

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2009-2011-IHW-E TCEQ ID: RN100248749 CASE NO.: 38848
RESPONDENT NAME: SOUTHWEST SHIPYARD, 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: Southwest Shipyard, 18310 Market Street, Channelview, Harris County</p> <p>TYPE OF OPERATION: Barge cleaning and repair facility</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on August 2, 2010. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: Mr. Phillip Hampsten, SEP Coordinator, Enforcement Division, MC 219, (512) 239-6732 TCEQ Enforcement Coordinator: Mr. Thomas Greimel, Enforcement Division, Enforcement Team 7, MC 128, (512) 239-5690; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495 Respondent: Mr. Sanjay Rao, President, SOUTHWEST SHIPYARD, L.P., 18310 Market Street, Channelview, Texas 77530 Mr. George Sladecck, Owner and Operator, SOUTHWEST SHIPYARD, L.P., 18310 Market Street, Channelview, Texas 77530 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: September 22, 2009</p> <p>Date of NOV/NOE Relating to this Case: November 16, 2009 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>WASTE</p> <p>1) Failure to update the Facility's Notice of Registration (NOR). Specifically, Waste Code 0035319H is incorrectly listed as a waste associated with waste management unit (WMU) 001; a current waste management unit should be listed for Waste Code 0129609H; Waste Codes 0129609H, 0270219H, 0271203H, 02722191, 0273219H, 02742191, 0276202H, 0277203H, 02786041, 02923081, and 02934061 should be identified as managed on-site and off-site; Waste Code 0252219H is incorrectly identified as inactive; Waste Codes 0253219H, 0254219H, 02554891, 02562081, 02573191, 02583191, 0259404H, 02602191, 02616091, 0266219H, 0267219H, 02686091, 0270219H, 02722191, 0273219H, 0275219H, 0279219H, 0295202H, and 03001051 should not be designated as a new chemical substance; either Waste Code 01163101 or 02686091 should be inactivated due to duplication; WMU 028 should be inactivated; product tanks should be removed from the NOR; and a WMU should be added for the 55-gallon container of contaminated groundwater [30 TEX. ADMIN. CODE § 335.6].</p> <p>2) Failure to submit exception reports to the Executive Director for hazardous waste manifests (HWM). Specifically, exception reports were not submitted for HWM Nos.</p>	<p>Total Assessed: \$397,856</p> <p>Total Deferred: \$79,571 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$159,142</p> <p>Total Paid (Due) to General Revenue: \$13,283 (remaining \$145,860 due in 11 monthly payments of \$13,260 each)</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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:</p> <p>a. Updated the Facility's NOR on December 30, 2009;</p> <p>b. Submitted exception reports for all applicable hazardous waste manifests on October 27, 2009;</p> <p>c. Submitted a complete and accurate Annual Waste Summary for the year 2008 on November 9, 2009;</p> <p>d. Trained personnel on proper inspection procedures and began conducting weekly inspections of hazardous waste containers on October 13, 2009;</p> <p>e. Submitted a new five-year Source Reduction and Waste Minimization Plan on October 27, 2009;</p> <p>f. Accurately completed hazardous waste manifests on October 16, 2009;</p> <p>g. Updated the Facility's emergency coordinator list on September 23, 2009; and</p> <p>h. Labeled vacuum boxes VB27164, V166 and V434 containing hazardous waste with the words "hazardous waste" and the beginning date of accumulation on September 23, 2009.</p> <p>Ordering Provisions:</p> <p>1) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A)</p> <p>2) The Order will also require the Respondent to:</p> <p>a. Immediately upon the effective date of this Agreed Order, cease disposing of</p>

<p>000120403VES, 002042628JJK, 002823928JJK, 04133144JJK, 004133145JJK, 004133126JJK, 004133275JJK, 004133084JJK, 004133091JJK, 004133092JJK, 004133115JJK, 04133114JJK, 004133112JJK, 004133113JJK, 004133165JJK, 04133166JJK, 004133169JJK, 004133170JJK, 005089067JJK, 000359210VES, 005651917JJK, 005089135JJK, and 00433205JJK for which manifest copies were not received by the Respondent within 45 days of acceptance by the initial transporter [30 TEX. ADMIN. CODE § 335.13(k) and 40 CODE OF FEDERAL REGULATIONS ("CFR") § 262.42].</p> <p>3) Failure to submit a complete and correct Annual Waste Summary for the year 2008. Specifically, inaccurate System Type Codes were used for seven Waste Codes and Waste Code 02901141 generated in 2008 was not reported [30 TEX. ADMIN. CODE § 335.9(a)(2)].</p> <p>4) Failure to conduct weekly inspections of hazardous waste containers [30 TEX. ADMIN. CODE §§ 335.69(a)(1)(A) and 335.112(a)(8) and 40 CFR §§ 262.34(a)(1)(i) and 265.174].</p> <p>5) Failure to prepare a new five-year Source Reduction and Waste Minimization Plan prior to the expiration date of the existing plan. Specifically, the Facility Source Reduction and Waste Minimization Plan expired on March 17, 2008 and had not been renewed [30 TEX. ADMIN. CODE § 335.474].</p> <p>6) Failure to accurately complete hazardous waste manifests ("HWM"). Specifically, the incorrect designated facility's EPA ID number was entered in Item 8 for HWM number 000865416GBF and the hazardous material box was not checked in Item 9a for HWM numbers 004133157JJK, 004133156JJK, 004133155JJK, and 004133154JJK [30 TEX. ADMIN. CODE § 335.10(c) and 40 CFR § 262.20(a)(1)].</p> <p>7) Failure to maintain an updated emergency coordinator list. Specifically, two of the five persons on the emergency coordinator list were no longer employed by the Respondent [30 TEX. ADMIN. CODE §§ 335.69(a)(4)(A) and 335.112(a) and 40 CFR § 265.52(d)].</p> <p>8) Failure to label hazardous waste</p>		<p>hazardous waste at an unauthorized facility;</p> <p>b. Within 30 days after the effective date of this Agreed Order:</p> <p>i. Develop procedures to assure exception reports are submitted; and</p> <p>ii. Provide complete and accurate information on LDR notification forms.</p> <p>c. 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 Provisions a. through b.ii.</p>
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<p>containers with the words "Hazardous Waste" or with the beginning date of accumulation. Specifically, three vacuum boxes (boxes VB27164, V166 and V434) contained hazardous waste but were not labeled [30 TEX. ADMIN. CODE § 335.69(a)(2) and (a)(3) and 40 CFR § 262.34(a)(2) and (a)(3)].</p> <p>9) Failure to provide complete information on the land disposal restriction (LDR) notification form. Specifically, the LDR form for HWM No. 000865410GBF did not specify that the waste was subject to LDRs, the underlying hazardous constituents in characteristic waste, and that all underlying hazardous constituents would be treated [30 TEX. ADMIN. CODE § 335.431(c) and 40 CFR § 268.7(a)].</p> <p>10) Failure to prevent disposal of hazardous waste at an unauthorized facility. Specifically, on April 2, 2008 and April 3, 2008, 14 shipments of hazardous waste (EPA Hazardous Waste Code D018) containing a total volume of 59,241 gallons were removed from wastewater storage tank T633 and were shipped to and disposed at a facility not authorized to accept hazardous waste. In addition, analytical results of liquid samples taken from tank T633 on April 4, 2008, April 7, 2008, and April 11, 2008 contained Toxicity Characteristic Leaching Procedure (TCLP) equivalent concentrations of 2.75, 3.16, and 2.70 mg/l of benzene, respectively [30 TEX. ADMIN. CODE § 335.2(b)].</p>		
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Additional ID No(s): 31208

Attachment A
Docket Number: 2009-2011-IHW-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: SOUTHWEST SHIPYARD, L.P.

Payable Penalty Amount: Three Hundred Eighteen Thousand Two Hundred Eighty-Five Dollars (\$318,285)

SEP Amount: One Hundred Fifty-Nine Thousand One Hundred Forty-Two Dollars (\$159,142)

Type of SEP: Pre-approved

Third-Party Recipient: Armand Bayou Nature Center - Coastal Tall Grass Management-Prescribed Burn Program and Prairie Restoration Project

Location of SEP: Harris County

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

1. Project Description

A. Project

The Respondent shall contribute the SEP offset amount to the Third-Party Recipient named above. The contribution will be to Armand Bayou Nature Center to be used for the Coastal Tall Grass Management-Prescribed Burn Program and Prairie Restoration Project Program as set forth in an agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to pay for the labor and materials costs associated with conducting prescribed burns, removing non-native trees, and for planting native trees and plants.

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

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by increasing ecosystem functionality. It will contribute to the overall prairie health by suppressing invasive brush species, increasing soil fertility, and promoting plant vigor.

SOUTHWEST SHIPYARD, L.P.
Agreed Order - Attachment A

C. Minimum Expenditure

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

2. Performance Schedule

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

Armand Bayou Nature Center
Attn: Mark Kramer
PO Box 58828
Houston, Texas 77258

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

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

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

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

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

DATES	Assigned	23-Nov-2009		
	PCW	12-May-2010	Screening	11-Dec-2009
			EPA Due	

RESPONDENT/FACILITY INFORMATION	
Respondent	SOUTHWEST SHIPYARD, L.P.
Reg. Ent. Ref. No.	RN100248749
Facility/Site Region	12-Houston
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	38848	No. of Violations	10
Docket No.	2009-2011-IHW-E	Order Type	1660
Media Program(s)	Industrial and Hazardous Waste	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Thomas Greimel
		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** \$169,000

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **Subtotals 2, 3, & 7** \$606,710

Notes: Enhancement for fifty-seven previous NOVs without same or similar violations, one order with denial of liability, one order without denial of liability, and one criminal conviction with four counts.

Culpability **Subtotal 4** \$0

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** \$6,475

Economic Benefit **Subtotal 6** \$32,994

Total EB Amounts	\$32,994
Approx. Cost of Compliance	\$39,703

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** \$802,229

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment** \$0

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount \$802,229

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** \$397,856

DEFERRAL **Adjustment** -\$79,571

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 **\$318,285**

Screening Date 11-Dec-2009

Docket No. 2009-2011-IHW-E

PCW

Respondent: SOUTHWEST SHIPYARD, L.P.

Policy Revision 2 (September 2002)

Case ID No. 38848

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100248749

Media [Statute]: Industrial and Hazardous Waste

Enf. Coordinator: Thomas Greimel

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	57	114%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of 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)	4	200%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%

Please Enter Yes or No

Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 359%

>> 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 fifty-seven previous NOVs without same or similar violations, one order with denial of liability, one order without denial of liability, and one criminal conviction with four counts.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 359%

Screening Date 11-Dec-2009

Docket No: 2009-2011-IHW-E

PCW

Respondent SOUTHWEST SHIPYARD, L.P.

Policy Revision 2 (September 2002)

Case ID No. 38848

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100248749

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Thomas Greimel

Violation Number

Rule Cite(s)

30 Tex. Admin. Code § 335.6

Violation Description

Failed to update the Facility's Notice of Registration (NOR). Specifically, Waste Code 0035319H is incorrectly listed as a waste associated with waste management unit (WMU) 001; a current waste management unit should be listed for Waste Code 0129609H; Waste Codes 0129609H, 0270219H, 0271203H, 02722191, 0273219H, 02742191, 0276202H, 0277203H, 02786041, 02923081, and 02934061 should be identified as managed on-site and off-site; Waste Code 0252219H is incorrectly identified as inactive; Waste Codes 0253219H, 0254219H, 02554891, 02562081, 02573191, 02583191, 0259404H, 02602191, 02616091, 0266219H, 0267219H, 02686091, 0270219H, 02722191, 0273219H, 0275219H, 0279219H, 0295202H, and 03001051 should not be designated as a new chemical substance; either Waste Code 01163101 or 02686091 should be inactivated due to duplication; WMU 028 should be inactivated; product tanks should be removed from the NOR; and a WMU should be added for the 55-gallon container of contaminated groundwater.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
		x	

Percent 10%

Matrix Notes

30% to 70% of the rule requirement was not met.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1 100 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$1,000

One single event is recommended based on the documentation of the violation during the September 22, 2009 investigation.

Good Faith Efforts to Comply

10.0% Reduction

\$100

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

Notes The Respondent came into compliance on December 30, 2009.

Violation Subtotal \$900

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$7

Violation Final Penalty Total \$7,789

This violation Final Assessed Penalty (adjusted for limits) \$7,789

Economic Benefit Worksheet

Respondent: SOUTHWEST SHIPYARD, L.P.
Case ID No.: 38848
Reg. Ent. Reference No.: RN100248749
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
<small>No commas or \$</small>							

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				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$500	22-Sep-2009	30-Dec-2009	0.27	\$7	n/a	\$7

Notes for DELAYED costs

Estimated cost to update the Facility Notice of Registration. The Date Required is the investigation date. The Final Date is the 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

\$500

TOTAL

\$7

Screening Date 11-Dec-2009 **Docket No:** 2009-2011-JHW-E **PCW**
Respondent SOUTHWEST SHIPYARD, L.P. *Policy Revision 2 (September 2002)*
Case ID No. 38848 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN100248749
Media [Statute] Industrial and Hazardous Waste
Enf. Coordinator Thomas Greimel
Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 335.13(k) and 40 Code of Federal Regulations ("CFR") § 262.42
Violation Description Failed to submit exception reports to the Executive Director for hazardous waste manifests (HWM). Specifically, exception reports were not submitted for HWM Nos. 000120403VES, 002042628JJK, 002823928JJK, 04133144JJK, 004133145JJK, 004133126JJK, 004133276JJK, 004133084JJK, 004133091JJK, 004133092JJK, 004133116JJK, 04133114JJK, 004133112JJK, 004133113JJK, 004133165JJK, 04133166JJK, 004133169JJK, 004133170JJK, 005089067JJK, 000359210VES, 005651917JJK, 005089135JJK, and 00433205JJK for which manifest copies were not received by the Respondent within 45 days of acceptance by the initial transporter.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
	x			25%

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

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$57,500

Twenty-three single events are recommended for each of the 23 hazardous waste manifests based on the documentation of the violation during the September 22, 2009 investigation.

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 \$57,500

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

Estimated EB Amount \$34 **Violation Final Penalty Total** \$267,224

This violation Final Assessed Penalty (adjusted for limits) \$230,000

Economic Benefit Worksheet

Respondent: SOUTHWEST SHIPYARD, L.P.
Case ID No.: 38848
Reg. Ent. Reference No.: RN100248749
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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				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				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$730	22-Sep-2009	30-Aug-2010	0.94	\$34	n/a	\$34

Notes for DELAYED costs: Estimated cost for submitting exception reports and developing procedures to ensure reports are submitted timely. The Date Required is the investigation date. The Final Date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs:

Approx. Cost of Compliance	\$730	TOTAL	\$34
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Screening Date 11-Dec-2009 **Docket No.** 2009-2011-IHW-E **PCW**
Respondent SOUTHWEST SHIPYARD, L.P. *Policy Revision 2 (September 2002)*
Case ID No. 38848 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN100248749
Media [Statute] Industrial and Hazardous Waste
Enf. Coordinator Thomas Greimet
Violation Number 3
Rule Cite(s) 30 Tex. Admin. Code § 335.9(a)(2)
Violation Description Failed to submit a complete and correct Annual Waste Summary for the year 2008. Specifically, inaccurate System Type Codes were used for seven Waste Codes and Waste Code 02901141 generated in 2008 was not reported.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
			X	1%

Matrix Notes Less than 30% of the rule requirement was not met.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events: 1 Number of violation days: 1

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$100

One single event is recommended based on the documentation of the violation during the September 22, 2009 investigation.

Good Faith Efforts to Comply 25.0% Reduction \$25

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

Notes The Respondent came into compliance on November 9, 2009.

Violation Subtotal \$75

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount \$2 **Violation Final Penalty Total** \$3,733

This violation Final Assessed Penalty (adjusted for limits) \$3,733

Economic Benefit Worksheet

Respondent SOUTHWEST SHIPYARD, L.P.
Case ID No. 38848
Reg. Ent. Reference No. RN100248749
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
<small>No commas or \$</small>							

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				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				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$50	1-Mar-2009	9-Nov-2009	0.69	\$2	n/a	\$2

Notes for DELAYED costs

Estimated cost to submit complete and accurate information for the 2008 Annual Waste Summary. The Date Required is the date the Annual Waste Summary was due. 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	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$60

TOTAL

\$2

Screening Date 11-Dec-2009 **Docket No.** 2009-2011-IHW-E **PCW**
Respondent SOUTHWEST SHIPYARD, L.P. *Policy Revision 2 (September 2002)*
Case ID No. 38848 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN100248749
Media [Statute] Industrial and Hazardous Waste
Enf. Coordinator Thomas Greimel
Violation Number 4
Rule Cite(s) 30 Tex. Admin. Code §§ 335.69(a)(1)(A) and 335.142(a)(8) and 40 CFR §§ 262.34(a)(1)(i) and 265.174
Violation Description Failed to conduct weekly inspections of hazardous waste containers.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				50%
Potential	X			

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

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 \$5,000

\$5,000

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$5,000

One monthly event is recommended from the September 22, 2009 investigation date to the October 13, 2009 date of compliance.

Good Faith Efforts to Comply 25.0% Reduction \$1,250

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

Notes The Respondent came into compliance on October 13, 2009.

Violation Subtotal \$3,750

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

Estimated EB Amount \$4,470 **Violation Final Penalty Total** \$24,999

This violation Final Assessed Penalty (adjusted for limits) \$24,999

Economic Benefit Worksheet

Respondent: SOUTHWEST SHIPYARD, L.P.
Case ID No.: 38848
Reg. Ent. Reference No.: RN100248749
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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				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				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$6,000	22-Sep-2009	13-Oct-2009	0.06	\$17	n/a	\$17

Notes for DELAYED costs

Estimated cost to train personnel on proper inspection procedures and conduct weekly inspections of hazardous waste containers. The Date Required is the investigation date. 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	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling	\$3,300	1-Jul-2008	13-Oct-2009	1.28	\$212	\$4,240	\$4,452
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

Avoided cost for weekly inspections which were not conducted. The Date Required is the beginning date on which inspections were not conducted. The Final Date is the date of compliance.

Approx. Cost of Compliance

\$9,300

TOTAL

\$4,470

Screening Date 11-Dec-2009 **Docket No.** 2009-2011-IHW-E **PCW**
Respondent SOUTHWEST SHIPYARD, L.P. *Policy Revision 2 (September 2002)*
Case ID No. 38848 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN100248749
Media [Statute] Industrial and Hazardous Waste
Enf. Coordinator Thomas Greimel
Violation Number 6
Rule Cite(s) 30 Tex. Admin. Code § 335.474
Violation Description Failed to prepare a new five-year Source Reduction and Waste Minimization Plan prior to the expiration date of the existing plan. Specifically, the Facility Source Reduction and Waste Minimization Plan expired on March 17, 2008 and had not been renewed.
Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0%
	Potential				

>> Programmatic Matrix

OR	Falsification	Harm			Percent
		Major	Moderate	Minor	
		x			25%

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

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1 **Number of violation days** 589

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$2,500

One single event is recommended based on the documentation of the violation during the September 22, 2009 investigation.

Good Faith Efforts to Comply 25.0% Reduction \$625

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

Notes The Respondent came into compliance on October 27, 2009.

Violation Subtotal \$1,875

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

Estimated EB Amount \$40 **Violation Final Penalty Total** \$14,149

This violation Final Assessed Penalty (adjusted for limits) \$14,149

Economic Benefit Worksheet

Respondent: SOUTHWEST SHIPYARD, L.P.

Case ID No.: 38848

Reg. Ent. Reference No.: RN100248749

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
<small>No commas or \$</small>							

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				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				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$500	17-Mar-2008	27-Oct-2009	1.81	\$40	n/a	\$40

Notes for DELAYED costs

Estimated cost to prepare a Source Reduction and Waste Minimization Plan. The Date Required is the expiration date of the existing plan. 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	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$40

Screening Date: 11-Dec-2009 **Docket No.:** 2009-2011-IHW-E **PCW**
Respondent: SOUTHWEST SHIPYARD, L.P. *Policy Revision 2 (September 2002)*
Case ID No.: 38848 *PCW Revision October 30, 2008*
Reg. Ent. Reference No.: RN100248749
Media [Statute]: Industrial and Hazardous Waste
Enf. Coordinator: Thomas Greimel
Violation Number: 6
Rule Cite(s): 30 Tex. Admin. Code § 335.10(c) and 40 CFR § 262.20(a)(1)
Violation Description: Failed to accurately complete hazardous waste manifests ("HWM"). Specifically, the incorrect designated facility's EPA ID number was entered in item 8 for HWM number 000865416GBF and the hazardous material box was not checked in item 9a for HWM numbers 004133157JJK, 004133156JJK, 004133155JJK, and 004133154JJK.
Base Penalty: \$10,000

>> Environmental, Property and Human Health Matrix
OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Falsification	Harm			Percent
	Major	Moderate	Minor	
			X	1%

Matrix Notes: Less than 30% of the rule requirement was not met.
Adjustment: \$9,900

Violation Events
 Number of Violation Events: 4 Number of violation days: 174

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

Violation Base Penalty: \$400
 Four single events are recommended for the four Hazardous Waste Manifests which were not accurately completed based on the documentation of the violation during the September 22, 2009 investigation.

Good Faith Efforts to Comply 25.0% Reduction \$100

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

Notes: The Respondent came into compliance on October 16, 2009.
Violation Subtotal: \$300

Economic Benefit (EB) for this violation **Statutory Limit Test**
Estimated EB Amount: \$1 **Violation Final Penalty Total:** \$5,035
This violation Final Assessed Penalty (adjusted for limits): \$5,035

Economic Benefit Worksheet

Respondent: SOUTHWEST SHIPYARD, L.P.

Case ID No.: 38848

Reg. Ent. Reference No.: RN100248749

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
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No commas or \$

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				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$12	25-Apr-2008	16-Oct-2009	1.48	\$1	n/a	\$1

Notes for DELAYED costs

Estimated cost to enter complete and accurate information for HWM items "8" and "9a" on four HWMs. The Date Required is the date information was originally entered on the HWMs. The Final Date is the 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

\$12

TOTAL

\$1

Screening Date: 11-Dec-2009 **Docket No.:** 2009-2011-IHW-E **PCW**
Respondent: SOUTHWEST SHIPYARD, L.P. *Policy Revision 2 (September 2002)*
Case ID No.: 38848 *PCW Revision October 30, 2008*
Reg. Ent. Reference No.: RN100248749
Media [Statute]: Industrial and Hazardous Waste
Inf. Coordinator: Thomas Greimel

Violation Number: 7
Rule Cite(s): 30 Tex. Admin. Code §§ 335.69(a)(4)(A) and 335.112(a) and 40 CFR § 265.52(d)
Violation Description: Failed to maintain an updated emergency coordinator list. Specifically, two of the five persons on the emergency coordinator list were no longer employed by the Respondent.
Base Penalty: \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
	X			25%

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

Adjustment: \$7,500

\$2,500

Violation Events

Number of violation days
 mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty: \$2,500

One single event is recommended based on the documentation of the violation during the September 22, 2009 investigation.

Good Faith Efforts to Comply 25.0% Reduction **\$625**

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

Notes: The Respondent came into compliance on September 23, 2009.

Violation Subtotal: \$1,875

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

Estimated EB Amount: \$0 **Violation Final Penalty Total:** \$14,149
This violation Final Assessed Penalty (adjusted for limits): \$10,000

Economic Benefit Worksheet

Respondent SOUTHWEST SHIPYARD, L.P.
Case ID No. 38848
Reg. Ent. Reference No. RN100248749
Media Industrial and Hazardous Waste
Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				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				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$50	22-Sep-2009	23-Sep-2009	0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to update the emergency coordinator list. The Date Required is the date of the investigation. 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	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$50

TOTAL

\$0

Screening Date 11-Dec-2009 **Docket No.** 2009-2011-IHW-E **PCW**
Respondent SOUTHWEST SHIPYARD, L.P. *Policy Revision 2 (September 2002)*
Case ID No. 38848 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN100248749
Media [Statute] Industrial and Hazardous Waste
Enf. Coordinator Thomas Greimel
Violation Number 8
Rule Cite(s) 30 Tex. Admin. Code § 335.69(a)(2) and (a)(3) and 40 CFR § 262.34(a)(2) and (a)(3)
Violation Description Failed to label hazardous waste containers with the words "Hazardous Waste" or with the beginning date of accumulation. Specifically, three vacuum boxes (boxes VB27164, V166 and V434) contained hazardous waste but were not labeled.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				50%
Potential	X			

>> Programmatic Matrix

Falsification	Harm			Percent
	Major	Moderate	Minor	
				0%

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 \$5,000

\$5,000

Violation Events

[3] [1] Number of violation days
 mark only one with an x
 daily []
 weekly []
 monthly [X]
 quarterly []
 semiannual []
 annual []
 single event []

Violation Base Penalty \$15,000

Three monthly events are recommended (one event per container).

Good Faith Efforts to Comply 25.0% Reduction \$3,750

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

Notes The Respondent came into compliance on September 23, 2009.

Violation Subtotal \$11,250

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

Estimated EB Amount \$0 **Violation Final Penalty Total** \$68,399

This violation Final Assessed Penalty (adjusted for limits) \$10,000

Economic Benefit Worksheet

Respondent: SOUTHWEST SHIPYARD, L.P.
Case ID No.: 38848
Req. Ent. Reference No.: RN100248749
Media: Industrial and Hazardous Waste
Violation No.: 8

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				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				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$25	22-Sep-2009	23-Sep-2009	0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to label three hazardous waste containers. The Date Required is the date of the investigation. 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	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$25

TOTAL

\$0

Screening Date 11-Dec-2009 **Docket No.** 2009-2011-IHW-E **PCW**
Respondent SOUTHWEST SHIPYARD, L.P. *Policy Revision 2 (September 2002)*
Case ID No. 38848 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN100248749
Media [Statute] Industrial and Hazardous Waste
Enf. Coordinator Thomas Grelmel
Violation Number 9
Rule Cite(s) 30 Tex. Admin. Code § 336.431(e) and 40 CFR § 268.7(a)
Violation Description Failed to provide complete information on the land disposal restriction (LDR) notification form. Specifically, the LDR form for HWM No. 000865410GBF did not specify that the waste was subject to LDRs, the underlying hazardous constituents in characteristic waste, and that all underlying hazardous constituents would be treated.

Base Penalty \$10,000

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				50%
	Potential	X			

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
				0%

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 \$5,000

\$5,000

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$15,000

Three monthly events are recommended from the September 22, 2009 inspection date to the December 11, 2009 screening date.

Good Faith Efforts to Comply 0.0% Reduction \$0

	Before NOV	NOV to EDRP/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 \$15,000

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

Estimated EB Amount \$5 **Violation Final Penalty Total** \$72,149

This violation Final Assessed Penalty (adjusted for limits) \$72,149

Economic Benefit Worksheet

Respondent: SOUTHWEST SHIPYARD, L.P.
Case ID No.: 38848
Req. Ent. Reference No.: RN100248749
Media: Industrial and Hazardous Waste
Violation No.: 9

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				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				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$100	22-Sep-2009	30-Aug-2010	0.94	\$5	n/a	\$5

Notes for DELAYED costs

Estimated cost to provide complete information in the LDR notification form. The Date Required is the date of the investigation. The Final Date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$5

Screening Date 11-Dec-2009 **Docket No.** 2009-2011-IHW-E **PCW**
Respondent SOUTHWEST SHIPYARD, L.P. *Policy Revision 2 (September 2002)*
Case ID No. 38848 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN100248749
Media [Statute] Industrial and Hazardous Waste
Enf. Coordinator Thomas Grelmel

Violation Number 10
Rule Cite(s) 30 Tex. Admin. Code § 335.2(b)
Violation Description
 Failed to prevent disposal of hazardous waste at an unauthorized facility. Specifically, on April 2, 2008 and April 3, 2008, 14 shipments of hazardous waste (EPA Hazardous Waste Code D018) containing a total volume of 59,241 gallons were removed from wastewater storage tank T683 and were shipped to and disposed at a facility not authorized to accept hazardous waste. In addition, analytical results of liquid samples taken from tank T683 on April 4, 2008, April 7, 2008, and April 11, 2008 contained Toxicity Characteristic Leaching Procedure (TCLP) equivalent concentrations of 2.75, 3.16, and 2.70 mg/l of benzene, respectively.
Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual		x		50%
Potential				

>> Programmatic Matrix

Falsification	Harm			Percent
	Major	Moderate	Minor	
				0%

Matrix Notes
Human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$5,000

OR

Adjustment \$5,000

Violation Events

Number of Violation Events: 14
 Number of violation days: 2

daily	
weekly	
monthly	
quarterly	
semianual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$70,000

Fourteen single events are recommended for the fourteen shipments of hazardous waste based on the documentation of the violation during the September 22, 2009 investigation.

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 \$70,000

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

Estimated EB Amount: \$28,436
 Violation Final Penalty Total: \$324,599
This violation Final Assessed Penalty (adjusted for limits): \$20,000

Economic Benefit Worksheet

Respondent: SOUTHWEST SHIPYARD, L.P.

Case ID No.: 38848

Reg. Ent. Reference No.: RN100248749

Media: Industrial and Hazardous Waste

Violation No.: 10

Percent Interest	Years of Depreciation
5.0	15

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

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				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

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]	\$28,436	2-Apr-2008	3-Apr-2008	0.00	\$0	\$28,436	\$28,436
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Actual avoided cost to dispose hazardous wastewater. The Date Required is the beginning date on which hazardous wastewater was shipped for disposal. The Final Date is the last date on which hazardous wastewater was shipped for disposal.

Approx. Cost of Compliance

\$28,436

TOTAL

\$28,436

Compliance History Report

Customer/Respondent/Owner-Operator: CN600135354 Southwest Shipyard, L.P. Classification: AVERAGE Rating: 12.96
 Regulated Entity: RN100248749 SOUTHWEST SHIPYARD Classification: AVERAGE Site Rating: 28.38
 ID Number(s):

WASTE WATER GENERAL PERMIT	PERMIT	2E0000020
AIR OPERATING PERMITS	ACCOUNT NUMBER	HG0686T
AIR OPERATING PERMITS	PERMIT	1260
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD000820274
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	31208
WASTEWATER	PERMIT	WQ0002605000
WASTEWATER	PERMIT	TPDES0092282
WASTEWATER	PERMIT	TX0092282
PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	5900†
AIR NEW SOURCE PERMITS	PERMIT	4759
AIR NEW SOURCE PERMITS	PERMIT	9442
AIR NEW SOURCE PERMITS	PERMIT	12182
AIR NEW SOURCE PERMITS	PERMIT	23134
AIR NEW SOURCE PERMITS	PERMIT	34783
AIR NEW SOURCE PERMITS	PERMIT	36241
AIR NEW SOURCE PERMITS	PERMIT	35698
AIR NEW SOURCE PERMITS	PERMIT	35353
AIR NEW SOURCE PERMITS	PERMIT	43774
AIR NEW SOURCE PERMITS	PERMIT	43909
AIR NEW SOURCE PERMITS	PERMIT	44294
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HG0686T
AIR NEW SOURCE PERMITS	PERMIT	54007
AIR NEW SOURCE PERMITS	REGISTRATION	75783
AIR NEW SOURCE PERMITS	AFS NUM	4820100826
AIR NEW SOURCE PERMITS	PERMIT	55646
AIR NEW SOURCE PERMITS	REGISTRATION	75319
AIR NEW SOURCE PERMITS	REGISTRATION	77255
AIR NEW SOURCE PERMITS	REGISTRATION	78546
AIR NEW SOURCE PERMITS	REGISTRATION	81480
AIR NEW SOURCE PERMITS	REGISTRATION	84578
PUBLIC WATER SYSTEM/SUPPLY STORMWATER	REGISTRATION	1012781
WASTEWATER LICENSING	PERMIT	TXR05V732
WATER LICENSING	LICENSE	WQ0002605000
IHW CORRECTIVE ACTION	LICENSE	1012781
AIR EMISSIONS INVENTORY	SOLID WASTE REGISTRATION # (SWR)	31208
	ACCOUNT NUMBER	HG0686T

Location: 18310 MARKET ST, CHANNELVIEW, TX, 77530

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: December 11, 2009

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: December 11, 2004 to December 11, 2009

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

Name: Thomas Greimel Phone: (512) 239-5690

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: 04/13/2007 ADMINORDER 2005-0097-MLM-E
Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(B)

Rqmt Prov: O-01260, General Terms and Conditions OP
Description: Failure to submit deviation reports for 2004 and for the first semiannual reporting period of 2005.

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: 9442, SC 11D PERMIT
O-01260, SC 10 OP

Description: Failed to install a continuous run time flow monitor to record average hourly values of flow and composition for FL-1 and FL-3.

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: 36241, SC 10C PERMIT
O-01260, SC 10 OP

Description: Failed to record and develop an accurate monthly report for VOC emissions in pounds per hour lbs/hr on a daily basis for Barge Rail Painting facility.

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: 43774, SC 16E PERMIT
O-01260, SC 10 OP

Description: Failed to record and develop an accurate monthly report for VOC emissions in lbs/hr on a daily basis for DD1, DD2 and DD3STK.

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: EF and MR No. 1 OP

Description: Failure to comply with the permitted effluent limits at Outfall 001 for the months of March 2003, July 2003, October 2003, November 2003, December 2003, January 2004 and February 2004.

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: EL and MR NO. 1 OP

Description: Failure to comply with permitted effluent limits at Outfall 003. Specifically, Southwest was non-compliant with the Total Suspended Solids ("TSS") daily average limit of 50 milligrams per liter ("mg/L") for February 2004 with a reported value of 62 mg/L.

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: EL and MR NO. 1 OP

Description: Failure to comply with the permitted effluent limits at Outfall 004 for the months of March 2003, May 2003, November 2003, December 2003, and February 2004.

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: EL and MR NO. 1 OP

Description: Failure to comply with the permitted effluent limits at Outfall 005. Specifically, Southwest was non-compliant with the TSS daily average limit of 50 mg/L for August 2003 with a reported value of 90 mg/L.

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: EL and MR No. 1 OP

Description: Failure to comply with the Ammonia Nitrogen effluent limit of 6 mg/L at Outfall 001.

Specifically, grab samples taken indicated the following ammonia nitrogen levels: 17 mg/L on July 10, 2001; 10.8 mg/L on October 1, 2001; and 11.2 mg/L on September 27, 2002.

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: EL & MR No. 1 OP

Description: Failure to comply with the permitted effluent limits at Outfall 006. Specifically, Southwest was non-compliant with the Chemical Oxygen Demand daily maximum limit of 150 mg/L for April 2003 with a reported value of 178 mg/L.

Effective Date: 06/05/2008

ADMINORDER 2007-0794-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: O-01260, SC10.A. OP
Permit No. 9442, SC8 PERMIT

Description: Failure to route all emissions from barge cleaning operations to a vapor collection system.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)(1)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: O-01260, SC10.A. OP

Description: Failure to operate according to representations made in the permit application for New Source Review Permit No. 9442.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: O-01260, SC10.A. OP
Permit No. 9442, SC14 PERMIT
Special Condition 15(H) PERMIT

Description: Failure to maintain the maximum loading rate limit of 300 gallons per hour.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter F 115.542(b)(2)
30 TAC Chapter 115, SubChapter F 115.542(b)(3)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: O-01260, SC6.A.(ii) OP
Special Condition 8 PERMIT

Description: Failure to design and operate degassing and cleaning equipment to prevent VOC leaks.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)(1)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: O-01260, SC10.A. OP

Description: Failure to operate according to representations made in the 2000 permit application for New Source Permit No. 9442.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 9442, SC8 PERMIT
O-01260, SC10A OP

Description: Failure to route emissions from barge cleaning operations to a vapor collection system.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: O-01260, SC 10.A. OP

Description: Failure to operate according to representations made in the 2000 permit application for New Source Review Permit No. 9442.

Classification: Major

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 9442, SC 8 PERMIT
O-01260, SC 10.A. OP

Description: Failure to route emissions from barge cleaning operations to a vapor collection system.

B. Any criminal convictions of the state of Texas and the federal government.

Conviction Date: 2/15/2007 12:00:00AM

Type of Action: COURTOORDER

Classification: Moderate

Rqmt Prov:

Citation: 2A TWC Chapter 7, SubChapter A 7.147

Description: On February 15, 2007, Southwest Shipyard plead guilty to 3 felony counts and 1 misdemeanor count of an unauthorized discharge in violation of the TWC. Southwest Shipyard was assessed a \$350,000 fine. The charge was based on the illegal discharge of industrial waste into the Houston Ship Channel.

Classification: Major

Rqmt Prov:

Citation: 2A TWC Chapter 7, SubChapter A 7.145

Description: On February 15, 2007, Southwest Shipyard plead guilty to 3 felony counts and 1 misdemeanor count of an unauthorized discharge in violation of the TWC. Southwest Shipyard was assessed a \$350,000 fine. The charge was based on the illegal discharge of industrial waste into the Houston Ship Channel.

Classification: Major

Rqmt Prov:

Citation: 2A TWC Chapter 7, SubChapter A 7.145

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Classification: Major

Rqmt Prov:

Citation: 2A TWC Chapter 7, SubChapter A 7.145

Description: On February 15, 2007, Southwest Shipyard plead guilty to 3 felony counts and 1 misdemeanor count of an unauthorized discharge in violation of the TWC. Southwest Shipyard was assessed a \$350,000 fine. The charge was based on the illegal discharge of industrial waste into the Houston Ship Channel.

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	12/17/2004	(336782)
2	12/27/2004	(387534)
3	01/12/2005	(344032)
4	02/25/2005	(425259)
5	02/28/2005	(350825)
6	03/16/2005	(374296)
7	03/28/2005	(387533)
8	05/24/2005	(425260)
9	05/24/2005	(425261)
10	05/24/2005	(425263)
11	06/27/2005	(425262)
12	07/15/2005	(399621)
13	07/20/2005	(400393)
14	07/22/2005	(401264)
15	07/22/2005	(401526)
16	07/29/2005	(402207)
17	07/29/2005	(402214)
18	08/05/2005	(403530)
19	08/15/2005	(404723)
20	08/15/2005	(405185)
21	08/17/2005	(405581)
22	08/17/2005	(405682)
23	08/22/2005	(406438)
24	08/24/2005	(445848)
25	08/29/2005	(418286)
26	09/08/2005	(418359)
27	09/08/2005	(418486)
28	09/23/2005	(445849)
29	09/23/2005	(445850)

30	10/24/2005	(477804)
31	11/28/2005	(477805)
32	12/06/2005	(435708)
33	12/27/2005	(477806)
34	01/20/2006	(477807)
35	02/13/2006	(439838)
36	02/24/2006	(477802)
37	03/23/2006	(477803)
38	04/24/2006	(504260)
39	04/24/2006	(504263)
40	05/23/2006	(504261)
41	06/12/12006	(504262)
42	06/30/2006	(464066)
43	08/22/2006	(526607)
44	09/07/2006	(511322)
45	10/24/2006	(550776)
46	11/27/2006	(550777)
47	11/27/2006	(550778)
48	11/29/2006	(511970)
49	01/18/2007	(587094)
50	02/15/2007	(572090)
51	02/26/2007	(587088)
52	03/23/2007	(587089)
53	03/23/2007	(587093)
54	04/16/2007	(543446)
55	04/23/2007	(587090)
56	05/07/2007	(540997)
57	05/10/2007	(541065)
58	05/23/2007	(587091)
59	06/06/2007	(561260)
60	06/20/2007	(564230)
61	06/25/2007	(587092)
62	06/27/2007	(565356)
63	06/29/2007	(543322)
64	07/30/2007	(558312)
65	08/22/2007	(604911)
66	09/06/2007	(559858)
67	09/24/2007	(604912)
68	09/24/2007	(604913)
69	09/24/2007	(604914)
70	11/26/2007	(625940)
71	11/29/2007	(610012)
72	12/11/2007	(611342)
73	12/27/2007	(625941)
74	01/22/2008	(675811)
75	02/19/2008	(617789)
76	02/25/2008	(694162)
77	03/25/2008	(675808)
78	03/25/2008	(675809)
79	03/25/2008	(675810)
80	05/22/2008	(694163)
81	06/16/2008	(682820)
82	06/27/2008	(694164)
83	07/09/2008	(685423)
84	08/14/2008	(681552)
85	08/28/2008	(715551)
86	11/18/2008	(731273)
87	01/05/2009	(731275)
88	01/14/2009	(731274)
89	01/23/2009	(754565)

90 03/25/2009 (723751)
 91 04/10/2009 (703406)
 92 04/28/2009 (771826)
 93 04/28/2009 (771829)
 94 05/05/2009 (771827)
 95 05/14/2009 (745115)
 96 05/28/2009 (771828)
 97 07/23/2009 (742713)
 98 08/07/2009 (763643)
 99 09/21/2009 (776740)
 100 11/16/2009 (777565)

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

Date: 12/31/2004 (362129)
 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: 01/13/2005 (344032) CN600135354
 Self Report? NO Classification: Moderate
 Citation: 02605-000 PERMIT
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to calibrate the Outfall 001 flow meter, as required.
 Self Report? NO Classification: Moderate
 Citation: 02605-000 PERMIT
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to maintain compliance with the permitted effluent limits.
 Self Report? NO Classification: Moderate
 Citation: 2605-000 PERMIT
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to collect grab samples for the required permit parameters at Outfall 001.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 319, SubChapter A 319.11(a)
 30 TAC Chapter 319, SubChapter A 319.11(b)
 Description: Failure to collect the oil & grease samples at Outfall 006, as required.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 319, SubChapter A 319.7(a)
 30 TAC Chapter 319, SubChapter A 319.7(c)
 Description: Failure to calibrate the pH meter, as required.
 Self Report? NO Classification: Moderate
 Citation: 02605-000 PERMIT
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to comply with the permitted effluent limits for Outfall 001.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 319, SubChapter A 319.11(b)
 Description: Failure to analyze the pH at Outfalls 003, 004, and 005 within the required hold time.
 Self Report? NO Classification: Moderate
 Citation: 2605-000 PERMIT
 30 TAC Chapter 319, SubChapter A 319.5(a)
 Description: Failure to collect the pH sample for Outfall 006, when discharging.
 Date: 01/31/2005 (425259) CN600135354
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 02/28/2005 (387533) CN600135354
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 03/31/2005 (425260) CN600135354
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter
 Date 04/30/2005 (425261) CN600135354
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter
 Date 05/31/2005 (425262) CN600135354
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter
 Date 06/30/2005 (425263) CN600135354
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter
 Date 07/31/2005 (445848) CN600135354
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter
 Date 08/31/2005 (445849) CN600135354
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter
 Date 09/30/2005 (477804) CN600135354
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter
 Date 10/31/2005 (477805) CN600135354
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter
 Date 11/30/2005 (477806) CN600135354
 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 12/06/2005 (435708) CN600135354
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 No. 02605 Pages 2-2d PERMIT
 Description: Failure to maintain compliance with the permitted effluent limits for carbonaceous biochemical oxygen demand (CBOD), total suspended solids (TSS), ammonia-nitrogen (NH3-N), nickel (Ni), silver, phenols, total petroleum hydrocarbons (TPH), total chlorine residual (Cl2 res.), and dissolved oxygen (DO).
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 No. 02605 Page 5, no. 7c PERMIT
 Description: Failure to provide effluent violation notification letters in accordance with the permit requirements and applicable State regulations.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 319, SubChapter A 319.5(b)
 No. 02605 Page 2, No. 4 PERMIT
 Description: Failure to monitor the effluent pH at outfall 001 at the frequency specified in the permit.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 No. 02605 Page 3, No. 1b PERMIT
 Description: Failure to accurately calculate and report the daily average flows.

Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 319, SubChapter A 319.7(c) No. 02605 Page 18, No. 3 PERMIT No. 02605 Page 2, No.1 PERMIT		
Description:	Failure to report all of the required values on the Discharge Monitoring Reports (DMRs).		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 319, SubChapter A 319.11(b)		
Description:	Failure to store biomonitoring samples at 4 degrees C.		
Date	01/31/2006 (477802)	CN600135354	
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	02/28/2006 (477803)	CN600135354	
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	03/31/2006 (504260)	CN600135354	
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	04/30/2006 (504261)	CN600135354	
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	05/31/2006 (504262)	CN600135354	
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	06/30/2006 (504263)	CN600135354	
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	07/31/2006 (526607)	CN600135354	
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 (445850)	CN600135354	
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	09/30/2006 (550776)	CN600135354	
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	10/31/2006 (550777)	CN600135354	
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	11/30/2006 (587094)	CN600135354	
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	(550778)	CN600135354	
Self Report?	YES			Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)			
Description:	Failure to meet the limit for one or more permit parameter			
Date	01/31/2007	(587088)	CN600135354	
Self Report?	YES			Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)			
Description:	Failure to meet the limit for one or more permit parameter			
Date	02/28/2007	(587089)	CN600135354	
Self Report?	YES			Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)			
Description:	Failure to meet the limit for one or more permit parameter			
Date	03/31/2007	(587090)	CN600135354	
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	04/16/2007	(543446)	CN600135354	
Self Report?	NO			Classification: Minor
Citation:	30 TAC Chapter 281, SubChapter A 281.25(a)			
Description:	Failure to provide erosion control measures for the storm water outfalls.			
Date	04/30/2007	(587091)	CN600135354	
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	(587092)	CN600135354	
Self Report?	YES			Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)			
Description:	Failure to meet the limit for one or more permit parameter			
Date	06/30/2007	(587093)	CN600135354	
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	07/31/2007	(604911)	CN600135354	
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	07/31/2007	(558312)	CN600135354	
Self Report?	NO			Classification: Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 116, SubChapter F 116.617 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b) O-01260, SC 10.A. OP			
Description:	Failure to record the operating parameters of the thermal oxidizer (TO-1).			
Date	08/31/2007	(604912)	CN600135354	
Self Report?	YES			Classification: Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to meet the limit for one or more permit parameter			
Date	09/30/2007	(604914)	CN600135354	
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	10/31/2007	(625940)	CN600135354	
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 (625941)	CN600135354	
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	12/31/2007 (675811)	CN600135354	
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	01/31/2008 (694162)	CN600135354	
Self Report?	YES		Classification: Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	02/29/2008 (675808)	CN600135354	
Self Report?	YES		Classification: Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	03/31/2008 (675809)	CN600135354	
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	05/31/2008 (694164)	CN600135354	
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	06/30/2008 (675810)	CN600135354	
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	07/31/2008 (715551)	CN600135354	
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	08/14/2008 (681552)	CN600135354	
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 30 TAC Chapter 122, SubChapter B 122.146(2) 5C THSC Chapter 382 382.085(b) O-01260 General Terms and Conditions OP		
Description:	Failure to submit PCC within 30 day time limit.		
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 30 TAC Chapter 122, SubChapter B 122.145(2)(C) 5C THSC Chapter 382 382.085(b) O-01260 General Terms and Conditions OP		
Description:	Failure to submit deviation report within 30 day time limit.		
Date	08/31/2008 (604913)	CN600135354	
Self Report?	YES		Classification: Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	09/30/2008 (731273)	CN600135354	
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 10/31/2008 (731274) CN600135354
 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 11/30/2008 (754565) CN600135354
 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 12/31/2008 (731275) CN600135354
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter
 Date 01/31/2009 (771826) CN600135354
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter
 Date 02/28/2009 (771827) CN600135354
 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 (771828) CN600135354
 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 04/10/2009 (703406)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP Spec. Cond 12 OP
 NSR Spec. Cond. 1 PERMIT

Description: Failure to complete monthly emissions report.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 106, SubChapter T 106.452(2)(A)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP Spec. Cond. 13 OP

Description: Failure to maintain abrasive use below permitted limits.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 NSR Spec. Cond. 1 PERMIT
 Spec. Cond. 12 OP

Description: Failure to control excessive nitrogen oxide and carbon monoxide emissions.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
 5C THSC Chapter 382 382.085(b)
 Gen. Terms & Cond. OP

Description: Failure to submit complete and accurate deviation report.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 117, SubChapter B 117.310(f)
 5C THSC Chapter 382 382.085(b)

Description: Failure to conduct engine testing at the proper time.

Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 117, SubChapter B 117.345(f)(10) 5C THSC Chapter 382 382.085(b)		
Description:	Failure to maintain records of engine testing.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 30 TAC Chapter 122, SubChapter B 122.146(5)(C) 5C THSC Chapter 382 382.085(b) Gen. terms & Cond. OP		
Description:	Failure to submit complete annual compliance certification		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 115, SubChapter E 115.421(a)(15)(A) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT II 63.783(a) 5C THSC Chapter 382 382.085(b) Spec. Cond 12 OP		
Description:	Failure to maintain VOC limits below permitted levels.		
Date	08/10/2009	(763643)	CN600135354
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 319, SubChapter A 319.7(a) 30 TAC Chapter 319, SubChapter A 319.7(c)		
Description:	Failure to maintain a temperature log for the refrigerated composite sampler at Outfall 001.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 319, SubChapter A 319.5(b) TPDES Permit No. 02605-000 PERMIT		
Description:	Failure to conduct the pH, dissolved oxygen (D.O.), and total chlorine residual analyses at the required frequency.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TPDES Permit No. 02605-000 PERMIT		
Description:	Failure to comply with the Best Management Practices (BMPs) which are required to be followed and documented in Other Requirement No. 7 of TPDES permit No. 02605-000.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TPDES Permit No. 02605-000 PERMIT		
Description:	Failure to comply with Other Requirement No. 9 of TPDES permit No. 02605-000.		

- F. Environmental audits.
N/A
- G. Type of environmental management systems (EMSs).
N/A
- H. Voluntary on-site compliance assessment dates.
N/A
- I. Participation in a voluntary pollution reduction program.
N/A
- J. Early compliance.
N/A

Sites Outside of Texas
N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
SOUTHWEST SHIPYARD, L.P.
RN100248749**

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**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2009-2011-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 SOUTHWEST SHIPYARD, L.P. ("the Respondent") under the authority of the 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 barge cleaning and repair facility at 18310 Market Street in Channelview, Harris County, Texas (the "Facility").
2. The Facility involves or involved the management of industrial hazardous waste 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 November 21, 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 Three Hundred Ninety-Seven Thousand Eight Hundred Fifty-Six Dollars (\$397,856) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Thirteen Thousand Two Hundred Eighty-Three Dollars (\$13,283) of the administrative penalty and Seventy-Nine Thousand Five Hundred Seventy-One Dollars (\$79,571) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the

terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, including the payment schedule, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

One Hundred Forty-Five Thousand Eight Hundred Sixty Dollars (\$145,860) of the administrative penalty shall be payable in 11 monthly payments of Thirteen Thousand Two Hundred Sixty Dollars (\$13,260) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's 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, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order. One Hundred Fifty-Nine Thousand One Hundred Forty-Two Dollars (\$159,142) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
 - a. Updated the Facility's Notice of Registration on December 30, 2009;
 - b. Submitted exception reports for all applicable hazardous waste manifests on October 27, 2009;
 - c. Submitted a complete and accurate Annual Waste Summary for the year 2008 on November 9, 2009;
 - d. Trained personnel on proper inspection procedures and began conducting weekly inspections of hazardous waste containers on October 13, 2009;
 - e. Submitted a new five-year Source Reduction and Waste Minimization Plan on October 27, 2009;
 - f. Accurately completed hazardous waste manifests on October 16, 2009;
 - g. Updated the Facility's emergency coordinator list on September 23, 2009; and
 - h. Labeled vacuum boxes VB27164, V166 and V434 containing hazardous waste with the words "hazardous waste" and the beginning date of accumulation on September 23, 2009.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.

11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have:

1. Failed to update the Facility's Notice of Registration (NOR), in violation of 30 TEX. ADMIN. CODE § 335.6, as documented during an investigation conducted on September 22, 2009. Specifically, Waste Code 0035319H is incorrectly listed as a waste associated with waste management unit (WMU) 001; a current waste management unit should be listed for Waste Code 0129609H; Waste Codes 0129609H, 0270219H, 0271203H, 02722191, 0273219H, 02742191, 0276202H, 0277203H, 02786041, 02923081, and 02934061 should be identified as managed on-site and off-site; Waste Code 0252219H is incorrectly identified as inactive; Waste Codes 0253219H, 0254219H, 02554891, 02562081, 02573191, 02583191, 0259404H, 02602191, 02616091, 0266219H, 0267219H, 02686091, 0270219H, 02722191, 0273219H, 0275219H, 0279219H, 0295202H, and 03001051 should not be designated as a new chemical substance; either Waste Code 01163101 or 02686091 should be inactivated due to duplication; WMU 028 should be inactivated; product tanks should be removed from the NOR; and a WMU should be added for the 55-gallon container of contaminated groundwater.
2. Failed to submit exception reports to the Executive Director for hazardous waste manifests (HWM), in violation of 30 TEX. ADMIN. CODE § 335.13(k) and 40 CODE OF FEDERAL REGULATIONS ("CFR") § 262.42, as documented during an investigation conducted on September 22, 2009. Specifically, exception reports were not submitted for HWM Nos. 000120403VES, 002042628JJK, 002823928JJK, 04133144JJK, 004133145JJK, 004133126JJK, 004133275JJK, 004133084JJK, 004133091JJK, 004133092JJK, 004133115JJK, 04133114JJK, 004133112JJK, 004133113JJK, 004133165JJK, 04133166JJK, 004133169JJK, 004133170JJK, 005089067JJK, 000359210VES, 005651917JJK, 005089135JJK, and 00433205JJK for which manifest copies were not received by the Respondent within 45 days of acceptance by the initial transporter.
3. Failed to submit a complete and correct Annual Waste Summary for the year 2008, in violation of 30 TEX. ADMIN. CODE § 335.9(a)(2), as documented during an investigation conducted on September 22, 2009. Specifically, inaccurate System Type Codes were used for seven Waste Codes and Waste Code 02901141 generated in 2008 was not reported.
4. Failed to conduct weekly inspections of hazardous waste containers, in violation of 30 TEX. ADMIN. CODE §§ 335.69(a)(1)(A) and 335.112(a)(8) and 40 CFR §§ 262.34(a)(1)(i) and 265.174, as documented during an investigation conducted on September 22, 2009.
5. Failed to prepare a new five-year Source Reduction and Waste Minimization Plan prior to the expiration date of the existing plan, in violation of 30 TEX. ADMIN. CODE § 335.474, as documented during an investigation conducted on September 22, 2009. Specifically, the Facility Source Reduction and Waste Minimization Plan expired on March 17, 2008 and had not been renewed.

6. Failed to accurately complete hazardous waste manifests ("HWM"). Specifically, the incorrect designated facility's EPA ID number was entered in Item 8 for HWM number 000865416GBF and the hazardous material box was not checked in Item 9a for HWM numbers 004133157JJK, 004133156JJK, 004133155JJK, and 004133154JJK, in violation of 30 TEX. ADMIN. CODE § 335.10(c) and 40 CFR § 262.20(a)(1), as documented during an investigation conducted on September 22, 2009.
7. Failed to maintain an updated emergency coordinator list, in violation of 30 TEX. ADMIN. CODE §§ 335.69(a)(4)(A) and 335.112(a) and 40 CFR § 265.52(d), as documented during an investigation conducted on September 22, 2009. Specifically, two of the five persons on the emergency coordinator list were no longer employed by the Respondent.
8. Failed to label hazardous waste containers with the words "Hazardous Waste" or with the beginning date of accumulation, in violation of 30 TEX. ADMIN. CODE § 335.69(a)(2) and (a)(3) and 40 CFR § 262.34(a)(2) and (a)(3), as documented during an investigation conducted on September 22, 2009. Specifically, three vacuum boxes (boxes VB27164, V166 and V434) contained hazardous waste but were not labeled.
9. Failed to provide complete information on the land disposal restriction (LDR) notification form, in violation of 30 TEX. ADMIN. CODE § 335.431(c) and 40 CFR § 268.7(a), as documented during an investigation conducted on September 22, 2009. Specifically, the LDR form for HWM No. 000865410GBF did not specify that the waste was subject to LDRs, the underlying hazardous constituents in characteristic waste, and that all underlying hazardous constituents would be treated.
10. Failed to prevent disposal of hazardous waste at an unauthorized facility, in violation of 30 TEX. ADMIN. CODE § 335.2(b), as documented during an investigation conducted on September 22, 2009. Specifically, on April 2, 2008 and April 3, 2008, 14 shipments of hazardous waste (EPA Hazardous Waste Code D018) containing a total volume of 59,241 gallons were removed from wastewater storage tank T633 and were shipped to and disposed at a facility not authorized to accept hazardous waste. In addition, analytical results of liquid samples taken from tank T633 on April 4, 2008, April 7, 2008, and April 11, 2008 contained Toxicity Characteristic Leaching Procedure (TCLP) equivalent concentrations of 2.75, 3.16, and 2.70 mg/l of benzene, respectively.

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: SOUTHWEST SHIPYARD, L.P., Docket No. 2009-2011-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. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6, One Hundred Fifty-Nine Thousand One Hundred Forty-Two Dollars (\$159,142) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Immediately upon the effective date of this Agreed Order, cease disposing of hazardous waste at an unauthorized facility;
 - b. Within 30 days after the effective date of this Agreed Order:
 - i. Develop procedures to assure exception reports are submitted, in accordance with 30 TEX. ADMIN. CODE § 335.13(k) and 40 CFR § 262.42; and
 - ii. Provide complete and accurate information on LDR notification forms, in accordance with 30 TEX. ADMIN. CODE § 335.431(c) and 40 CFR § 268.7(a).
 - c. 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 Nos. 3.a. through 3.b.ii. 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:

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

4. 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.
5. 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.
6. 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.
7. 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.
8. 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.
9. 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



For the Executive Director

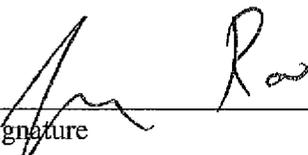
7/26/2010
Date

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

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

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

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



Signature

6/1/2010
Date

SANJAY RAO
Name (Printed or typed)
Authorized Representative of
SOUTHWEST SHIPYARD, L.P.

PRESIDENT
Title

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

Attachment A

Docket Number: 2009-2011-IHW-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: SOUTHWEST SHIPYARD, L.P.

Payable Penalty Amount: Three Hundred Eighteen Thousand Two Hundred Eighty-Five Dollars (\$318,285)

SEP Amount: One Hundred Fifty-Nine Thousand One Hundred Forty-Two Dollars (\$159,142)

Type of SEP: Pre-approved

Third-Party Recipient: Armand Bayou Nature Center - Coastal Tall Grass Management-Prescribed Burn Program and Prairie Restoration Project

Location of SEP: Harris County

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

1. Project Description

A. Project

The Respondent shall contribute the SEP offset amount to the Third-Party Recipient named above. The contribution will be to Armand Bayou Nature Center to be used for the Coastal Tall Grass Management-Prescribed Burn Program and Prairie Restoration Project Program as set forth in an agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to pay for the labor and materials costs associated with conducting prescribed burns, removing non-native trees, and for planting native trees and plants.

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

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by increasing ecosystem functionality. It will contribute to the overall prairie health by suppressing invasive brush species, increasing soil fertility, and promoting plant vigor.

C. Minimum Expenditure

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

2. Performance Schedule

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

Armand Bayou Nature Center
Attn: Mark Kramer
PO Box 58828
Houston, Texas 77258

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

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

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

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

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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

