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**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.:** 2010-1032-IWD-E **TCEQ ID:** RN100219211 **CASE NO.:** 39900  
**RESPONDENT NAME:** Gulf Coast Waste Disposal Authority

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Bayport Facility, 10800 Bay Area Boulevard, east of the intersection of Bay Area Boulevard and Port Road, Pasadena, Harris County</p> <p><b>TYPE OF OPERATION:</b> Industrial wastewater treatment system</p> <p><b>SMALL BUSINESS:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on December 13, 2010. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>SEP Coordinator:</b> Mr. Phillip Hampsten, SEP Coordinator, Enforcement Division, MC 219, (512) 239-6732]  <b>TCEQ Enforcement Coordinator:</b> Mr. Harvey Wilson, Enforcement Division, Water Enforcement Section, MC 149, (512) 239-0321; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495  <b>Respondent:</b> Mr. Charles Ganze, General Manager, Gulf Coast Waste Disposal Authority, 910 Bay Area Boulevard, Houston, Texas 77058  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input checked="" type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Record Review Relating to this Case:</b> May 21, 2010</p> <p><b>Date of NOV/NOE Relating to this Case:</b> June 10, 2010 (NOE)</p> <p><b>Background Facts:</b> This was a records review.</p> <p><b>WATER</b></p> <p>Failed to comply with the permitted limits for total organic carbon [30 TEX. ADMIN. CODE § 305.125(1), Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 01054, Effluent Limitations and Monitoring Requirements No. 1, and the TEX. WATER CODE § 26.121(a)].</p>	<p><b>Total Assessed:</b> \$14,175</p> <p><b>Total Deferred:</b> \$2,835  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$11,340</p> <p><b>Total Paid to General Revenue:</b> \$0</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Ordering Provisions:</b></p> <p>1) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP) (See Attachment A).</p> <p>2) Within 90 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limitations of TPDES Permit No. 01054, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations.</p>

Additional ID No(s): WQ0001054000

**Attachment A**  
**Docket Number: 2010-1032-IWD-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

**Respondent:** Gulf Coast Waste Disposal Authority

**Payable Penalty Amount:** Eleven Thousand Three Hundred Forty Dollars  
(\$11,340)

**SEP Amount:** Eleven Thousand Three Hundred Forty Dollars  
(\$11,340)

**Type of SEP:** Pre-approved

**Third-Party Recipient:** Galveston Bay Foundation-“Marsh Mania”

**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 Galveston Bay Foundation to be used for the Galveston Bay Foundation “Marsh Mania” as set forth in the agreement between the Third-Party Recipient and the TCEQ. SEP monies will be used to restore shoreline elevations, growing plants for shoreline restoration, and planting new habitat. Historic subsidence and erosion have resulted in shoreline elevations which are too low to support vegetation. This project will seek to raise elevations by scraping and terracing. Scraping involves the use of earthmoving equipment to grade an eroded, bluff-like shoreline so that it slopes gradually towards the water resulting in the ability of plant growth. Terracing uses earthmoving equipment to create small levees by burrowing and stacking sediment in shallow water. The high elevation can then be planted with emergent vegetation. SEP monies will be used to pay for the direct costs of the implementation of the project, including material, equipment, and labor costs.

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 providing food and shelter for a variety of native fish, shellfish, birds, and mammals. The marshes will also result in the reduction of pollution by filtering particulates and excess nutrients from runoff. In addition, the new habitat will protect shorelines from erosion and will help reduce the effects of flooding.

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:

Mr. Bob Stokes, President  
Galveston Bay Foundation  
17234-A Highway 3  
Wester, Texas 77598

**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.



Gulf Coast Waste Disposal Authority  
Agreed Order – Attachment A

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

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

The Respondent shall also mail a copy of the check to the 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.



**Attachment A**  
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# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

<b>DATES</b>	Assigned	14-Jun-2010	Screening	15-Jun-2010	EPA Due	5-Sep-2010
	PCW	17-Jun-2010				

<b>RESPONDENT/FACILITY INFORMATION</b>	
Respondent	Gulf Coast Waste Disposal Authority
Reg. Ent. Ref. No.	RN100219211
Facility/Site Region	12-Houston
Major/Minor Source	Major

<b>CASE INFORMATION</b>			
Enf./Case ID No.	39900	No. of Violations	1
Docket No.	2010-1032-IWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Harvey Wilson
		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

## Penalty Calculation Section

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

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

**Compliance History** 89.0% Enhancement Subtotals 2, 3, & 7:

Notes: An enhancement is recommended for two 1660 Agreed Orders with denial, seven NOV's for nonsimilar violations, one NOV for a similar violation, and six self-reported effluent violations within the past five years.

**Culpability** No 0.0% Enhancement Subtotal 4:

Notes: The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply Total Adjustments** Subtotal 5:

**Economic Benefit** 0.0% Enhancement Subtotal 6:

Total EB Amounts: \$499  
 Approx. Cost of Compliance: \$5,000  
 \*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** Final Subtotal:

**OTHER FACTORS AS JUSTICE MAY REQUIRE** 0.0% Adjustment:

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount:

**STATUTORY LIMIT ADJUSTMENT** Final Assessed Penalty:

**DEFERRAL** 20.0% Reduction Adjustment:

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

**PAYABLE PENALTY**

Screening Date 15-Jun-2010

Docket No. 2010-1032-IWD-E

PCW

Respondent: Gulf Coast Waste Disposal Authority

Policy Revision 2 (September 2002)

Case ID No. 39900

PCW Revision October 30, 2006

Reg. Ent. Reference No. RN100219211

Media [Statute] Water Quality

Enf. Coordinator Harvey Wilson

### 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)	7	35%
	Other written NOVs	7	14%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	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) 89%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

An enhancement is recommended for two 1660 Agreed Orders with denial, seven NOVs for nonsimilar violations, one NOV for a similar violation, and six self-reported effluent violations within the past five years.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 89%

Screening Date 15-Jun-2010

Docket No. 2010-1032-IWD-E

PCW

Respondent Gulf Coast Waste Disposal Authority

Policy Revision 2 (September 2002)

Case ID No. 39900

PCW Revision October 30, 2009

Reg. Ent. Reference No. RN100219211

Media (Statute) Water Quality

Enf. Coordinator Harvey Wilson

Violation Number 1

Rule Cite(s) Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System Permit No. 01054, Effluent Limitations and Monitoring Requirements No. 1

Violation Description Failed to comply with the permitted effluent limits (see attached table), as documented during a record review on May 21, 2010.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual			X	25%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of these violations.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 3 Number of violation days 121

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$7,500

Three quarterly events are recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

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

Violation Subtotal \$7,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$499

Violation Final Penalty Total \$14,175

This violation Final Assessed Penalty (adjusted for limits) \$14,175

## Economic Benefit Worksheet

Respondent: Gulf Coast Waste Disposal Authority

Case ID No: 39900

Reg. Ent. Reference No: RN100219211

Media: Water Quality

Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Item Description: No commas or \$

### Delayed Costs

Item Description	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	\$5,000	1-Apr-2009	31-Mar-2011	2.00	\$499	n/a	\$499
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The estimated cost of applying for a permit amendment to increase the limits for Total Organic Carbon. Date Required was the date of the first exceedance. Final Date is the projected 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

\$5,000

TOTAL

\$499

Gulf Coast Waste Disposal Authority  
Docket No. 2010-1032-IWD-E  
RN100219211; TPDES Permit No. 01054  
Effluent Violation Table

	Total Organic Carbon Daily Average Loading Limit 9,779 pounds per day	Total Organic Carbon Daily Loading Maximum 19,557 pounds per day
April 2009	C	19,833
October 2009	11,382	C
December 2009	10,503	C
January 2010	11,960	C
February 2010	11,103	C
C = compliant		



# Compliance History Report

Customer/Respondent/Owner-Operator:	CN600126163	Gulf Coast Waste Disposal Authority	Classification: AVERAGE	Rating: 1.21
Regulated Entity:	RN100219211	BAYPORT FACILITY	Classification: AVERAGE	Site Rating: 1.18

ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	HG02500
	AIR OPERATING PERMITS	PERMIT	1708
	AIR NEW SOURCE PERMITS	PERMIT	40782
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HG02500
	AIR NEW SOURCE PERMITS	AFS NUM	4820100379
	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1012802
	PRETREATMENT	EPA ID	TX0005380000
	PRETREATMENT	PERMIT	WQ0001054000
	WASTEWATER	EPA ID	TPDES0005380
	WASTEWATER	PERMIT	WQ0001054000
	WASTEWATER	PERMIT	TPDES0005380
	WASTEWATER	PERMIT	TX0005380
	SLUDGE	REGISTRATION	21649
	STORMWATER	PERMIT	TXR05V175
	WATER LICENSING	LICENSE	1012802
	WASTEWATER LICENSING	LICENSE	WQ0001054000
	AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	HG02500

Location: 10800 BAY AREA BOULEVARD EAST OF THE INTERSECTION OF BAY AREA BOULEVARD AND PORT ROAD, PASADENA, HARRIS COUNTY, TX, 77507

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: June 15, 2010

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: June 15, 2005 to June 15, 2010

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

Name: Harvey Wilson Phone: 239 - 0321

## 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: 09/30/2005 ADMINORDER 2004-0378-MLM-E

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.142

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

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

Rqmt Prov: 1 and 3A PERMIT

Description: Failed to comply with VOC emission limits at the wastewater treatment plant.

Classification: Moderate

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

30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: Paragraph 1, Effluent Limitations PERMIT  
Description: Failed to comply with permitted effluent limits.

Effective Date: 01/28/2010 ADMINORDER 2009-1076-AIR-E  
Classification: Moderate

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

Rqmt Prov: 40782, Special Condition No. 1 PERMIT  
Description: Failed to prevent unauthorized emissions.

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

N/A

C. Chronic excessive emissions events.

N/A

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

1	06/20/2005	(419667)
2	07/19/2005	(400908)
3	07/22/2005	(440807)
4	07/27/2005	(399477)
5	07/28/2005	(402453)
6	07/29/2005	(402140)
7	07/29/2005	(402238)
8	08/01/2005	(401915)
9	08/01/2005	(402152)
10	08/02/2005	(403020)
11	08/03/2005	(403194)
12	08/08/2005	(403555)
13	08/11/2005	(404796)
14	08/15/2005	(404956)
15	08/16/2005	(404943)
16	08/16/2005	(405332)
17	08/18/2005	(405230)
18	08/19/2005	(406085)
19	08/19/2005	(440808)
20	08/22/2005	(406029)
21	08/29/2005	(418315)
22	08/30/2005	(418514)
23	09/06/2005	(406824)
24	09/06/2005	(418885)
25	09/08/2005	(418654)
26	09/20/2005	(440809)
27	10/20/2005	(468378)
28	11/21/2005	(435678)
29	11/21/2005	(468379)
30	12/16/2005	(468380)
31	01/11/2006	(450337)
32	01/19/2006	(468381)
33	02/22/2006	(468376)
34	03/21/2006	(468377)
35	04/21/2006	(498160)
36	05/23/2006	(498161)
37	05/31/2006	(459917)
38	06/15/2006	(498162)

39	07/17/2006	(498163)
40	08/14/2006	(479866)
41	08/18/2006	(520170)
42	09/19/2006	(520171)
43	10/19/2006	(520172)
44	11/20/2006	(544455)
45	12/20/2006	(544456)
46	12/21/2006	(519413)
47	01/09/2007	(532476)
48	01/18/2007	(544457)
49	02/20/2007	(539776)
50	02/20/2007	(544454)
51	03/21/2007	(575237)
52	04/19/2007	(575238)
53	05/21/2007	(575239)
54	06/21/2007	(575240)
55	07/19/2007	(575241)
56	08/16/2007	(607540)
57	08/22/2007	(573107)
58	09/20/2007	(607541)
59	10/22/2007	(607542)
60	11/20/2007	(619500)
61	12/19/2007	(619501)
62	01/18/2008	(619502)
63	02/21/2008	(672008)
64	03/19/2008	(672009)
65	03/25/2008	(616746)
66	04/15/2008	(672010)
67	05/06/2008	(640306)
68	05/22/2008	(689925)
69	06/03/2008	(680346)
70	06/14/2008	(681382)
71	06/23/2008	(689926)
72	07/01/2008	(682808)
73	07/21/2008	(689927)
74	07/22/2008	(683740)
75	08/20/2008	(710711)
76	08/29/2008	(681441)
77	08/29/2008	(701723)
78	09/22/2008	(710712)
79	10/02/2008	(700153)
80	10/22/2008	(710713)
81	11/21/2008	(727464)
82	12/18/2008	(708154)
83	12/23/2008	(727465)
84	01/13/2009	(710140)
85	01/20/2009	(727466)
86	02/20/2009	(750248)
87	02/27/2009	(705700)
88	03/23/2009	(750249)
89	04/20/2009	(750250)
90	05/20/2009	(768337)
91	06/11/2009	(768338)
92	06/30/2009	(745531)
93	07/07/2009	(749560)
94	07/08/2009	(761000)

95	07/22/2009	(804585)
96	08/24/2009	(804586)
97	09/22/2009	(804587)
98	10/19/2009	(804588)
99	10/23/2009	(779379)
100	11/23/2009	(804589)
101	12/17/2009	(804590)
102	01/21/2010	(804591)
103	02/09/2010	(789549)
104	02/17/2010	(804584)
105	02/19/2010	(792210)
106	06/10/2010	(803805)
107	06/14/2010	(800952)

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

Date: 11/21/2005 (435678) CN600126163

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 315, SubChapter A 315.1  
 Description: Failure to assure that US Oil Recovery representative submitted a complete Baseline Monitoring Report (BMR) containing the required certification statement signed by a responsible corporate officer.

Date: 08/14/2006 (479866) CN600126163

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 THC Chapter 382, SubChapter D 382.085(b)  
 O-01708, Special Condition 7 OP  
 TCEQ Permit NO. 40782, SC7 PERMIT  
 Description: Failure to monitor the mixed liquor total suspended solids (MLSS) measurement in the first step aeration on August 11, 2005.

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 THC Chapter 382, SubChapter D 382.085(b)  
 O-01708, Special Condition 7 OP  
 TCEQ Permit NO. 40782, SC 9.A PERMIT  
 Description: Failure to contact the TCEQ Houston regional office to schedule the pretest meeting for cooling tower testing.

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 122, SubChapter C 122.222(k)(2)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 Description: Failure to make off-permit notification for seven PBRs claimed from March, 2003 through January, 2006.

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 THC Chapter 382, SubChapter D 382.085(b)  
 O-01708, General Terms and Conditions OP  
 Description: Failure to report the deviations regarding the off-permit notifications for PBRs and diversion of wastewater and activated sludge to the open ponds in the deviation report dated October 5, 2005.

Date: 12/21/2006 (519413) CN600126163

Self Report? NO Classification: Minor  
 Citation: 40 CFR Chapter 403, SubChapter N, PT 403.403.8(f)(2)(vii)  
 Description: Failure to collect wastewater samples in a manner to provide evidence admissible in court or other legal proceeding.

Date: 03/24/2008 (616746) CN600126163

Self Report? NO Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
2D TWC Chapter 26, SubChapter A 26.121(a)(1)  
2D TWC Chapter 26, SubChapter A 26.121(a)(3)  
2D TWC Chapter 26, SubChapter A 26.121(b)  
2D TWC Chapter 26, SubChapter A 26.121(c)  
2D TWC Chapter 26, SubChapter A 26.121(d)  
2D TWC Chapter 26, SubChapter A 26.121(e)  
30 TAC Chapter 305, SubChapter F 305.125(4)  
30 TAC Chapter 305, SubChapter F 305.125(5)  
TWC Chapter 26 26.121  
TWC Chapter 26 26.121(a)(2)

Description: Failure to prevent the unauthorized discharge of wastewater.

Date: 05/06/2008 (640306) CN600126163

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)  
Description: GCA failed to include the preconstruction authorization number or rule citation of the permit governing the facility in the final report.

Date: 08/29/2008 (701723) CN600126163

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 315, SubChapter A 315.1  
40 CFR Chapter 403, SubChapter N, PT 403 403.8(f)(1)(iii)(B)  
40 CFR Chapter 403, SubChapter N, PT 403 403.8(f)(2)(iii)

Description: The Control Authority failed to issue Hoyer Global, Inc. (Hoyer) a permit that contains the applicable categorical pretreatment standards for a facility subject to the Transportation Equipment Cleaning (TEC) Point Source Category; 40 CFR Part 442, Subpart A, and failed to include in the ten SIU permits that were reviewed by the auditors, the sample type for each parameter that needs to be sampled.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 315, SubChapter A 315.1  
40 CFR Chapter 403, SubChapter N, PT 403 403.8(f)(2)(v)  
Description: The Control Authority failed to inspect Superior Carriers, Inc., American Plating, and Sanyo Chemicals Texas Inc. (a new SIU) at least once during the 2007 pretreatment year.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 315, SubChapter A 315.1  
40 CFR Chapter 403, SubChapter N, PT 403 403.8(f)(2)(vi)  
Description: The Control Authority failed to adequately review the slug discharge control plan submitted by Huish Detergents to identify that it was not complete.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 315, SubChapter A 315.1  
40 CFR Chapter 403, SubChapter N, PT 403 403.8(f)(2)  
40 CFR Chapter 403, SubChapter N, PT 403 403.8(f)(2)(v)  
Description: The Control Authority failed to analyze the effluent from the Hoyer facility for the non-polar material (SGT-HEM) pollutant during the 2007 pretreatment year, in order to determine compliance or noncompliance with the applicable categorical pretreatment standards for a TEC facility subject to 40 CFR §442.15.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 315, SubChapter A 315.1  
40 CFR Chapter 403, SubChapter N, PT 403 403.8(f)(2)  
40 CFR Chapter 403, SubChapter N, PT 403 403.8(f)(2)(iv)  
40 CFR Chapter 403, SubChapter N, PT 403 403.8(f)(5)  
Description: The Control Authority failed to identify the reporting violation, escalate enforcement actions (as specified in the ERG), and publish the Galveston Company in the newspaper for meeting the criteria of SNC for late submittal of an Annual Industrial User report; failed to identify that Lubrizol did not submit an application for permit renewal as specified by their previous issued permit.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 315, SubChapter A 315.1  
40 CFR Chapter 403, SubChapter N, PT 403 403.8(f)(2)(vii)

Description: The CA failed to perform a through inspection of the Petroleum Refining System, Inc. (PRSI) facility in order to identify noncompliance with the issued permit and other applicable regulations and failed to ensure that a portion of the chain-of-custody (COC) forms were properly signed to document the custody of the sample

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 315, SubChapter A 315.1  
40 CFR Chapter 122, SubChapter D, PT 122, SubPT C 122.41  
40 CFR Chapter 403, SubChapter N, PT 403 403.12(m)

Description: The CA failed to properly certify the pretreatment program annual status reports submitted to the Approval Authority.

Date: 09/30/2008 (710713) CN600126163

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: 11/14/2008 (572152) CN600126163

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.6(e)  
5C THSC Chapter 382 382.085(b)  
FOP O-01708 SC 6 OP

Description: Failure to revise the Startup, Shutdown, Malfunction Plan (SSMP) within 45 days after an event that meets the characteristics of a malfunction, but was not included in the SSMP.

Date: 02/27/2009 (705700) CN600126163

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
STC 7 OP

Description: Failure to operate RTO2601 & RTO2602 within the minimum temperature represented in Standard Permit. [FOP O-01708]

Date: 04/30/2009 (768337) CN600126163

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: 10/31/2009 (804589) CN600126163

Self Report? YES Classification: Moderate

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

Description: Failure to meet the limit for one or more permit parameter

Date: 12/31/2009 (804591) CN600126163

Self Report? YES Classification: Moderate

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

Description: Failure to meet the limit for one or more permit parameter

Date: 01/31/2010 (804584) CN600126163

Self Report? YES Classification: Moderate

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

Description: Failure to meet the limit for one or more permit parameter

Date: 02/28/2010 (804677) CNCN600126163

Self Report? YES Classification: Moderate

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

Description: Failure to meet the limit for one or more permit parameter

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



<b>IN THE MATTER OF AN</b>	<b>§</b>	<b>BEFORE THE</b>
<b>ENFORCEMENT ACTION</b>	<b>§</b>	
<b>CONCERNING</b>	<b>§</b>	
<b>GULF COAST WASTE DISPOSAL</b>	<b>§</b>	<b>TEXAS COMMISSION ON</b>
<b>AUTHORITY</b>	<b>§</b>	
<b>RN100219211</b>	<b>§</b>	<b>ENVIRONMENTAL QUALITY</b>

## **AGREED ORDER DOCKET NO. 2010-1032-IWD-E**

### **I. JURISDICTION AND STIPULATIONS**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Gulf Coast Waste Disposal Authority ("the Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a industrial wastewater treatment system located at 10800 Bay Area Boulevard, east of the intersection of Bay Area Boulevard and Port Road in Pasadena, Harris County, Texas (the "Facility").
2. The Respondent has discharged industrial wastewater into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about June 15, 2010.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Fourteen Thousand One Hundred Seventy-Five Dollars (\$14,175) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Two Thousand Eight Hundred Thirty-Five Dollars (\$2,835) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty. Eleven Thousand Three Hundred Forty Dollars (\$11,340) of the administrative penalty 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 may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have failed to comply with the permitted limits, in violation of TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 01054 Effluent Limitations and Monitoring Requirements No. 1, as documented during a record review conducted on May 21, 2010, as depicted in the table below:

Effluent Violation Table

	Total Organic Carbon Daily Average Loading Limit 9,779 pounds per day	Total Organic Carbon Daily Loading Maximum 19,557 pounds per day
April 2009	C	19,833
October 2009	11,382	C
December 2009	10,503	C
January 2010	11,960	C
February 2010	11,103	C
C = compliant		

### 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: Gulf Coast Waste Disposal Authority, Docket No. 2010-1032-IWD-E" to:

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

2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Eleven Thousand Three Hundred Forty Dollars (\$11,340) of the 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, within 90 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limitations of TPDES Permit No. 01054, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

Water 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 separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or

authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission," "owner," "person," "writing," and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

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

John Szelles  
For the Executive Director

\_\_\_\_\_  
Date 11/22/2010

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

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

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

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

Charles Ganze  
Signature

\_\_\_\_\_  
Date 10-12-10

CHARLES GANZE  
Name (Printed or typed)  
Authorized Representative of  
Gulf Coast Waste Disposal Authority

GENERAL MANAGER  
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.