), in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0001968000, Other Requirements No. 5, as documented during an investigation conducted on April 27, 2010. Specifically, Appendices C and F of the SWP3 dated August 2008 do not contain any information about exposed materials and potential pollution sources or storm water sampling procedures.

3. Failed to comply with schedules of activities for attainment of water quality-based final effluent limitations for total zinc and total aluminum at Outfall 002, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0001968000, Other Requirements No. 6, as documented during an investigation conducted on April 27, 2010. Specifically, prior to ceasing operations on July 1, 2009, quarterly progress reports due on July 1 and October 1, 2008 and January 1 and April 1, 2009 were not submitted.

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: Dallas Chemical Technologies, Inc., Docket No. 2010-1100-IWD-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088
2. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, update the Facility's SWP3 dated August 2008 to include specific information on exposed materials, potential pollution sources, and storm water sampling procedures in Appendices C and F of the SWP3.
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that 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
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas 77023-1486

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

7. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes under this Agreed Order.

8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John Szolun

For the Executive Director

Date 9/22/2010

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]
Signature

Date 7-28-10

ROBERT H DALLAS II
Name (Printed or typed)
Authorized Representative of
Dallas Chemical Technologies, Inc.

Title CEO

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.