

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

**DOCKET NO.: 2008-0317-MLM-E TCEQ ID: RN105367312 CASE NO.: 35427**

**RESPONDENT NAME: JULIO S. ALONSO AND MARIA I. ALONSO  
DBA A-1 METAL FINISHING & POLISHING**

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input checked="" type="checkbox"/> AIR	<input checked="" type="checkbox"/> MULTI-MEDIA (check all that apply)	<input checked="" type="checkbox"/> INDUSTRIAL HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p><b>SITE WHERE VIOLATIONS OCCURRED:</b> 4206 Lonesome Trail in Von Ormy, Bexar County</p> <p><b>TYPE OF OPERATION:</b> Metal plating facility</p> <p><b>SMALL BUSINESS:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> A complaint was received alleging that a trailer was being used as a small parts plating facility, wastes are being stored in open 55 gallon drums, and an individual may be pouring wastes into a septic tank. There is no record of additional pending enforcement actions regarding this facility location</p> <p><b>INTERESTED PARTIES:</b> The complainant has not indicated a desire to protest this action or speak at Agenda. No one other than the ED and the Respondents expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on March 1, 2010. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b></p> <p><b>TCEQ Attorney:</b> Ms. Stephanie Frazee, Litigation Division, MC 175, (512) 239-3693 Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-3400</p> <p><b>TCEQ Enforcement Coordinator:</b> Mr. Michael Meyer, Waste Enforcement Section, MC 128, (512) 239-4492</p> <p><b>TCEQ Regional Contact:</b> Mr. Joel Anderson, San Antonio Regional Office, MC R-13, (210) 403-4010</p> <p><b>Respondents:</b> Mr. Julio S. Alonso and Ms. Maria I. Alonso, 222 Berlin Avenue, San Antonio, Texas 78211</p> <p><b>Respondents' Attorney:</b> Mr. Manuel Rodriguez, 879 West Southcross Boulevard, San Antonio, Texas 78211</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b></p> <p><input checked="" type="checkbox"/> Complaint  <input type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input checked="" type="checkbox"/> Records Review</p> <p><b>Date of Complaint Relating to this Case:</b> October 1, 2007</p> <p><b>Dates of Investigation Relating to this Case:</b> October 24, 2007</p> <p><b>Date of NOE Relating to this Case:</b> February 11, 2008</p> <p><b>Background Facts:</b> The case was referred to the Litigation Division on October 30, 2008. The EDPRP was filed on December 23, 2008. Respondents filed an answer and the case was referred to SOAH. Settlement was achieved and an agreed order was signed on January 10, 2010. A revised agreed order was signed on May 28, 2010.</p> <p><b>Current Compliance Status:</b> Respondents have not yet submitted documentation certifying compliance.</p> <p><b>MLM:</b></p> <ol style="list-style-type: none"> <li>Failed to prevent the discharge of industrial waste into or adjacent to water in the state [30 TEX. ADMIN. CODE § 335.4(1) and TEX. WATER CODE § 26.121(a)(1)].</li> <li>Failed to ensure that hazardous waste is not accumulated on-site for more than 90 days without a permit [30 TEX. ADMIN. CODE § 335.69(b) and 40 C.F.R. § 262.34(a)].</li> <li>Failed to conduct hazardous waste determinations [30 TEX. ADMIN. CODE § 335.62].</li> <li>Failed to ensure containers of hazardous waste are always closed during storage, except when it is necessary to add or remove waste, and failed to label or mark containers with either the words "Hazardous Waste" or other words identifying the contents of the containers [30 TEX. ADMIN. CODE § 335.69(d)(1) and 40 C. F. R. § 264.173(a)].</li> <li>Failed to obtain permit authorization prior to engaging in activities in which air contaminants are emitted [30 TEX. ADMIN. CODE § 116.110(a) and TEX. HEALTH &amp; SAFETY CODE §§ 382.0518(a) and 382.085(b)].</li> <li>Failed to notify the Executive Director concerning the generation of hazardous waste and industrial solid waste [30 TEX. ADMIN. CODE § 335.6(c)].</li> </ol>	<p><b>Total Assessed:</b> \$9,500</p> <p><b>Total Deferred:</b> \$0  <input type="checkbox"/> Expedited Order  <input type="checkbox"/> Financial Inability to Pay  <input type="checkbox"/> SEP Conditional Offset</p> <p><b>Total Paid/Due to General Revenue:</b> \$295/\$9,205</p> <p>Respondents paid \$295 of the administrative penalty. The remaining amount of \$9,205 shall be paid in 35 monthly installments of \$263 each.</p> <p><b>Site Compliance History Classification:</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification (Both Respondents):</b> None*</p> <p>*No CN rating because the CNs were not in existence on September 1, 2007.</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that Respondents ceased operations on October 29, 2007, and implemented the following corrective measures at the Facility:</p> <ol style="list-style-type: none"> <li>By October 29, 2007, all drums were inventoried and labeled.</li> <li>By November 6, 2007, all drums were removed from the Facility.</li> <li>By January 3, 2008, an on-site assessment of the containers and equipment at the Facility was conducted.</li> </ol> <p><b>Ordering Provisions:</b></p> <p>Respondents shall undertake the following technical requirements:</p> <ol style="list-style-type: none"> <li>Within 30 days, submit notification for the generation of hazardous and industrial waste and the current status of the Facility operations.</li> <li>Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the notification within 30 days after the date of such requests, or by any other deadline specified in writing.</li> <li>Within 45 days, submit an Affected Property Assessment Report to the ED for approval. If response actions are necessary, comply with all applicable requirements of Texas Risk Reduction Program.</li> <li>Within 60 days, submit written certification to demonstrate compliance with Ordering Provision Nos. 1-3.</li> </ol>



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision January 29, 2008

**TCEQ**

<b>DATES</b>	<b>Assigned</b> 19-Feb-2008	<b>Screening</b> 20-Feb-2008	<b>EPA Due</b>
	<b>PCW</b> 9-Apr-2010		

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	Julio S. Alonso and Maria I. Alonso dba A-1 Metal Finishing & Polishing		
<b>Reg. Ent. Ref. No.</b>	RN105367312		
<b>Facility/Site Region</b>	13-San Antonio	<b>Major/Minor Source</b>	Minor

## CASE INFORMATION

<b>Enf./Case ID No.</b>	35427	<b>No. of Violations</b>	6
<b>Docket No.</b>	2008-0317-MLM-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Industrial and Hazardous Waste	<b>Enf. Coordinator</b>	Michael Meyer
<b>Multi-Media</b>	Air	<b>EC's Team</b>	Enforcement Team 7
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$10,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	<b>\$9,500</b>
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## ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	<b>0%</b> Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	<b>\$0</b>
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Notes: The Respondents have not received any previous NOV's or Orders at this site within the past five years.

<b>Culpability</b>	No	<b>0%</b> Enhancement	<b>Subtotal 4</b>	<b>\$0</b>
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Notes: The Respondents do not meet the culpability criteria.

<b>Good Faith Effort to Comply</b>	<b>0%</b> Reduction	<b>Subtotal 5</b>	<b>\$0</b>
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	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes: The Respondents do not meet the good faith criteria.

<b>Total EB Amounts</b>	\$284	<b>0% Enhancement*</b>	<b>Subtotal 6</b>	<b>\$0</b>
<b>Approx. Cost of Compliance</b>	\$6,250	<i>*Capped at the Total EB \$ Amount</i>		

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$9,500</b>
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	<b>0%</b>	<b>Adjustment</b>	<b>\$0</b>
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	<b>\$9,500</b>
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$9,500</b>
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<b>DEFERRAL</b>	<b>0%</b> Reduction	<b>Adjustment</b>	<b>\$0</b>
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral not offered for non-expedited settlement.

<b>PAYABLE PENALTY</b>	<b>\$9,500</b>
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**Screening Date** 20-Feb-2008

**Docket No.** 2008-0317-MLM-E

**PCW**

**Respondent** Julio S. Alonso and Maria I. Alonso dba A-1 Metal Finishi

Policy Revision 2 (September 2002)

**Case ID No.** 35427

PCW Revision January 29, 2008

**Reg. Ent. Reference No.** RN105367312

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

**Adjustment Percentage (Subtotal 2)** 0%

#### >> Repeat Violator (Subtotal 3)

No

**Adjustment Percentage (Subtotal 3)** 0%

#### >> Compliance History Person Classification (Subtotal 7)

Average by Default

**Adjustment Percentage (Subtotal 7)** 0%

#### >> Compliance History Summary

**Compliance History Notes**

The Respondents have not received any previous NOV's or Orders at this site within the past five years.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 0%

Screening Date 20-Feb-2008

Docket No. 2008-0317-MLM-E

PCW

Respondent Julio S. Alonso and Maria I. Alonso dba A-1 Metal Finishing & Po

Policy Revision 2 (September 2002)

Case ID No. 35427

PCW Revision January 29, 2008

Reg. Ent. Reference No. RN105367312

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Michael Meyer

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 335.4(1) and Tex. Water Code § 26.121(a)(1)

Violation Description

Failed to prevent the discharge of industrial waste into or adjacent to waters in the state, as documented during an investigation conducted on October 24, 2007. Specifically, at the time of the investigation industrial waste was observed to have discharged from the metal plating operations building. The discharges stained the concrete and soil along the perimeter of the foundation with metal plating waste. An open septic system is located adjacent to the metal plating operations building. Analytical results, from soil samples collected in the discharge areas, show elevated concentrations of chromium, nickel, and zinc metals. Analytical results, from a sample collected in the septic tank, show an elevated concentration of mercury.

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 as a result of this violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 2 120 Number of violation days

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$2,000

Two quarterly events are recommended from the investigation date of October 24, 2007 to the screening date of February 20, 2008.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$274

Violation Final Penalty Total \$2,000

This violation Final Assessed Penalty (adjusted for limits) \$2,000

## Economic Benefit Worksheet

**Respondent** Julio S. Alonso and Maria I. Alonso dba A-1 Metal Finishing & Polishing  
**Case ID No.** 35427  
**Reg. Ent. Reference No.** RN105367312  
**Media** Industrial and Hazardous Waste  
**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

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$3,000	24-Oct-2007	20-Aug-2009	1.8	\$274	n/a	\$274

Notes for DELAYED costs

Estimated cost to remove and properly dispose soil contaminated with the discharge of industrial waste. The Date Required is the investigation date and the Final Date is the estimated date of compliance.

### Avoided Costs

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$3,000

**TOTAL**

\$274

Screening Date 20-Feb-2008

Docket No. 2008-0317-MLM-E

PCW

Respondent Julio S. Alonso and Maria I. Alonso dba A-1 Metal Finishing & Poli

Policy Revision 2 (September 2002)

Case ID No. 35427

PCW Revision January 29, 2008

Reg. Ent. Reference No. RN105367312

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Michael Meyer

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 335.69(b) and 40 CFR § 262.34(a)

Violation Description Failed to ensure that hazardous waste is not accumulated on-site for more than 90 days without a permit as documented during an investigation conducted on October 24, 2007. Specifically, analytical results of samples collected from two 55-gallon drums of waste that exceeded the 90 day accumulation time limit both exhibited the toxicity characteristic for chromium (D007).

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				10%
	Potential		x		

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0%

Matrix Notes Human health or the environment will or could be exposed to significant amounts of pollutants as a result of this violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1 85 Number of violation days

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

Violation Base Penalty \$1,000

One quarterly event is recommended from the investigation date of October 24, 2007 to the compliance date of January 16, 2008.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$6

Violation Final Penalty Total \$1,000

This violation Final Assessed Penalty (adjusted for limits) \$1,000

## Economic Benefit Worksheet

**Respondent** Julio S. Alonso and Maria I. Alonso dba A-1 Metal Finishing & Polishing  
**Case ID No.** 35427  
**Reg. Ent. Reference No.** RN105367312  
**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
No commas or \$							

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$550	24-Oct-2007	16-Jan-2008	0.2	\$6	n/a	\$6

Notes for DELAYED costs

Estimated cost to remove and properly dispose of two 55-gallon drums of hazardous waste. The Date Required is the investigation date and the Final Date is the date the Respondent came into compliance.

### Avoided Costs

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$550

TOTAL

\$6

**Screening Date** 20-Feb-2008 **Docket No.** 2008-0317-MLM-E **PCW**  
**Respondent** Julio S. Alonso and Maria I. Alonso dba A-1 Metal Finishing & Poli *Policy Revision 2 (September 2002)*  
**Case ID No.** 35427 *PCW Revision January 29, 2008*  
**Reg. Ent. Reference No.** RN105367312  
**Media [Statute]** Industrial and Hazardous Waste  
**Enf. Coordinator** Michael Meyer

**Violation Number**

**Rule Cite(s)**

**Violation Description**

**Base Penalty**

**>> Environmental, Property and Human Health Matrix**

OR	Release	Harm			Percent
		Major	Moderate	Minor	
		Actual	<input type="text"/>	<input type="text"/>	
Potential	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>		

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0%"/>

**Matrix Notes**

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

*mark only one with an x*

daily	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text" value="x"/>

**Violation Base Penalty**

**Economic Benefit (EB) for this violation** **Statutory Limit Test**

**Estimated EB Amount**

**Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**

## Economic Benefit Worksheet

**Respondent** Julio S. Alonso and Maria I. Alonso dba A-1 Metal Finishing & Polishing  
**Case ID No.** 35427  
**Reg. Ent. Reference No.** RN105367312  
**Media** Industrial and Hazardous Waste  
**Violation No.** 3

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$100	24-Oct-2007	16-Jan-2008	0.2	\$1	n/a	\$1

Notes for DELAYED costs

Estimated cost to conduct hazardous waste determinations for chromium wastewater. The Date Required is the investigation date and the Final Date is the date in which the respondent came into compliance.

### Avoided Costs

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

**TOTAL**

\$1

Screening Date 20-Feb-2008

Docket No. 2008-0317-MLM-E

PCW

Respondent Julio S. Alonso and Maria I. Alonso dba A-1 Metal Finishing & Poli

Policy Revision 2 (September 2002)

Case ID No. 35427

PCW Revision January 29, 2008

Reg. Ent. Reference No. RN105367312

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Michael Meyer

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 335.69(d)(1) and (2) and 40 CFR § 264.173(a)

Violation Description

Failed to ensure containers of hazardous waste are always closed during storage, except when it is necessary to add or remove waste and failed to label or mark containers with either the words "Hazardous Waste" or other words identifying the contents of the containers, as documented during an investigation conducted on October 24, 2007. Specifically, two 55-gallon drums, which contained characteristically hazardous waste, were not labeled or marked with words identifying their contents and had the tops removed.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				10%
Potential		x		

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

Human health or the environment will or could be exposed to significant amounts of pollutants as a result of this violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 2 85 Number of violation days

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$2,000

Two quarterly events are recommended from the investigation date of October 24, 2007 to the compliance date of January 16, 2008.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$2,000

This violation Final Assessed Penalty (adjusted for limits) \$2,000

## Economic Benefit Worksheet

**Respondent** Julio S. Alonso and Maria I. Alonso dba A-1 Metal Finishing & Polishing  
**Case ID No.** 35427  
**Reg. Ent. Reference No.** RN105367312  
**Media** Industrial and Hazardous Waste  
**Violation No.** 4

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$100	24-Oct-2007	16-Jan-2008	0.2	\$1	n/a	\$1

Notes for DELAYED costs

Estimated cost to cover and label 55-gallon drums. Date Required is the investigation date and the Final Date is the date the respondent came into compliance.

### Avoided Costs

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$100

**TOTAL** \$1

**Screening Date** 20-Feb-2008 **Docket No.** 2008-0317-MLM-E **PCW**  
**Respondent** Julio S. Alonso and Maria I. Alonso dba A-1 Metal Finishing & Poli: *Policy Revision 2 (September 2002)*  
**Case ID No.** 35427 *PCW Revision January 29, 2008*  
**Reg. Ent. Reference No.** RN105367312  
**Media [Statute]** Industrial and Hazardous Waste  
**Enf. Coordinator** Michael Meyer

**Violation Number**

**Rule Cite(s)** 30 Tex. Admin. Code § 116.110(a) and Texas Health & Safety Code §§ 382.0518(a) and 382.085(b)

**Violation Description** Failed to obtain permit authorization prior to engaging in activities in which air contaminants are emitted as documented during an investigation conducted on October 24, 2007. Specifically, the Respondents operated an electroplating and anodizing operation with no authorization.

**Base Penalty**

**>> Environmental, Property and Human Health Matrix**

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="10%"/>

**Matrix Notes** 100% of the rule requirement was not met.

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

*mark only one with an x*

daily	<input type="text"/>
monthly	<input checked="" type="text" value="x"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

**Violation Base Penalty**

One monthly event is recommended from the investigation date of October 24, 2007 to the October 29, 2007 date in which operations ceased.

**Economic Benefit (EB) for this violation** **Statutory Limit Test**

**Estimated EB Amount**

**Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**

## Economic Benefit Worksheet

**Respondent** Julio S. Alonso and Maria I. Alonso dba A-1 Metal Finishing & Polishing  
**Case ID No.** 35427  
**Reg. Ent. Reference No.** RN105367312  
**Media** Industrial and Hazardous Waste  
**Violation No.** 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

No commas or \$

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs	\$2,000	24-Oct-2007	29-Oct-2007	0.0	\$1	n/a	\$1
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to obtain a TCEQ permit for air emissions. Date Required is the investigation date and the Final Date is the date in which operations ceased.

### Avoided Costs

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,000

**TOTAL**

\$1

Screening Date 20-Feb-2008

Docket No. 2008-0317-MLM-E

PCW

Respondent Julio S. Alonso and Maria I. Alonso dba A-1 Metal Finishing & Poli

Policy Revision 2 (September 2002)

Case ID No. 35427

PCW Revision January 29, 2008

Reg. Ent. Reference No. RN105367312

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Michael Meyer

Violation Number 6

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

Violation Description Failed to notify the executive director concerning the generation of hazardous waste and industrial solid waste, as documented during an investigation conducted on October 24, 2007. Specifically, the Respondents were generating hazardous waste and industrial solid waste from an electroplating and anodizing operation without notifying the Executive Director.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual				0%	
Potential					

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
		x			10%

Matrix Notes 100% of the rule requirement was not met.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1 Number of violation days 3

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$1,000

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$1,000

This violation Final Assessed Penalty (adjusted for limits) \$1,000

## Economic Benefit Worksheet

**Respondent** Julio S. Alonso and Maria I. Alonso dba A-1 Metal Finishing & Polishing  
**Case ID No.** 35427  
**Reg. Ent. Reference No.** RN105367312  
**Media** Industrial and Hazardous Waste  
**Violation No.** 6

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$500	24-Oct-2007	29-Oct-2007	0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to submit proper notification to the TCEQ concerning the generation of hazardous waste. The Date Required is the investigation date and the Final Date is the date in which operations ceased.

### Avoided Costs

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

**TOTAL**

\$0

## Compliance History

Customer/Respondent/Owner-Operator: CN603261306 ALONSO, JULIO S. Classification: Rating:  
Regulated Entity: RN105367312 4206 LONESOME TRAIL Classification: AVERAGE BY Site Rating: 3.01  
DEFAULT  
ID Number(s): INDUSTRIAL AND HAZARDOUS WASTE ID NUMBER F1992  
GENERATION  
INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXR000079046  
GENERATION  
Location: 4206 LONESOME TRL, VON ORMY, TX, 78073 Rating Date: September 01 07 Repeat Violator: NO  
TCEQ Region: REGION 13 - SAN ANTONIO  
Date Compliance History Prepared: February 20, 2008  
Agency Decision Requiring Compliance History: Enforcement  
Compliance Period: February 20, 2003 to February 20, 2008  
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History  
Name: Colin Barth Phone: 512 239 0086

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### 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

### 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.)  
N/A
  - E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
  - 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

## Compliance History

Customer/Respondent/Owner-Operator:	CN603689076	ALONSO, MARIA I.	Classification:	Rating:
Regulated Entity:	RN105367312	4206 LONESOME TRAIL	Classification: AVERAGE BY DEFAULT	Site Rating: 3.01
ID Number(s):	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	ID NUMBER		F1992
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID		TXR000079046
Location:	4206 LONESOME TRL, VON ORMY, TX, 78073		Rating Date: September 01 07	Repeat Violator: NO
TCEQ Region:	REGION 13 - SAN ANTONIO			
Date Compliance History Prepared:	February 20, 2008			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	February 20, 2003 to February 20, 2008			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History				
Name:	Colin Barth	Phone:	512 239 0086	

### 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 |

### 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.)  
N/A
  - E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
  - 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  
AGAINST JULIO S. ALONSO AND  
MARIA I. ALONSO DBA A-1 METAL  
FINISHING & POLISHING;  
RN105367312**

§  
§  
§  
§  
§  
§

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

**AGREED ORDER  
DOCKET NO. 2008-0317-MLM-E**

**I. JURISDICTION AND STIPULATIONS**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality (“Commission” or “TCEQ”) considered this agreement of the parties, resolving an enforcement action regarding Julio S. Alonso and Maria I. Alonso dba A-1 Metal Finishing & Polishing (“Mr. and Ms. Alonso”) under the authority of TEX. WATER CODE chs. 7 and 26 and TEX. HEALTH & SAFETY CODE chs. 361 and 382. The Executive Director of the TCEQ, represented by the Litigation Division, and Mr. and Ms. Alonso, represented by Manuel Rodriguez, Attorney at Law, appear before the Commission and together stipulate that:

1. Mr. and Ms. Alonso own and operate a metal plating facility located at 4206 Lonesome Trail in Von Army, Bexar County, Texas (the “Facility”).
2. This Agreed Order is entered into pursuant to TEX. WATER CODE §§ 7.051 and 7.070. The Commission has jurisdiction of this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. WATER CODE ch. 26, TEX. HEALTH & SAFETY CODE chs. 361 and 382, and TCEQ rules.
3. The Commission and Mr. and Ms. Alonso agree that the Commission has jurisdiction to enter this Agreed Order and that Mr. and Ms. Alonso are subject to the Commission’s jurisdiction.
4. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Mr. and Ms. Alonso of any violation alleged in Section II (“Allegations”), nor of any statute or rule.
5. An administrative penalty in the amount of nine thousand five hundred dollars (\$9,500.00) is assessed by the Commission in settlement of the violations alleged in Section II (“Allegations”). Mr. and Ms. Alonso paid two hundred ninety-five dollars (\$295.00) of the administrative penalty. The remaining amount of nine thousand two hundred five dollars (\$9,205.00) of the administrative penalty shall be payable in 35 monthly payments of two

hundred sixty-three dollars (\$263.00) each. The first monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall be paid not later than 30 days following the due date of the previous payment. If Mr. and Ms. Alonso fail to timely and satisfactorily comply with the payment requirements of this Agreed Order, including the payment schedule, the Executive Director may, at his option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, Mr. and Ms. Alonso's failure to meet the payment schedule of this Agreed Order constitutes the failure by Mr. and Ms. Alonso to timely and satisfactorily comply with all of the terms of this Agreed Order.

6. 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.
7. The Executive Director of the TCEQ and Mr. and Ms. Alonso agree on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
8. The Executive Director recognizes that Mr. and Ms. Alonso ceased operations at the Facility on October 29, 2007, and that Mr. and Ms. Alonso implemented the following corrective measures at the Facility:
  - a. By October 29, 2007, the drums were inventoried and labeled.
  - b. By November 6, 2007, the drums were removed from the Facility.
  - c. By January 3, 2008, an on-site assessment of the containers and equipment at the Facility was conducted.
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Mr. and Ms. Alonso have not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## **II. ALLEGATIONS**

1. During an investigation conducted on October 24, 2007, a TCEQ San Antonio Regional Office investigator documented that Mr. and Ms. Alonso violated:

- a. 30 TEX. ADMIN. CODE § 335.4(1) and TEX. WATER CODE § 26.121(a)(1) by failing to prevent the discharge of industrial waste into or adjacent to water in the state. Specifically, at the time of the investigation, industrial waste was observed to have discharged from the metal plating operations building. The discharges stained the concrete and soil along the perimeter of the foundation with metal plating waste. An open septic system is located adjacent to the metal plating operations building. Analytical results, from soil samples collected in the discharge areas, showed elevated concentrations of chromium, nickel, and zinc metals. Analytical results, from a sample collected in the septic tank, show an elevated concentration of mercury.
  - b. 30 TEX. ADMIN. CODE § 335.69(b) and 40 C.F.R. § 262.34(a) by failing to ensure that hazardous waste is not accumulated on-site for more than 90 days without a permit. Specifically, analytical results of samples collected from two 55-gallon drums of waste that exceeded the 90 day accumulation time limit both exhibited the toxicity characteristic for chromium (D007).
  - c. 30 TEX. ADMIN. CODE § 335.62 by failing to conduct hazardous waste determinations. Specifically, at the time of the investigation, Mr. and Ms. Alonso had failed to conduct hazardous waste determinations for chromium wastewater generated at the Facility.
  - d. 30 TEX. ADMIN. CODE § 335.69(d)(1) and 40 C.F.R. § 264.173(a) by failing to ensure containers of hazardous waste are always closed during storage, except when it is necessary to add or remove waste, and failing to label or mark containers with either the words “Hazardous Waste” or other words identifying the contents of the containers. Specifically, two 55-gallon drums, which contained characteristically hazardous waste, were not labeled or marked with words identifying their contents and had the tops removed.
  - e. 30 TEX. ADMIN. CODE § 116.110(a) and TEX. HEALTH & SAFETY CODE §§ 382.0518(a) and 382.085(b) by failing to obtain permit authorization prior to engaging in activities in which air contaminants are emitted. Specifically, Mr. and Ms. Alonso operated an electroplating and anodizing operation without authorization.
  - f. 30 TEX. ADMIN. CODE § 335.6(c) by failing to notify the Executive Director concerning the generation of hazardous waste and industrial solid waste. Specifically, Mr. and Ms. Alonso were generating hazardous waste and industrial solid waste from an electroplating and anodizing operation without notifying the Executive Director.
2. Mr. and Ms. Alonso received notice of the violations on or about February 16, 2008.

### III. DENIALS

Mr. and Ms. Alonso generally deny each allegation in Section II (“Allegations”).

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Mr. and Ms. Alonso pay an administrative penalty as set forth in Section I, Paragraph 5, above. The payment of this administrative penalty and Mr. and Ms. Alonso’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 considering or requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to “Texas Commission on Environmental Quality” and shall be sent with the notation “Re: Julio S. Alonso and Maria I. Alonso dba A-1 Metal Finishing & Polishing, Docket No. 2008-0317-MLM-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. Mr. and Ms. Alonso shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Agreed Order, Mr. and Ms. Alonso shall submit notification for the generation of hazardous waste and industrial solid waste and the current status of the Facility operations in accordance with 30 TEX. ADMIN. CODE § 335.6(c). The notification shall be submitted to:

Industrial and Hazardous Waste Permits, MC 130  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087
  - b. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the notification within 30 days after the date of such requests, or by any other deadline specified in writing.
  - c. Within 45 days after the effective date of this Agreed Order, Mr. and Ms. Alonso shall submit an Affected Property Assessment Report to determine the vertical and horizontal extent of the contamination in and around the metal plating operation building, including the adjacent septic tank, pursuant to 30 TEX. ADMIN. CODE § 350.91, to the Executive Director for approval. If response actions are necessary, comply with all applicable requirements of Texas Risk Reduction Program found in

30 TEX. ADMIN. CODE ch. 350, which may include: plans, reports, and notices under Subchapter E (30 TEX. ADMIN. CODE § 350.33(1)), and Institutional Controls under Subchapter F.

- d. Within 60 days after the effective date of this Agreed Order, Mr. and Ms. Alonso shall submit written certification as described below and include detailed supporting documentation, including photographs, receipts, and other records, to demonstrate compliance with Ordering Provision Nos. 2.a. through 2.c. 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 fine and imprisonment for knowing violations.”

Mr. and Ms. Alonso shall submit the written certification and copies of documentation necessary to demonstrate compliance with Ordering Provision Nos. 2.a. through 2.c. to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

and

Christine Bergren, Air Quality Section Manager  
Texas Commission on Environmental Quality  
San Antonio Regional Office  
14250 Judson Road  
San Antonio, Texas 78233-4480

and

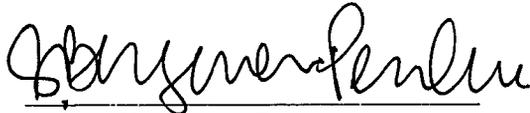
Joel Anderson, Waste Section Manager  
Texas Commission on Environmental Quality  
San Antonio Regional Office  
14250 Judson Road  
San Antonio, Texas 78233-4480

3. The provisions of this Agreed Order shall apply to and be binding upon Mr. and Ms. Alonso. Mr. and Ms. Alonso are 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 Mr. and Ms. Alonso fail 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, Mr. and Ms. Alonso's failure to comply is not a violation of this Agreed Order. Mr. and Ms. Alonso shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Mr. and Ms. Alonso shall notify the Executive Director within seven days after Mr. and Ms. Alonso become 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 Mr. and Ms. Alonso shall be made in writing to the Executive Director. Extensions are not effective until Mr. and Ms. Alonso receive 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 Mr. and Ms. Alonso 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.
8. Under 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T. CODE § 2001.142, the effective date of this Agreed Order is the date of hand-delivery of this Agreed Order to Mr. and Ms. Alonso, or three days after the date on which the Commission mails notice of this Agreed Order to Mr. and Ms. Alonso, 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



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

6/25/2010

\_\_\_\_\_  
Date

We, the undersigned, have read and understand the attached Agreed Order. We represent that we are authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below our signatures, and we do agree to the terms and conditions specified therein. We further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

We also understand that our failure to comply with the Ordering Provisions, if any, in this order and/or our failure to timely pay the penalty amount, may result in:

- A negative impact on our compliance history;
- Greater scrutiny of any permit applications submitted by us;
- 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 against us;
- Automatic referral to the Attorney General's Office of any future enforcement actions against us; and
- TCEQ seeking other relief as authorized by law.

In addition, we understand that any falsification of any compliance documents may result in criminal prosecution.

\_\_\_\_\_  
Signature

Julio S. Alonso  
Name (Printed or typed)

  
\_\_\_\_\_  
Signature

Maria I. Alonso  
Name (Printed or typed)

\_\_\_\_\_  
Date 5-28-10

\_\_\_\_\_  
Owner  
Title

5-28-10  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Owner  
Title