

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

**DOCKET NO.:** 2010-0655-IWD-E    **TCEQ ID:** RN100215474    **CASE NO.:** 39564  
**RESPONDENT NAME:** V&M Star, a Partnership with General and Limited Partners, LP

<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"/> IMMEDIATE AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> V &amp; M Star Sheldon Road, located at 8603 Sheldon Road, approximately 1.5 miles south of the intersection of Sheldon Road and United States Highway 90, Channelview, Harris County</p> <p><b>TYPE OF OPERATION:</b> Industrial wastewater treatment system</p> <p><b>SMALL BUSINESS:</b>    <input checked="" type="checkbox"/> Yes    <input type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on July 26, 2010. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> None  <b>TCEQ Enforcement Coordinator:</b> Mr. Jordan Jones, Enforcement Division, Enforcement Team 3, MC 169, (512) 239-2569; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495  <b>Respondent:</b> Mr. Didier Hornet, Chairman, V&amp;M Star, a Partnership with General and Limited Partners, LP, 8603 Sheldon Road, Houston, Texas 77049  Mr. Jeffrey J. Bindas, Environmental Manager, V&amp;M Star, a Partnership with General and Limited Partners, LP, 8603 Sheldon Road, Houston, Texas 77049  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input checked="" type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> April 1, 2010</p> <p><b>Date of NOV/NOE Relating to this Case:</b> April 23, 2010 (NOE)</p> <p><b>Background Facts:</b> This was a records review.</p> <p><b>WATER</b></p> <p>Failure to comply with permitted effluent limits for total suspended solids, carbonaceous biochemical oxygen demand, total residual chlorine, flow, total ammonia nitrogen, and dissolved oxygen [TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0003787000, Effluent Limitations and Monitoring Requirements Nos. 1, 2, and 3 for Outfall 001 and Effluent Limitations and Monitoring Requirements No. 1 for Outfall 002].</p>	<p><b>Total Assessed:</b> \$6,080</p> <p><b>Total Deferred:</b> \$1,216  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$4,864</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</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</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>Ordering Provisions:</b></p> <p>The Order will require the Respondent to, within 90 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0003787000, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations.</p>

Additional ID No(s): WQ0003787000



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

**TCEQ**

<b>DATES</b>	Assigned	26-Apr-2010	Screening	26-Apr-2010	EPA Due	
	PCW	27-Apr-2010				

## RESPONDENT/FACILITY INFORMATION

Respondent	V&M Star, a Partnership with General and Limited Partners, LP		
Reg. Ent. Ref. No.	RN100215474		
Facility/Site Region	12-Houston	Major/Minor Source	Minor

## CASE INFORMATION

Enf./Case ID No.	39584	No. of Violations	1
Docket No.	2010-0655-IWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Jordan Jones
		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

## Penalty Calculation Section

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

### 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: An enhancement is recommended for five self reported months of effluent violations, one NOV with same or similar violation, four NOVs for dissimilar violations, and one Agreed Order with denial language. In addition, a reduction is recommended for participating in a voluntary pollution reduction program, and for one notice of Intent.

**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	\$666	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$10,000	

**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 26-Apr-2010

Docket No. 2010-0655-IWD-E

PCW

Respondent V&M Star, a Partnership with General and Limited Partne

Policy Revision 2 (September 2002)

Case ID No. 39564

PCW Revision October 30, 2003

Reg. Ent. Reference No. RN100215474

Media [Statute] Water Quality

Enf. Coordinator Jordan Jones

### 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)	6	30%
	Other written NOVs	4	8%
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)	1	-1%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	Yes	-5%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 52%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

An enhancement is recommended for five self reported months of effluent violations, one NOV with same or similar violation, four NOVs for dissimilar violations, and one Agreed Order with denial language. In addition, a reduction is recommended for participating in a voluntary pollution reduction program, and for one notice of intent.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 52%

Screening Date 26-Apr-2010

Docket No. 2010-0655-IWD-E

PCW

Respondent V&M Star, a Partnership with General and Limited Partners, LP

Policy Revision 2 (September 2002)

Case ID No. 39564

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100215474

Media [Statute] Water Quality

Enf. Coordinator Jordan Jones

Violation Number 1

Rule Cite(s)

Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0003787000, Effluent Limitations and Monitoring Requirements Nos. 1, 2, and 3 for Outfall 001 and Effluent Limitations and Monitoring Requirements No.1 for Outfall 002

Violation Description

Failed to comply with permitted effluent limits, as documented in a record review conducted on April 1, 2010. See attached Effluent Limit Violation Table.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual			x	10%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

A simplified model was used to evaluate carbonaceous biochemical oxygen demand ("CBOD5"), ammonia nitrogen, and copper to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. Total suspended solids ("TSS"), chlorine, flow, and dissolved oxygen were also considered. As a result of these discharges, human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or the environmental receptors.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 4 Number of violation days 151

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

Violation Base Penalty \$4,000

Four quarterly events are recommended (two quarters for Outfall 001 and two quarters for Outfall 002).

Good Faith Efforts to Comply

0.0% Reduction Before NOV NOV to EDRP/Settlement Offer \$0

Extraordinary		
Ordinary		
N/A	x	(mark with x)

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

Violation Subtotal \$4,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$666

Violation Final Penalty Total \$6,080

This violation Final Assessed Penalty (adjusted for limits) \$6,080

## Economic Benefit Worksheet

**Respondent** V&M Star, a Partnership with General and Limited Partners, LP

**Case ID No.** 39564

**Reg. Ent. Reference No.** RN100215474

**Media** Water Quality

**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							
<b>Delayed Costs</b>							
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	\$10,000	30-Nov-2009	31-Mar-2011	1.33	\$666	n/a	\$666
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**  
 The estimated cost to evaluate the causes of the effluent violations and to implement necessary rehabilitation to the wastewater treatment system. Date required is the month the first non-compliant excursion was documented. Final date is the expected date of compliance.

Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

Approx. Cost of Compliance \$10,000 TOTAL \$666

Effluent Limit Violation Table

table rev.

Respondent: V&M Star, a Partnership with General and Limited Partners, LP  
 ID Number(s): TPDES Permit No. WQ0003787000, Case No. 39564  
 Docket Number: 2010-0655-IWD-E  
 Enf. Coordinator: Jordan Jones

Corresponds to Violation Number:

1

EFFLUENT PARAMETER													
Permit Limit													
Outfall 001	Total Suspended Solids Daily Avg. Conc.	Total Suspended Solids Daily Max. Conc.	Total Suspended Solids Daily Avg. Loading	CBOD5 Daily Avg. Conc.	CBOD5 Daily Max. Conc.	Total Residual Chlorine Min. Conc.	Total Residual Chlorine Max. Conc.	Flow Daily Avg.	Flow Daily Max.	Total Ammonia Nitrogen Daily Avg. Conc.	Total Ammonia Nitrogen Daily Max. Conc.	Total Ammonia Nitrogen Daily Avg. Loading	Dissolved Oxygen Monthly Min. Conc.
<b>Permit Limit</b>	15 mg/L	40 mg/L	2.9 lbs/day	10 mg/L	25 mg/L	1.0 mg/L	4.0 mg/L	0.023 MGD	0.05 MGD	5.0 mg/L	15 mg/L	0.96 lbs/day	4.0 mg/L
November 30, 2009	23.13	c	c	c	c	c	c	c	0.081	c	c	c	c
December 31, 2009	105.72	203	7.48	c	c	0.8	c	0.025	0.086	c	c	c	c
January 31, 2010	38	100	4.47	c	c	c	c	c	0.076	14.35	35.6	2.286	3.94
February 28, 2010	34	c	4.72	c	c	c	c	c	c	c	c	c	c
March 31, 2010	44.25	70	c	17.03	33.4	c	9.8	c	c	c	c	c	3.7
Outfall 002	Total Suspended Solids Daily Max. Conc.	Total Suspended Solids Daily Max. Loading	Total Copper Daily Avg. Conc.	Total Copper Daily Max. Conc.									
<b>Permit Limit</b>	62 mg/L	7.7 lbs/day	0.02 mg/L	0.042 mg/L									
December 31, 2009	c	18.2	c	c									
January 31, 2010	70	8.785	0.028	0.09									
February 28, 2010	c	8.95	c	c									
	mg/L = milligrams per liter			c = compliant									
	avg. = average			max. = maximum									
	conc. = concentration			MGD = million gallons per day									
	lbs/day = pounds per day			CBOD5 = carbonaceous biochemical oxygen demand (5-day)									



# Compliance History Report

Customer/Respondent/Owner-Operator: CN602607319 V&M Star, a Partnership with General and Limited Partners, LP Classification: AVERAGE Rating: 1.64

Regulated Entity: RN100215474 V & M STAR SHELDON RD Classification: AVERAGE Site Rating: 1.64

ID Number(s):

AIR OPERATING PERMITS	ACCOUNT NUMBER	HG1813G
AIR OPERATING PERMITS	PERMIT	3305
AIR OPERATING PERMITS	PERMIT	3305
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1012679
WASTEWATER	PERMIT	WQ0003787000
WASTEWATER	PERMIT	TPDES0088455
WASTEWATER	PERMIT	TX0088455
AIR NEW SOURCE PERMITS	REGISTRATION	91607
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HG1813G
AIR NEW SOURCE PERMITS	AFS NUM	4820100446
AIR NEW SOURCE PERMITS	REGISTRATION	90077
PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	29825
STORMWATER	PERMIT	TXR05P920
WASTEWATER LICENSING	LICENSE	WQ0003787000
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD981613003
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	66818
AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	HG1813G

Location: LOCATED AT 8603 SHELDON ROAD, APPROXIMATELY 1.5 MILES SOUTH OF THE INTERSECTION OF SHELDON ROAD AND UNITED STATES HIGHWAY 90, IN THE CITY OF CHANNELVIEW, HARRIS COUNTY, TEXAS

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: April 26, 2010

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: April 26, 2005 to April 26, 2010

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

Name: Jordan Jones Phone: 512-239-2569

## 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: 10/04/2009 ADMINORDER 2009-0317-IWD-E
  - Classification: Moderate
  - Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)
  - Reqmt Prov: Effluent Limits PERMIT
  - Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported
- B. Any criminal convictions of the state of Texas and the federal government. N/A
- C. Chronic excessive emissions events. N/A
- D. The approval dates of investigations. (CCEDS Inv. Track, No.)
 

1	08/15/2005	(402339)
2	08/15/2005	(402340)
3	03/28/2006	(460790)

4 05/25/2006 (462471)  
 5 11/30/2006 (532384)  
 6 05/07/2007 (555729)  
 7 08/21/2007 (565987)  
 8 12/19/2007 (610102)  
 9 04/10/2008 (670521)  
 10 02/26/2009 (703285)  
 11 07/13/2009 (746809)  
 12 04/23/2010 (798006)

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

Date: 08/16/2005 (402340)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 117, SubChapter E 117.520(c)(2)(A)(i)(I)  
 Description: Failed to complete compliance test by due date.  
 Date: 08/16/2005 (402339)  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 117, SubChapter E 117.520(c)(2)(A)(ii)(I)  
 Description: Failed to test by due date.  
 Date: 05/25/2006 (462471)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 319, SubChapter A 319.11(c)  
 30 TAC Chapter 319, SubChapter A 319.4  
 30 TAC Chapter 319, SubChapter A 319.6  
 Eff Limits & Monit. Req. No. 1. PERMIT  
 Description: Failure to correctly analyze for free available chlorine and perform the required quality assurance/quality control (QA/QC) procedures.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 319, SubChapter A 319.7(c)  
 30 TAC Chapter 319, SubChapter A 319.7(d)  
 Description: Failure to accurately complete the discharge monitoring reports (DMRs) for June through September 2005 and January through March 2006 for Outfall 002.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Other Requirements, Pg. 12, No. 1. PERMIT  
 Description: Failure to report to the TCEQ Houston Region office a violation of the daily maximum limitation for total copper within 24 hours of becoming aware of the violation.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 319, SubChapter A 319.11(a)  
 30 TAC Chapter 319, SubChapter A 319.11(b)  
 30 TAC Chapter 319, SubChapter A 319.7(a)  
 30 TAC Chapter 319, SubChapter A 319.7(c)  
 Description: Failure to provide a National Institute of Standards and Technology (NIST) traceable thermometer in the sample storage refrigerator and failure to maintain a temperature log.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Other Requirements, Page 12, No. 7. PERMIT  
 Permit Conditions, Page 8, No. 4(d) PERMIT  
 Description: Failure to notify the Commission of changes to the quality of the existing discharge.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 30, SubChapter J 30.331(b)  
 30 TAC Chapter 30, SubChapter J 30.350(d)  
 Other Requirements, Page 12, No. 2. PERMIT  
 Description: Failure to properly license the V&M Star personnel regulating the addition of sodium hydroxide to the domestic wastewater treatment plant.  
 Date: 08/21/2007 (565987)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Description: Failure to maintain compliance with the permitted effluent limitations.  
 Date: 04/10/2008 (670521) CN602607319  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(f)(4)  
 Description: BACT - MONITORING/REPORTING VIOLATIONS

Date:	11/30/2009	CN602607319	
Self Report?	YES		Classification: Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	12/31/2009	CN602607319	
Self Report?	YES		Classification: Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	01/31/2010	CN602607319	
Self Report?	YES		Classification: Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	02/28/2010	CN602607319	
Self Report?	YES		Classification: Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	03/31/2010	CN602607319	
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: 01/06/2009 (724764)
  - 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.
 

Type	Tier	Certification Date
NATIONAL ENVIRONMENTAL PERFORMANCE TRACK		07/01/2007
- J. Early compliance.
  - N/A
- K. Sites Outside of Texas
  - N/A



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
V&M STAR, A PARTNERSHIP WITH  
GENERAL AND LIMITED  
PARTNERS, LP  
RN100215474

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BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY

AGREED ORDER  
DOCKET NO. 2010-0655-IWD-E

I. JURISDICTION AND STIPULATIONS

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding V&M Star, a Partnership with General and Limited Partners, LP ("the Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a industrial wastewater treatment system located at 8603 Sheldon Road, approximately 1.5 miles south of the intersection of Sheldon Road and United States Highway 90, in Channelview, Harris County, Texas (the "Facility").
2. The Respondent has discharged industrial waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about April 28, 2010.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Six Thousand Eighty Dollars (\$6,080) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Four Thousand Eight Hundred Sixty-Four Dollars (\$4,864) of the administrative penalty and One Thousand Two Hundred Sixteen Dollars (\$1,216) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have failed to comply with permitted effluent limits, in violation of TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0003787000, Effluent Limitations and Monitoring Requirements Nos. 1, 2, and 3 for Outfall 001 and Effluent Limitations and Monitoring Requirements No. 1 for Outfall 002, as documented during a record review conducted on April 1, 2010 and shown in the table below:

EFFLUENT PARAMETER													
Permit Limit													
Outfall 001	Total Suspended Solids Daily Avg. Conc.	Total Suspended Solids Daily Max. Conc.	Total Suspended Solids Daily Avg. Loading	CBOD5 Daily Avg. Conc.	CBOD5 Daily Max. Conc.	Total Residual Chlorine Min. Conc.	Total Residual Chlorine Max. Conc.	Flow Daily Avg.	Flow Daily Max.	Total Ammonia Nitrogen Daily Avg. Conc.	Total Ammonia Nitrogen Daily Max. Conc.	Total Ammonia Nitrogen Daily Avg. Loading	Dissolved Oxygen Monthly Min. Conc.
Permit Limit	15 mg/L	40 mg/L	2.8 lbs/day	70 mg/L	25 mg/L	1.0 mg/L	40 mg/L	0.023 MGD	0.05 MGD	5.0 mg/L	15 mg/L	0.98 lbs/day	4.0 mg/L
November 30, 2009	23.13	c	c	c	c	c	c	c	0.091	c	c	c	c
December 31, 2009	105.72	203	7.48	c	c	0.8	c	0.025	0.056	c	c	c	c
January 31, 2010	88	100	4.47	c	c	c	c	c	0.076	14.35	35.6	2.286	3.94
February 28, 2010	34	c	4.72	c	c	c	c	c	c	c	c	c	c
March 31, 2010	44.25	70	c	17.03	33.4	c	9.8	c	c	c	c	c	3.7
Outfall 002	Total Suspended Solids Daily Max. Conc.	Total Suspended Solids Daily Max. Loading	Total Copper Daily Avg. Conc.	Total Copper Daily Max. Conc.									
Permit Limit	62 mg/L	17.7 lbs/day	0.02 mg/L	0.042 mg/L									
December 31, 2009	c	18.2	c	c									
January 31, 2010	70	6.785	0.029	0.09									
February 28, 2010	c	8.85	c	c									
	mg/L = milligrams per liter			c = compliant									
	avg. = average			max. = maximum									
	conc. = concentration			MGD = million gallons per day									
	lbs/day = pounds per day			CBOD5 = carbonaceous biochemical oxygen demand (5-day)									

### III. DENIALS

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

### IV. ORDERING PROVISIONS

- 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: V&M Star, a Partnership with General and Limited Partners, LP, Docket No. 2010-0655-IWD-E" to:  
  
 Financial Administration Division, Revenues Section  
 Attention: Cashier's Office, MC 214  
 Texas Commission on Environmental Quality  
 P.O. Box 13088  
 Austin, Texas 78711-3088
- It is further ordered that the Respondent shall, within 90 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0003787000, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

Water Section, Manager  
Houston Regional Office  
Texas Commission on Environmental Quality  
5425 Polk Avenue, Suite H  
Houston, Texas 77023-1486

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

6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes under this Agreed Order.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

John Srdan  
For the Executive Director

\_\_\_\_\_  
Date

7/1/2010

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

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

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

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

\_\_\_\_\_  
Signature

JEFFREY J. BINDAS  
Name (Printed or typed)

Authorized Representative of

V&M Star, a Partnership with General and Limited Partners, LP

\_\_\_\_\_  
Date

\_\_\_\_\_  
Title

05-26-2010-W205

ENV. MGR. - V&M STAR

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.