

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2010-1064-MWD-E **TCEQ ID:** RN101513406 **CASE NO.:** 39954
RESPONDENT NAME: Gulf Marine Fabricators, 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: Gulf Marine Fabricators North, located on the east side of Farm-to-Market Road 2725, approximately 0.5 mile southeast of the intersection of State Highway 361 and Farm-to-Market Road 2725, San Patricio County</p> <p>TYPE OF OPERATION: Marine fabrication facility with an associated 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 November 8, 2010. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Carlie Konkol, Enforcement Division, Enforcement Team 3, MC 169, (512) 239-0735; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495 Respondent: Mr. Steven Hubbard, HSE Manager, Gulf Marine Fabricators, L.P., P.O. Box 3000, Aransas Pass, Texas 78335 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 type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: May 14, 2010</p> <p>Date of NOV/NOE Relating to this Case: June 25, 2010 (NOE)</p> <p>Background Facts: This was a records review.</p> <p>WATER</p> <p>Failed to comply with permitted effluent limitations for pH and total suspended solids [30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a), and Texas Pollutant Discharge Elimination System Permit No. WQ0012064001, Effluent Limitations and Monitoring Requirements Nos. 1 and 3].</p>	<p>Total Assessed: \$3,930</p> <p>Total Deferred: \$786 <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: \$3,144</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Site Compliance History Classification <input checked="" type="checkbox"/> High <input 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>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:</p> <p>a. In March 2010, cleaned the chlorine contact chamber and adjusted air valves, reducing the amount of air entering the system; and</p> <p>b. By April 30, 2010, returned to compliance with permitted effluent limits.</p>

Additional ID No(s): WQ0012064001



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ
DATES

Assigned PCW	28-Jun-2010	Screening	29-Jun-2010	EPA Due	
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RESPONDENT/FACILITY INFORMATION

Respondent	Gulf Marine Fabricators, L.P.		
Reg. Ent. Ref. No.	RN101513406		
Facility/Site Region	14-Corpus Christi	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	39954	No. of Violations	1
Docket No.	2010-1064-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Charlie Konkol
		EC's Team	Enforcement Team 3

Admin. Penalty \$ Limit Minimum Maximum

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History Enhancement **Subtotals 2, 3, & 7**

Notes: Enhancement for ten monthly self-reported effluent violations, two NOV's with same/similar violations and one NOV with dissimilar violations.

Culpability Enhancement **Subtotal 4**

Notes: The Respondent does not meet the culpability criteria.

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

Economic Benefit Enhancement* **Subtotal 6**

Total EB Amounts	\$41
Approx. Cost of Compliance	\$1,000

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal**

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Reduction to prevent the double-enhancement of the penalty amount for the same violations that were self-reported.

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL Reduction **Adjustment**

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

Screening Date 29-Jun-2010

Docket No. 2010-1064-MWD-E

PCW

Respondent Gulf Marine Fabricators, L.P.

Policy Revision 2 (September 2002)

Case ID No. 39954

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101513406

Media [Statute] Water Quality

Enf. Coordinator Carlie Konkol

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)	12	60%
	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) 62%

>> 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 ten monthly self-reported effluent violations; two NOVs with same/similar violations and one NOV with dissimilar violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 62%

Screening Date 29-Jun-2010

Docket No. 2010-1064-MWD-E

PCW

Respondent Gulf Marine Fabricators, L.P.

Policy Revision 2 (September 2002)

Case ID No. 39954

PCW Revision October 30, 2009

Reg. Ent. Reference No. RN101513406

Media [Statute] Water Quality

Enf. Coordinator Carlie Konkol

Violation Number

1

Rule Cite(s)

30 Tex. Admin. Code § 305.125(1); Tex. Water Code § 26.121(a), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0012064001, Effluent Limitations and Monitoring Requirements Nos. 1 and 3

Violation Description

Failed to comply with permitted effluent limitations, as documented during a record review on May 14, 2010, and shown in the attached Effluent 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	Major	Moderate	Minor

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 environmental receptors as a result of this violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 3

89 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$3,000

Three quarterly events are recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$750

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

Notes: The Respondent returned to compliance by April 30, 2010.

Violation Subtotal \$2,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$41

Violation Final Penalty Total \$3,930

This violation Final Assessed Penalty (adjusted for limits) \$3,930

Economic Benefit Worksheet

Respondent: Gulf Marine Fabricators, L.P.

Case ID No.: 39954

Reg. Ent. Reference No.: RN101513406

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	\$1,000	30-Sep-2009	30-Apr-2010	0.58	\$2	\$39	\$41
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 costs to clean the chlorine contact chamber and adjust air valves, reducing the amount of air entering the system. The Date Required is the first date of noncompliance. The Final Date is the date the Respondent returned to 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

\$1,000

TOTAL

\$41

Gulf Marine Fabricators, L.P.
Docket No. 2010-1064-MWD-E
TPDES Permit No. WQ0012064001

Effluent Table			
Monitoring Periods	Permit Effluent Limits		
	pH Minimum Concentration 6 SU	TSS Daily Average Concentration 20 mg/L	TSS Daily Average Loading 2 lbs/day
September 2009	C	21	C
February 2010	C	46.3	2.45
March 2010	5.5	37.6	C

SU – Standard Units
TSS – Total Suspended Solids
mg/L – Milligrams Per Liter
lbs/day – Pounds Per Day
C - Compliance

Compliance History Report

Customer/Respondent/Owner-Operator:	CN802998486	Gulf Marine Fabricators, L.P.	Classification: AVERAGE	Rating: 0.20
Regulated Entity:	RN101513408	GULF MARINE FABRICATORS NORTH	Classification: HIGH	Site Rating: 0.06

ID Number(s):	MUNICIPAL SOLID WASTE NON WASTEWATER	ID NUMBER PERMIT	COU0052
	WASTEWATER	PERMIT	WQ0012064001
	WASTEWATER	PERMIT	TPDES0078743
	WASTEWATER	PERMIT	TX0078743
	PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	52284
	AIR NEW SOURCE PERMITS	PERMIT	6364A
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	SD0014C
	AIR NEW SOURCE PERMITS	AFS NUM	4840900040
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD121488902
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	37946
	SLUDGE	REGISTRATION	21285
	AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	SD0014C

Location: LOCATED ON THE EAST SIDE OF FARM-TO-MARKET ROAD 2725, APPROXIMATELY 0.5 MILE SOUTHEAST OF THE INTERSECTION OF STATE HIGHWAY 361 AND FARM-TO-MARKET ROAD 2725 IN SAN PATRICIO COUNTY, TEXAS

TCEQ Region: REGION 14 - CORPUS CHRISTI

Date Compliance History Prepared: June 29, 2010
 Agency Decision Requiring Compliance History: Enforcement
 Compliance Period: June 29, 2005 to June 29, 2010

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History:
 Name: Carlie Konkol Phone: (512) 239-0735

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 of the site during the compliance period? | No |
| 3. If Yes, who is the current owner? | N/A |
| 4. If Yes, who was/were the prior owner(s)? | N/A |
| 5. When did the change(s) in ownership 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	07/11/2005	(445068)
2	08/08/2005	(445069)
3	09/12/2005	(445070)
4	10/24/2005	(476106)
5	11/28/2005	(476107)
6	01/17/2006	(476108)
7	01/17/2006	(476109)

8	02/14/2006	(451426)
9	02/21/2006	(476104)
10	03/20/2006	(476105)
11	04/18/2006	(462424)
12	04/24/2006	(503274)
13	07/21/2006	(525645)
14	07/21/2006	(525646)
15	07/21/2006	(525647)
16	09/22/2006	(512718)
17	09/26/2006	(513513)
18	10/23/2006	(585619)
19	10/23/2006	(585620)
20	10/23/2006	(585621)
21	12/14/2006	(585622)
22	01/07/2008	(623788)
23	01/07/2008	(623789)
24	01/07/2008	(623790)
25	01/07/2008	(623791)
26	01/07/2008	(623792)
27	01/07/2008	(623793)
28	01/07/2008	(623794)
29	01/07/2008	(623795)
30	01/07/2008	(623796)
31	01/07/2008	(623797)
32	01/07/2008	(623798)
33	01/07/2008	(623799)
34	01/07/2008	(623800)
35	12/16/2008	(753751)
36	12/16/2008	(753754)
37	12/16/2008	(753755)
38	12/16/2008	(753757)
39	12/16/2008	(753758)
40	12/16/2008	(753759)
41	12/16/2008	(753760)
42	12/16/2008	(753761)
43	12/16/2008	(753762)
44	12/16/2008	(753763)
45	12/16/2008	(753764)
46	01/24/2009	(730547)
47	02/25/2009	(753752)
48	04/14/2009	(753753)
49	04/14/2009	(753756)
50	05/19/2009	(771154)
51	06/12/2009	(771155)
52	08/31/2009	(813391)
53	09/11/2009	(813393)
54	10/20/2009	(813394)
55	11/10/2009	(780578)
56	11/19/2009	(813395)
57	12/21/2009	(813396)
58	01/19/2010	(813397)
59	02/19/2010	(813390)
60	03/26/2010	(813392)
61	06/10/2010	(825778)
62	06/25/2010	(802726)

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

Date:	04/19/2006	(462424)	CN602998486
Self Report?	NO		Classification: Minor
Citation:	30 TAC Chapter 319, SubChapter A 319.7(a) TPDES Permit No. 12064-001 PERMIT		
Description:	Failure to maintain complete records of monitoring activities.		

Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 319, SubChapter A 319.7(e) TPDES Permit No. 12064-001 PERMIT		
Description:	Failure to indicate the increased sample frequency on the discharge monitoring reports (DMRs).		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TPDES Permit No. 12064-001 PERMIT		
Description:	Failure to include all results in the calculation and reporting of the values submitted on the approved self-report form.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TPDES Permit No. 12064-001 PERMIT		
Description:	Failure to accurately report information on the Discharge Monitoring Report (DMR).		
Date:	01/31/2008	(753751)	CN602998486
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:	02/29/2008	(753754)	CN602998486
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:	03/31/2008	(753755)	CN602998486
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:	08/31/2008	(753761)	CN602998486
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:	01/31/2009	(753752)	CN602998486
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:	02/28/2009	(753753)	CN602998486
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:	03/31/2009	(753756)	CN602998486
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:	09/30/2009	(813394)	CN602998486
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		

Date: 11/11/2009 (780578) CN602998486

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
Operational Requirements; No. 1, Pg. 9 PERMIT

Description: Failure to ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 319, SubChapter A 319.5(b)
Eff. Limit. & Monitor Req.; No. 2, Pg. 2 PERMIT

Description: Failure to ensure that the effluent does not exceed a chlorine residual of 4.0 mg/l after a detention time of 20 minutes (based on peak flow), and monitor five times per week by grab sample.

Self Report? NO Classification: Minor

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

Description: Failure to conform to the flow measurements, equipment, installation, and procedures prescribed in the Water Measurement Manual, United States Department of the Interior Bureau of Reclamation, Washington, D.C., or methods that are equivalent as approved by the executive director.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Effluent Limitations; No. 1, Pg. 2 PERMIT

Description: Failure to comply with the effluent limitations (TSS) as specified in the permit.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.7(a)
Monitoring Requirements No. 3(c), Pg. 5 PERMIT

Description: Failure to maintain complete records of monitoring activities.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.7(e)
Monitoring & Report. Req.; No. 2, Pg. 4 PERMIT

Description: Failure to accurately report information on the Discharge Monitoring Reports (DMRs).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Reporting Requirement; No. 7.c., Pg. 6 PERMIT

Description: Failure to report any effluent violation which deviates from the permitted effluent limitation by more than 40% in writing to the Regional Office and the Enforcement Division (MC 224) within 5 working days of becoming aware of the noncompliance.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.6
30 TAC Chapter 319, SubChapter A 319.9(c)
Reporting Requirement, No. 1, Pg. 4 PERMIT

Description: Failure to conduct quality assurance requirements for wastewater analyses.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.11(a)
Reporting Requirements; No. 1, Pg. 4 PERMIT

Description: Failure to conduct effluent sampling and reporting in accordance with 30 TAC 319.4-319.12.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 30, SubChapter J 30.350(j)
Other Requirements; No. 1, Pg. 23 PERMIT

Description: Failure to employ or contract with one or more licensed wastewater treatment facility operators or wastewater system operations companies holding a valid license in accordance with 30 TAC 30, Subchapter J. This Category D facility must be operated by a chief operator or an operator holding a Category D license or higher. The facility must be operated a minimum of five days per week by the licensed chief operator or an operator holding the required level of license or higher.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.7(d)
Reporting Requirement; No. 1, Pg. 4 PERMIT

Description: Failure to submit the monthly effluent reports by the 20th day of the following month.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Other Requirements; No. 4, Pg. 23 PERMIT
Description: Failure to report annually to the TCEQ Regional Office (MC Region 14) and Water Quality Compliance Monitoring Team (MC 224) of the Enforcement Division by September 1 of each year the following information: a. The volume and percent solids of sludge hauled; b. The date(s) that sludge was hauled; c. The identity of haulers; and d. The permittee, TCEQ permit number, and location of the wastewater treatment plant to which the sludge is hauled.

Date: 06/10/2010 (825778) CN602998486

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Effluent Limitations; No. 1, Pg. 2 PERMIT
Description: Failure to comply with the effluent limitations (TSS) as specified in the permit.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Reporting Requirement; No. 7.c., Pg. 6 PERMIT
Description: Failure to report any effluent violation which deviates from the permitted effluent limitation by more than 40% in writing to the Regional Office and the Enforcement Division (MC 224) within 5 working days of becoming aware of the noncompliance.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 319, SubChapter A 319.7(d)
Reporting Requirement; No. 1, Pg. 4 PERMIT
Description: Failure to submit the monthly effluent reports by the 20th day of the following month.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Other Requirements; No. 4, Pg. 23 PERMIT
Description: Failure to report annually to the TCEQ Regional Office (MC Region 14) and Water Quality Compliance Monitoring Team (MC 224) of the Enforcement Division by September 1 of each year the following information: a. The volume and percent solids of sludge hauled; b. The date(s) that sludge was hauled; c. The identity of haulers; and d. The permittee, TCEQ permit number, and location of the wastewater treatment plant to which the sludge is hauled.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Effluent Limitations; No. 3, Pg. 2 PERMIT
Description: Failure to maintain a pH of not less than 6.0 standard units nor greater than 9.0 standard units.

Date: 02/28/2010 CN602998486

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: 03/31/2010 CN602998486

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
GULF MARINE FABRICATORS,
L.P.
RN101513406**

§ **BEFORE THE**
§
§ **TEXAS COMMISSION ON**
§
§ **ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2010-1064-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 Gulf Marine Fabricators, 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 marine fabrication facility with an associated wastewater treatment facility, located on the east side of Farm-to-Market Road 2725, approximately 0.5 mile southeast of the intersection of State Highway 361 and Farm-to-Market Road 2725 in San Patricio 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 June 30, 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 Three Thousand Nine Hundred Thirty Dollars (\$3,930) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Three Thousand One Hundred Forty-Four Dollars (\$3,144) of the administrative penalty and Seven Hundred Eighty-Six Dollars (\$786) 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 the Respondent has implemented the following corrective measures at the Facility:
 - a. In March 2010, cleaned the chlorine contact chamber and adjusted air valves, reducing the amount of air entering the system; and
 - b. By April 30, 2010, returned to compliance with permitted effluent limits.
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 failed to comply with permitted effluent limitations, in violation of 30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a), and Texas Pollutant Discharge Elimination System Permit No. WQ0012064001, Effluent Limitations and Monitoring Requirements Nos. 1 and 3, as documented during a record review conducted on May 14, 2010, and shown in the Effluent Table below:

Effluent Table			
Monitoring Periods	Permit Effluent Limits		
	pH Minimum Concentration 6 SU	TSS Daily Average Concentration 20 mg/L	TSS Daily Average Loading 2 lbs/day
September 2009	C	21.0	C
February 2010	C	46.3	2.45
March 2010	5.5	37.6	C

SU - Standard Units TSS - Total Suspended Solids
 mg/L - Milligrams Per Liter lbs/day - Pounds Per Day
 C - Compliance

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Gulf Marine Fabricators, L.P., Docket No. 2010-1064-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.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John Szolien
For the Executive Director

Date 10/14/2010

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.

Steven Hubbard
Signature

8/23/10
Date

STEVEN HUBBARD
Name (Printed or typed)
Authorized Representative of
Gulf Marine Fabricators, L.P.

HSE 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.

