

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2010-0042-IHW-E TCEQ ID: RN100210350 CASE NO.: 38962

RESPONDENT NAME: OXID 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 checked="" type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input 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: Oxid, 101 Concrete Street, Houston, Harris County</p> <p>TYPE OF OPERATION: Chemical manufacturing 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 one additional pending enforcement action regarding this facility location, Docket No. 2009-1636-IWD-E.</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 June 14, 2010. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Michael Meyer, Enforcement Division, Enforcement Team 6, MC 128, (512) 239-4492; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495 Respondent: Mr. Mark Davis, Registered Agent, OXID L.P., 101 Concrete Street, Houston, Texas 77012 Mr. Andrew J. Adams, Vice President of Manufacturing, OXID L.P., 101 Concrete Street, Houston, Texas 77012 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: August 6, 2009</p> <p>Date of NOV/NOE Relating to this Case: December 17, 2009 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>WASTE</p> <p>1) Failure to prevent the shipment of industrial solid waste to an unauthorized facility. Specifically, on May 2, 2008, approximately 90 cubic yards of Class 2 waste generated at the Respondent's Facility was disposed of at an unauthorized facility [30 TEX. ADMIN. CODE § 335.2(b)].</p> <p>2) Failure to update the Facility's Notice of Registration regarding waste management activities. Specifically, the following items were not updated: primary and billing contacts; inactivation of waste streams 00203941, 0022119H, 00322191, 00342101, 0035105H, 0036219H, 20126991, 2019219H, 90083012, 90092191, 9011211H, 90122191, 9014211H, 9015701H; indication that waste streams 90103011, 9013219H and 90162191 are managed on-site and off-site; change in regulatory status of waste management unit ("WMU") 008 to "less than 180-day storage"; addition of waste management unit for the lab sink sump, and the inactivation and closure of WMUs 007 and 013 [30 TEX. ADMIN. CODE § 335.6(c)].</p>	<p>Total Assessed: \$14,000</p> <p>Total Deferred: \$2,800 <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: \$11,200</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, on April 15, 2009, the Respondent removed the previously disposed Class 2 waste from the unauthorized facility and disposed of the waste at an authorized facility.</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 following items in the Facility's Notice of Registration, including but not limited to the following items:</p> <ul style="list-style-type: none"> i. primary and billing contacts; ii. inactivate the following waste streams: 00203941, 0022119H, 0322191, 00342101, 0035105H, 0036219H, 20126991, 2019219H, 90083012, 90092191, 9011211H, 90122191, 9014211H, and 9015701H; iii. indicate waste streams 90103011, 9013219H, and 90162191 are managed on-site and off-site; iv. change regulatory status of WMU 008 to "less than 180-day storage"; v. inactivate and close WMUs 007 and 013; and vi. add waste management unit for lab sink sump. <p>b. Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision a.</p>

Additional ID No(s): 31613



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	21-Dec-2009	Screening	7-Jan-2010	EPA Due	
	PCW	22-Mar-2010				

RESPONDENT/FACILITY INFORMATION			
Respondent	OXID L.P.		
Reg. Ent. Ref. No.	RN100210350		
Facility/Site Region	12-Houston	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	38962	No. of Violations	2
Docket No.	2010-0042-IHW-E	Order Type	1660
Media Program(s)	Industrial and Hazardous Waste	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Michael Meyer
		EC's Team	Enforcement Team 7
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

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 17 NOVs for dissimilar violations, one 1660 Agreed Order, and reduction for two notices of intent to conduct audits and one disclosure of 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	\$76	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$1,600	

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:

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 7-Jan-2010

Docket No. 2010-0042-IHW-E

PCW

Respondent OXID L.P.

Policy Revision 2 (September 2002)

Case ID No. 38962

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100210350

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Michael Meyer

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)	0	0%
	Other written NOVs	17	34%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of 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)	2	-2%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	1	-2%

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) 50%

>> **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 17 NOVs for dissimilar violations, one 1660 Agreed Order, and reduction for two notices of intent to conduct audits and one disclosure of violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 50%

Screening Date 7-Jan-2010

Docket No. 2010-0042-IHW-E

PCW

Respondent QXID L.P.

Policy Revision 2 (September 2002)

Case ID No. 38962

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100210350

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Michael Meyer

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 335.2(b)

Violation Description Failed to prevent the shipment of industrial solid waste to an unauthorized facility, as documented during an investigation conducted on August 6, 2009. Specifically, on May 2, 2008 approximately 90 cubic yards of Class 2 waste generated at the Respondent's Facility was disposed of at an unauthorized facility.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual					25%
Potential	x				

>> Programmatic Matrix

OR	Falsification	Harm			Percent
		Major	Moderate	Minor	
Actual					0%
Potential					

Matrix Notes Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 4 Number of violation days 348

mark only one with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$10,000

Four quarterly events are recommended from the date the violation occurred (May 2, 2008) to the date compliance was achieved (April 15, 2009).

Good Faith Efforts to Comply

25.0% Reduction

\$2,500

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary	
Ordinary	x
N/A	(mark with x)

Notes Compliance was achieved on April 15, 2009.

Violation Subtotal \$7,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$64

Violation Final Penalty Total \$12,500

This violation Final Assessed Penalty (adjusted for limits) \$12,500

Economic Benefit Worksheet

Respondent OXID L.P.
Case ID No. 38962
Reg. Ent. Reference No. RN100210350
Media Industrial and Hazardous Waste
Violation No. 1

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	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	\$1,350	2-May-2008	15-Apr-2009	0.95	\$64	n/a	\$64
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to properly dispose of 90 cubic yards of Class 2 industrial waste. The Date Required was the date the unauthorized disposal occurred and the Final Date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,350

TOTAL

\$64

Screening Date 7-Jan-2010

Docket No. 2010-0042-IHW-E

PCW

Respondent OXID L.P.

Policy Revision 2 (September 2002)

Case ID No. 38962

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100210350

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Michael Meyer

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 335.6(c)

Violation Description

Failed to update the Facility's Notice of Registration regarding waste management activities, as documented during an investigation conducted on August 6, 2009. Specifically, the following items were not updated: primary and billing contacts; inactivation of waste streams 00203941, 0022119H, 00322191, 00342101, 0035105H, 0036219H, 20126991, 2019219H, 90083012, 90092191, 9011211H, 90122191, 9014211H, 9015701H; indication that waste streams 90103011, 9013219H and 90162191 are managed on-site and off-site; change in regulatory status of waste management unit ("WMU") 008 to "less than 180-day storage"; addition of waste management unit for lab sink sump, and inactivation and closure of WMUs 007 and 013.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Harm			Percent
	Release	Major	Moderate	
Actual				0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
	X			10%

Matrix Notes

100 percent of the rule requirement was not met.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1 154 Number of violation days

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

Violation Base Penalty \$1,000

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 \$1,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$12

Violation Final Penalty Total \$1,500

This violation Final Assessed Penalty (adjusted for limits) \$1,500

Economic Benefit Worksheet

Respondent OXID L.P.
Case ID No. 38962
Reg. Ent. Reference No. RN100210350
Media Industrial and Hazardous Waste
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
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	\$250	6-Aug-2009	15-Jul-2010	0.94	\$12	n/a	\$12
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost to update the Facility's Notice of Registration. The Date Required is the investigation date and the Final Date is the projected compliance date.

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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 \$250
TOTAL \$12

Compliance History Report

Customer/Respondent/Owner-Operator: CN600124747 OXID L.P. Classification: AVERAGE Rating: 2.46
Regulated Entity: RN100210350 OXID Classification: AVERAGE Site Rating: 2.46

ID Number(s):

INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD000803411
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	31613
WASTEWATER	PERMIT	TPDES0106283
WASTEWATER	PERMIT	WQ0002102000
WASTEWATER	PERMIT	TPDES0075060
WASTEWATER	PERMIT	TX0075060
VOLUNTARY CLEANUP PROGRAM	ID NUMBER	614
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HG0133T
AIR NEW SOURCE PERMITS	AFS NUM	4820100838
AIR NEW SOURCE PERMITS	PERMIT	5026
AIR NEW SOURCE PERMITS	PERMIT	5586
AIR NEW SOURCE PERMITS	PERMIT	12472
AIR NEW SOURCE PERMITS	PERMIT	12492
AIR NEW SOURCE PERMITS	PERMIT	15843
AIR NEW SOURCE PERMITS	REGISTRATION	77373
AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	HG0133T

Location: 101 CONCRETE ST, HOUSTON, TX, 77012

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: December 30, 2009

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: December 30, 2004 to December 30, 2009

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

Name: Michael Meyer Phone: 239 - 4492

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s) ? N/A
5. When did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2009 Repeat Violator: NO

Components (Multimedia) for the Site :

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

Effective Date: 06/05/2008

ADMINORDER 2007-1781-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.

Classification: Moderate

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

Rqmt Prov: Self-reporting Requirements PERMIT

Description: Failure to timely submit monitoring results at the intervals specified in the permit as documented during a record review conducted on September 11, 2007. Specifically, the Respondent failed to submit the DMR for the monitoring period ending January 31, 2007 by February 20, 2007.

Classification: Moderate

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

Rqmt Prov: Self-reporting Requirements PERMIT

Description: Failure to timely submit monitoring results at the intervals specified in the permit, as documented in a record review conducted on September 11, 2007. Specifically, the Respondent failed to submit the DMR parameter data for pH minimum (su) for the monitoring periods ending June 30, 2006, July 31, 2006, and December 31, 2006, by the 20th day of the month following the monitoring periods.

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	01/18/2005	(386002)
2	02/22/2005	(423906)
3	03/24/2005	(385998)
4	04/07/2005	(376595)
5	04/25/2005	(423907)
6	05/31/2005	(423908)
7	06/27/2005	(423909)
8	07/20/2005	(398030)
9	07/22/2005	(444710)
10	08/25/2005	(444711)
11	08/31/2005	(418599)
12	09/06/2005	(406116)
13	09/23/2005	(444712)
14	10/27/2005	(475515)
15	11/28/2005	(475516)
16	12/27/2005	(475517)
17	01/23/2006	(475518)
18	02/21/2006	(475513)
19	03/20/2006	(475514)
20	04/20/2006	(502957)
21	05/22/2006	(502958)
22	06/20/2006	(502959)
23	07/11/2006	(525293)
24	07/17/2006	(485312)
25	08/21/2006	(525294)
26	09/06/2006	(525295)
27	10/03/2006	(525296)
28	11/08/2006	(550042)
29	12/11/2006	(604369)
30	01/11/2007	(535589)
31	01/24/2007	(584875)
32	03/19/2007	(584869)
33	03/21/2007	(553903)
34	04/20/2007	(584870)
35	05/17/2007	(584871)

36 06/19/2007 (584872)
 37 07/06/2007 (584873)
 38 08/10/2007 (584874)
 39 09/07/2007 (569848)
 40 09/17/2007 (604367)
 41 10/12/2007 (604368)
 42 10/24/2007 (594148)
 43 11/02/2007 (623399)
 44 11/13/2007 (623400)
 45 12/12/2007 (611437)
 46 12/19/2007 (623401)
 47 01/18/2008 (623402)
 48 02/19/2008 (674725)
 49 03/20/2008 (674726)
 50 04/02/2008 (674727)
 51 05/12/2008 (693049)
 52 06/02/2008 (693050)
 53 07/11/2008 (693051)
 54 08/19/2008 (714270)
 55 09/23/2008 (714271)
 56 10/15/2008 (714272)
 57 11/17/2008 (730258)
 58 01/08/2009 (730259)
 59 01/08/2009 (730260)
 60 02/04/2009 (700235)
 61 02/05/2009 (753465)
 62 03/03/2009 (753466)
 63 04/17/2009 (753467)
 64 05/14/2009 (770954)
 65 06/02/2009 (770955)
 66 09/18/2009 (765167)
 67 12/18/2009 (782933)

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

Date: 04/07/2005 (376595) CN600124747
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 No. 02102-000 Page 2, No. 1 PERMIT
 Description: Failure to maintain compliance with the permitted effluent limits for Oil and Grease and Chemical Oxygen Demand.

Date: 07/20/2005 (398030)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)
 Description: Failure to obtain a permit authorization for emissions released to the atmosphere (0.2 lb of ethylene glycol and 0.1 lb of dioxane) during the emissions event occurred on 8/27/04 at Storage Tank No. 31.

Date: 07/31/2005 (444711) CN600124747
 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: 12/31/2005 (475518) CN600124747
 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: 08/31/2006 (525295) CN600124747
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: 12/31/2006 (584875) CN600124747
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: 01/10/2007 (535589) CN600124747
Self Report? NO Classification: Moderate
Citation: Permit Conditions No. 2g PERMIT
TWC Chapter 26 26.121(a)(1)
Description: Failure to prevent the unauthorized discharge of wastewater.

Date: 01/31/2007 (623399) CN600124747
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: 03/31/2007 (584870) CN600124747
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 (584871) CN600124747
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 (584872) CN600124747
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: 09/06/2007 (569848) CN600124747
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter A 335.4
Description: Facility failed to utilize a registered waste transporter.

Date: 09/30/2007 (604368) CN600124747
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: 11/30/2007 (623401) CN600124747
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 (714271) CN600124747
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 (753467) CN600124747
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: 04/30/2009 (770954) CN600124747
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.

Notice of Intent Date: 11/22/2004 (371349)
Disclosure Date: 05/12/2005

Viol. Classification: Major
Citation: 30 TAC Chapter 111, SubChapter A 111.143

Description: Unauthorized dust emissions from the material handling process. The facility recieves super sacks containing solid materials in granular or powder form, and material is transferred to a feed tank via open conveyor or poured directly in through the top of the tank from the super sack at an elevated drop point.

Viol. Classification: Major
Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)
5C THC Chapter 382, SubChapter A 382.085(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Reaction overheads distillation process for glycol reuse has released emissions into the atmosphere exceeding Permit Exemption X-2492.

Disclosure Date: 06/17/2005

Viol. Classification: Major
Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)

5C THC Chapter 382, SubChapter A 382.085(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Emissions from a distillation column and a flasher column under current processes do not comply with historical representations of Special Exemption X2472 and X2492 authorization.

Notice of Intent Date: 06/20/2007 (574126)

No DOV Associated

Notice of Intent Date: 09/01/2009 (775783)

No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
OXID L.P.
RN100210350

§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2010-0042-IHW-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 OXID L.P. ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 361 and TEX. WATER CODE ch. 7. 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 facility at 101 Concrete Street in Houston, Harris County, Texas (the "Facility").
2. The Facility involves or involved the management of industrial solid and hazardous wastes as defined in TEX. HEALTH & SAFETY CODE ch. 361.
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 December 23, 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 Fourteen Thousand Dollars (\$14,000) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Eleven Thousand Two Hundred Dollars (\$11,200) of the administrative penalty and Two Thousand Eight Hundred Dollars (\$2,800) 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, on April 15, 2009, the Respondent removed the previously disposed Class 2 waste from the unauthorized facility and disposed of the waste at an authorized facility.
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 the Facility, the Respondent is alleged to have:

1. Failed to prevent the shipment of industrial solid waste to an unauthorized facility, in violation of 30 TEX. ADMIN. CODE § 335.2(b), as documented during an investigation conducted on August 6, 2009. Specifically, on May 2, 2008, approximately 90 cubic yards of Class 2 waste generated at the Respondent's Facility was disposed of at an unauthorized facility.
2. Failed to update the Facility's Notice of Registration regarding waste management activities, in violation of 30 TEX. ADMIN. CODE § 335.6(c), as documented during an investigation conducted on August 6, 2009. Specifically, the following items were not updated: primary and billing contacts; inactivation of waste streams 00203941, 0022119H, 00322191, 00342101, 0035105H, 0036219H, 20126991, 2019219H, 90083012, 90092191, 9011211H, 90122191, 9014211H, 9015701H; indication that waste streams 90103011, 9013219H and 90162191 are managed on-site and off-site; change in regulatory status of waste management unit ("WMU") 008 to "less than 180-day storage"; addition of waste management unit for the lab sink sump, and the inactivation and closure of WMUs 007 and 013.

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: OXID L.P., Docket No. 2010-0042-IHW-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 following items in the Facility's Notice of Registration, including but not limited to the following items, as required by 30 TEX. ADMIN. CODE § 335.6(c):
 - i. primary and billing contacts;
 - ii. inactivate the following waste streams: 00203941, 0022119H, 00322191, 00342101, 0035105H, 0036219H, 20126991, 2019219H, 90083012, 90092191, 901121H, 90122191, 9014211H and 9015701H;
 - iii. indicate waste streams 90103011, 9013219H and 90162191 are managed on-site and off-site;
 - iv. change regulatory status of WMU 008 to "less than 180-day storage";
 - v. inactivate and close WMU 007 and 013; and
 - vi. add waste management unit for lab sink sump.
 - 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 I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is 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:

Manager, Waste Section
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 Szallie
For the Executive Director

5/21/2010
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.

Andrew J. Adams
Signature

April 8, 2010
Date

ANDREW J. ADAMS
Name (Printed or typed)
Authorized Representative of
OXID L.P.

V.P. of 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.