

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2009-1325-IWD-E TCEQ ID: RN100590207 CASE NO.: 38159
RESPONDENT NAME: Alloy Polymers Orange, LLC

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: A Schulman Orange County, located on 6522 Interstate Highway 10 West, approximately one mile east of State Highway 62, west of Orange, Orange County</p> <p>TYPE OF OPERATION: Plastic compounding 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 January 25, 2010. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: Mr. Phillip Hampsten, SEP Coordinator, Enforcement Division, MC 219, (512) 239-6732 TCEQ Enforcement Coordinator: Ms. Carlie Konkol, Enforcement Division, Enforcement Team 3, MC R-14, (361) 825-3422; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387 Respondent: Mr. Fred H. Fisher, Director of Operations - Site Leader, Alloy Polymers Orange, LLC, 6522 Interstate Highway 10 West, Orange, Texas 77632 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: June 15, 2009</p> <p>Date of NOV/NOE Relating to this Case: July 24, 2009 (NOE)</p> <p>Background Facts: This was a record review.</p> <p>WATER</p> <p>Failure to comply with permitted effluent limits for biochemical oxygen demand, total suspended solids, pH, and total organic carbon [TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0002835000, Interim Effluent Limitations and Monitoring Requirements Nos. 1 and 2 for Outfalls 002 and 003].</p>	<p>Total Assessed: \$13,300</p> <p>Total Deferred: \$2,660 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$5,320</p> <p>Total Paid to General Revenue: \$5,320</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>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 2009, redesigned and rebuilt the retaining wall surrounding the storage tank at Outfall 003;</p> <p>b. On May 26, 2009, completed re-piping the filtration system to prevent unfiltered water from being discharged to Outfall 002; and</p> <p>c. Returned to compliance with permitted effluent limitations by May 31, 2009.</p> <p>Ordering Provisions:</p> <p>The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A)</p>

Additional ID No(s): WQ0002835000

Attachment A
Docket Number: 2009-1325-IWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Alloy Polymers Orange, LLC
Payable Penalty Amount:	Ten Thousand Six Hundred Forty Dollars (\$10,640)
SEP Amount:	Five Thousand Three Hundred Twenty Dollars (\$5,320)
Type of SEP:	Pre-approved
Third-Party Recipient:	Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")- Water or Wastewater Treatment Assistance
Location of SEP:	Orange County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to provide low-income, rural homeowners with assistance to enable the repair or replacement of their failing on-site wastewater systems. SEP monies will be used to pay for the labor and material costs related to repairing or replacing the failing systems. The recipients will not be charged for the cost of replacing or repairing the failing systems.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by protecting water sources for drinking, recreation, and wildlife from contamination from failing treatment systems.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

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

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

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

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ				
DATES	Assigned	27-Jul-2009	Screening	17-Aug-2009
	PCW	13-Aug-2009	EPA Due	

RESPONDENT/FACILITY INFORMATION	
Respondent	Alloy Polymers Orange, LLC
Reg. Ent. Ref. No.	RN100590207
Facility/Site Region	10-Beaumont
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	38159	No. of Violations	1
Docket No.	2009-1326-IWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Carlie Korkol
		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	\$5,000
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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.

Compliance History	201.0% Enhancement	Subtotals 2, 3, & 7	\$10,050
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Notes: An enhancement is recommended for thirty monthly self-reported effluent violations, three Notice of Violations ("NOV") with violations unrelated to this case, one final enforcement order containing a denial of liability and one findings order.

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	\$1,250
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts \$1,267
 Approx. Cost of Compliance \$19,720
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$13,800
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OTHER FACTORS AS JUSTICE MAY REQUIRE	-3.6%	Adjustment	-\$500
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Recommended reduction in the penalty so that monthly self-reported effluent violations do not overly impact the penalty amount.

Final Penalty Amount	\$13,300
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$13,300
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DEFERRAL	20.0% Reduction	Adjustment	-\$2,660
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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	\$10,640
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Screening Date 17-Aug-2009

Docket No. 2009-1325-IWD-E

PCW

Respondent Alloy Polymers Orange, LLC

Policy Revision 2 (September 2002)

Case ID No. 38159

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100590207

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)	30	150%
	Other written NOVs	3	6%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other:	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 201%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

An enhancement is recommended for thirty monthly self-reported effluent violations, three Notice of Violations ("NOV") with violations unrelated to this case, one final enforcement order containing a denial of liability and one findings order.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 201%

Screening Date: 17-Aug-2009	Docket No.: 2009-1325-IWD-E	PCW			
Respondent: Alloy Polymers Orange, LLC	<i>Policy Revision 2 (September 2002)</i>				
Case ID No.: 38159	<i>PCW Revision October 30, 2008</i>				
Reg. Ent. Reference No.: RN100590207					
Media [Statute]: Water Quality					
Enf. Coordinator: Carlie Konkol					
Violation Number: 1					
Rule Cite(s):	Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 805.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0002835000, Interim Effluent Limitations and Monitoring Requirements Nos. 1 and 2 for Outfalls 002 and 003				
Violation Description:	Failed to comply with permitted effluent limitations, as documented during a record review conducted on June 15, 2009. See attached table.				
Base Penalty		\$10,000			
>> Environmental, Property and Human Health Matrix					
OR	Harm				
	Major	Moderate	Minor		
Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Percent <input type="text" value="10%"/>	
Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
>> Programmatic Matrix					
	Falsification	Major	Moderate	Minor	Percent <input type="text" value="0%"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Matrix Notes	Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels protective of human health or environmental receptors.				
Adjustment		\$9,000			
		\$1,000			
Violation Events					
Number of Violation Events: <input type="text" value="5"/>		Number of violation days: <input type="text" value="212"/>			
<i>mark only one with an x</i>	daily	<input type="checkbox"/>			
	weekly	<input type="checkbox"/>			
	monthly	<input type="checkbox"/>			
	quarterly	<input checked="" type="checkbox"/>			
	semiannual	<input type="checkbox"/>			
	annual	<input type="checkbox"/>			
single event	<input type="checkbox"/>				
Violation Base Penalty <input type="text" value="\$5,000"/>					
Five quarterly events are recommended (four quarters for Outfall 002 and one quarter for Outfall 003).					
Good Faith Efforts to Comply		25.0% Reduction		\$1,250	
		<small>Before NOV NOV to EDRP/Settlement Offer</small>			
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>			
Ordinary	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
N/A	<input type="checkbox"/> (mark with x)				
Notes	The Respondent returned to compliance by May 31, 2009.				
Violation Subtotal				\$3,750	
Economic Benefit (EB) for this violation		Statutory Limit Test			
Estimated EB Amount <input type="text" value="\$1,267"/>		Violation Final Penalty Total <input type="text" value="\$13,300"/>			
This violation Final Assessed Penalty (adjusted for limits)				\$13,300	

Economic Benefit Worksheet

Respondent: Alloy Polymers Orange, LLC
Case ID No.: 38159
Reg. Ent. Reference No.: RN100590207
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	\$19,720	30-Jun-2008	31-May-2009	0.92	\$60	\$1,207	\$1,267
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 design, develop and re-pipe the filtration system at Outfall 002 and redesign and rebuild the storage tank containment wall at Outfall 003. The Date Required is the first date of noncompliance. The Final Date is the date the Respondent returned to compliance with permitted effluent limitations.

Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs:

Approx. Cost of Compliance	\$19,720	TOTAL	\$1,267
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Alloy Polymers Orange, LLC
Docket No. 2009-1325-IWD-E
TPDES Permit No. WQ0002835000

EFFLUENT PARAMETER – Outfalls 002 and 003							
Permit Effluent Limitations	Monitoring Periods						
	June 2008 Outfall 002	July 2008 Outfall 002	October 2008 Outfall 002	December 2008 Outfall 003	February 2009 Outfall 002	March 2009 Outfall 002	April 2009 Outfall 002
5-day BOD Daily Max. Conc. 26 mg/L	29.70	85.20	C	C	27.30	C	132.00
TSS Daily Max. Conc. 19 mg/L	C	C	C	C	184.00	35.30	C
pH Min. Conc. 6.0 SU	C	C	C	5.90	C	C	C
pH Max. Conc. 9.0 SU	C	C	10.60	C	C	C	C
Total Organic Carbon Daily Av. 55 mg/L	C	C	C	63.14	C	C	C
Total Organic Carbon Daily Max. 75 mg/L	C	C	C	285.70	C	C	C

BOD – Biochemical Oxygen Demand	SU – Standard Units	Av. - Average
TSS – Total Suspended Solids	C - Compliant	Max. - Maximum
mg/L – milligrams per liter	Conc. – Concentration	Min. – Minimum

Compliance History Report

Customer/Respondent/Owner-Operator:	CN603334343	Alloy Polymers Orange, LLC	Classification: AVERAGE	Rating: 3.76
Regulated Entity:	RN100590207	A SCHULMAN ORANGE COUNTY	Classification: AVERAGE	Site Rating: 3.76
ID Number(s):	AIR NEW SOURCE PERMITS	PERMIT		14104
	AIR NEW SOURCE PERMITS	PERMIT		14840
	AIR NEW SOURCE PERMITS	PERMIT		23030
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER		OC0056T
	AIR NEW SOURCE PERMITS	AFS NUM		4836100044
	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION		1810187
	WASTEWATER	PERMIT		WQ0002835000
	WASTEWATER	PERMIT		TPDES0104710
	WASTEWATER	PERMIT		TX0104710

Location: LOCATED AT 6522 INTERSTATE HIGHWAY 10 WEST, APPROXIMATELY ONE MILE EAST OF STATE HIGHWAY 62 AND WEST OF THE CITY OF ORANGE, ORANGE COUNTY, TEXAS

TCEQ Region: REGION 10 - BEAUMONT
 Date Compliance History Prepared: July 31, 2009
 Agency Decision Requiring Compliance History: Enforcement
 Compliance Period: July 31, 2004 to July 31, 2009

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
 Name: Carlie Konkol Phone: (361) 825-3422

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? | Yes |
| 3. If Yes, who is the current owner? | OWNOPR Alloy Polymers Orange, LLC |
| 4. If Yes, who was/were the prior owner(s)? | OWNOPR A. Schulman, Inc.
<hr/> OWN Jim Huber Corp Polymer Services Division
OWN Texas Polymer Services, Inc.
<hr/> 3/17/2008 OWN Alloy Polymers Orange, LLC |
| 5. When did the change(s) in ownership occur? | |
| 6. Rating Date: 9/1/2008 Repeat Violator: NO | |

Components (Multimedia) for the Site :

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

Effective Date: 12/30/2005	ADMINORDER 2005-0523-IWD-E
Classification: Moderate	
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)	
Rqmt Prov: Effluent Limits PERMIT	
Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data.	
Effective Date: 08/23/2007	ADMINORDER 2006-2243-MLM-E
Classification: Minor	
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)	
Rqmt Prov: Other Requirements PERMIT	
Description: Failure to to use a test method sensitive enough to detect the minimum analytical level ("MAL") of 0.005 milligrams per liter ("mg/L.") for total zinc.	
Classification: Minor	
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)	
Rqmt Prov: Mon. and Rep. Requirements No. 7c PERMIT	
Description: Failure to submit noncompliance notification to the TCEQ for effluent violations which deviated from the permitted limit by more than 40% within five working days of become aware of the noncompliance.	
Classification: Moderate	

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

30 TAC Chapter 335, SubChapter A 335.4

Rqmt Prov: Permit Conditions 2g PERMIT

Description: Failure to prevent the unauthorized discharge of industrial waste into or adjacent to waters of the state.

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	08/13/2004	(388677)
2	09/17/2004	(364304)
3	10/13/2004	(336981)
4	10/15/2004	(364305)
5	11/16/2004	(446609)
6	12/15/2004	(388678)
7	01/13/2005	(388679)
8	02/24/2005	(349902)
9	03/15/2005	(426237)
10	04/18/2005	(426238)
11	05/19/2005	(426239)
12	06/15/2005	(426240)
13	06/27/2005	(393888)
14	07/18/2005	(446606)
15	08/16/2005	(446607)
16	08/30/2005	(446605)
17	09/19/2005	(446608)
18	10/09/2005	(479388)
19	11/21/2005	(479389)
20	12/20/2005	(479390)
21	01/18/2006	(479391)
22	02/22/2006	(479386)
23	03/16/2006	(479387)
24	04/19/2006	(505140)
25	05/19/2006	(505141)
26	06/09/2006	(505142)
27	07/18/2006	(527440)
28	08/14/2006	(527441)
29	09/12/2006	(527442)
30	10/18/2006	(551176)
31	11/14/2006	(551177)
32	11/15/2006	(518641)
33	01/08/2007	(551178)
34	01/22/2007	(587820)
35	02/12/2007	(587814)
36	03/14/2007	(587815)
37	04/20/2007	(587816)
38	05/22/2007	(587817)
39	06/18/2007	(587818)
40	07/15/2007	(645293)
41	07/19/2007	(587819)
42	08/15/2007	(605224)
43	09/20/2007	(605225)
44	10/01/2007	(645928)
45	10/22/2007	(605226)
46	12/17/2007	(628648)
47	01/18/2008	(628649)

48	01/25/2008	(613283)
49	02/18/2008	(676483)
50	03/07/2008	(676484)
51	04/10/2008	(676485)
52	04/10/2008	(676486)
53	05/14/2008	(694951)
54	05/23/2008	(466607)
55	06/19/2008	(694952)
56	07/17/2008	(694953)
57	08/19/2008	(716446)
58	09/19/2008	(716447)
59	10/14/2008	(716448)
60	11/13/2008	(731918)
61	12/18/2008	(731919)
62	01/20/2009	(731920)
63	02/09/2009	(755306)
64	03/19/2009	(755307)
65	04/09/2009	(755308)
66	07/24/2009	(749509)

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

Date: 07/31/2004 (388677) CN603334343
 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: 08/31/2004 (364304) CN603334343
 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: 09/30/2004 (364305) CN603334343
 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: 10/31/2004 (446609) CN603334343
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter

Date: 11/30/2004 (388678) CN603334343
 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: 12/31/2004 (388679) CN603334343
 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: 01/31/2005 (446605) CN603334343
 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: 02/28/2005 (426237) CN603334343
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter

Date: 03/31/2005 (426238) CN603334343
 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: 04/30/2005 (426239) CN603334343
 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: 05/31/2005 (426240) CN603334343
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter

Date: 06/30/2005 (446606) CN603334343
 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: 07/31/2005 (446607) CN603334343
 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: 08/31/2005 (446608) CN603334343
 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: 09/30/2005 (479388) CN603334343
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter

Date: 11/30/2005 (479390) CN603334343
 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: 01/31/2006 (479386) CN603334343

Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	03/31/2007	(587816)	CN603334343
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:	05/31/2007	(587818)	CN603334343
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	06/30/2007	(587819)	CN603334343
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:	07/15/2007	(645293)	CN603334343
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.109(f)(4)		
Description:	BACT - MONITORING/REPORTING VIOLATIONS		
Date:	10/01/2007	(645928)	CN603334343
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.122(b)(1)(A)		
Description:	PUBLIC NOTICE		
Date:	11/30/2007	(628648)	CN603334343
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:	12/31/2007	(628649)	CN603334343
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:	01/25/2008	(613283)	CN603334343
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.45(d)(2)(A)(ii)		
Description:	Failure to provide pressure maintenance facilities, which include pressure tank capacity.		
Date:	01/31/2008	(676483)	CN603334343
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	06/30/2008	(694953)	CN603334343
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: 07/31/2008 (716446) CN603334343
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: 10/31/2008 (731918) CN603334343
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: 12/31/2008 (731920) CN603334343
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: 02/28/2009 CN603334343
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 03/31/2009 CN603334343
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: 04/30/2009 CN603334343
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits.

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
ALLOY POLYMERS ORANGE, LLC
RN100590207**

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§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2009-1325-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 Alloy Polymers Orange, 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 and operates a plastic compounding facility located at 6522 Interstate Highway 10 West, approximately one mile east of State Highway 62 and west of Orange in Orange County, Texas (the "Facility").
2. The Respondent has discharged industrial waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about July 29, 2009.
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 Thirteen Thousand Three Hundred Dollars (\$13,300) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Five Thousand Three Hundred Twenty Dollars

- (\$5,320) of the administrative penalty and Two Thousand Six Hundred Sixty Dollars (\$2,660) 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. Five Thousand Three Hundred Twenty Dollars (\$5,320) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
 8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
 9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
 - a. In March 2009, redesigned and rebuilt the retaining wall surrounding the storage tank at Outfall 003;
 - b. On May 26, 2009, completed re-piping the filtration system to prevent unfiltered water from being discharged to Outfall 002; and
 - c. Returned to compliance with permitted effluent limitations by May 31, 2009.
 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 limits, in violation of TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0002835000, Interim Effluent Limitations and Monitoring Requirements Nos. 1 and 2 for Outfalls 002 and 003, as documented during a record review conducted on June 15, 2009 and in the table below:

EFFLUENT PARAMETER – Outfalls 002 and 003							
Permit Effluent Limitations	Monitoring Periods						
	June 2008	July 2008	October 2008	December 2008	February 2009	March 2009	April 2009
	Outfall 002	Outfall 002	Outfall 002	Outfall 003	Outfall 002	Outfall 002	Outfall 002
5-day BOD Daily Max. Conc. 26 mg/L	29.70	85.20	C	C	27.30	C	132.00
TSS Daily Max. Conc. 19 mg/L	C	C	C	C	184.00	35.30	C
pH Min. Conc. 6.0 SU	C	C	C	5.90	C	C	C
pH Max. Conc. 9.0 SU	C	C	10.60	C	C	C	C
Total Organic Carbon Daily Av. 55 mg/L	C	C	C	63.14	C	C	C
Total Organic Carbon Daily Max. 75 mg/L	C	C	C	285.70	C	C	C

BOD – Biochemical Oxygen Demand	SU – Standard Units	Av. - Average
TSS – Total Suspended Solids	C - Compliant	Max. - Maximum
mg/L – milligrams per liter	Conc. – Concentration	Min. – Minimum

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: Alloy Polymers Orange, LLC, Docket No. 2009-1325-IWD-E" to:

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

2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Five Thousand Three Hundred Twenty Dollars (\$5,320) of the assessed administrative penalty shall be offset with the condition that the Respondent implements the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. 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 Grollier

For the Executive Director

1/19/2010

Date

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

1/10/09

Date

Fred H. Fisher

Name (Printed or typed)
Authorized Representative of
Alloy Polymers Orange, LLC

Site Leader - Director Operations

Title

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

Attachment A
Docket Number: 2009-1325-IWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: Alloy Polymers Orange, LLC

Payable Penalty Amount: Ten Thousand Six Hundred Forty Dollars (\$10,640)

SEP Amount: Five Thousand Three Hundred Twenty Dollars (\$5,320)

Type of SEP: Pre-approved

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

Location of SEP: Orange County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to provide low-income, rural homeowners with assistance to enable the repair or replacement of their failing on-site wastewater systems. SEP monies will be used to pay for the labor and material costs related to repairing or replacing the failing systems. The recipients will not be charged for the cost of replacing or repairing the failing systems.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by protecting water sources for drinking, recreation, and wildlife from contamination from failing treatment systems.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

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

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

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

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

