

Executive Summary – Enforcement Matter – Case No. 40332  
Conner Steel Products Inc.  
RN102602307  
Docket No. 2010-1443-IHW-E

**Order Type:**  
Agreed Order

**Findings Order Justification:**  
N/A

**Media:**  
IHW

**Small Business:**  
Yes

**Location(s) Where Violation(s) Occurred:**  
6738 US Highway 87 North, San Angelo, Tom Green County

**Type of Operation:**  
steel and fiberglass storage tank manufacturing facility

**Other Significant Matters:**

Additional Pending Enforcement Actions:	None
Past-Due Penalties:	None
Past-Due Fees:	None
Other:	Conner Steel Products Inc. was merged with Grant PrideCo, Inc. d/b/a Mission Products.
Interested Third-Parties:	None

**Texas Register Publication Date:** July 22, 2011

**Comments Received:** None

***Penalty Information***

**Total Penalty Assessed:** \$22,348

**Amount Deferred for Expedited Settlement:** N/A

**Amount Deferred for Financial Inability to Pay:** N/A

**Total Paid to General Revenue:** \$22,348

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**SEP Conditional Offset:** N/A

**Compliance History Classifications:**

Person/CN – Poor  
Site/RN – Poor

**Major Source:** No

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** September 2002

***Investigation Information***

**Complaint Date(s):** N/A  
**Date(s) of Investigation:** June 23, 2010  
**Date(s) of NOV(s):** April 30, 2007; October 2, 2007; February 28, 2008; March 14, 2008;  
October 10, 2008; December 4, 2008  
**Date(s) of NOE(s):** August 5, 2010

***Violation Information***

1. Failed to prevent the unauthorized disposal of industrial solid waste [30 TEX. ADMIN. CODE § 335.4].
2. Failed to conduct hazardous waste determinations and waste classifications [30 TEX. ADMIN. CODE §§ 335.62, 335.503(a) and 335.513(c) and 40 C.F.R. § 262.11].
3. Failed to properly close containers used to store universal waste except when adding or removing waste [30 TEX. ADMIN. CODE § 335.262 (c)(2)].
4. Failed to properly label containers used to store universal waste [30 TEX. ADMIN. CODE § 335.262(c)(1) and (2) and 40 C.F.R. § 273.15(c)(1)].
5. Failed to properly update the Facility's Notice of Registration (NOR) [30 TEX. ADMIN. CODE § 335.6(c)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

1. Updated the Facility's Notice of Registration reflecting the current closed status of the grit trap unit on September 14, 2010.
2. Developed and implemented procedures to ensure that all industrial wastewater generated at the Facility is disposed at an authorized facility;
3. Conducted waste determination and classification on all waste streams generated at the Facility;
4. Developed and implemented procedures to ensure that containers used to store universal waste are kept closed except when adding or removing waste, in accordance; and  
Developed and implemented procedures to ensure that containers used to store universal waste are marked with a beginning accumulation date and labeled with the words "Universal Waste – Paint and Paint Related Wastes".

**Technical Requirements:**

N/A

***Litigation Information***

**Date Petition(s) Filed:** December 10, 2010  
**Date Answer(s) Filed:** January 3, 2011  
**SOAH Referral Date:** February 10, 2011  
**Hearing Date(s):**  
Preliminary hearing: April 7, 2011 (Waived)  
Evidentiary hearing: July 21, 2011  
**Settlement Date:** June 8, 2011

**Executive Summary – Enforcement Matter – Case No. 40332**  
**Conner Steel Products Inc.**  
**RN102602307**  
**Docket No. 2010-1443-IHW-E**

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***Contact Information***

**TCEQ Attorneys:** Jeffrey Huhn, Litigation Division, MC 175, (512) 239-3400  
Lena Roberts, Litigation Division, MC 175, (512) 239-3400

**TCEQ SEP Coordinator:** N/A

**TCEQ Enforcement Coordinator:** Michael Meyer, Waste Enforcement Section, (512) 239-4492

**TCEQ Regional Contact:** Christopher Mayben, San Angelo Regional Office, (325) 655-9479

**Respondent:** Robert Markell, Safety Manager, Conner Steel Products, Inc. P.O. Box 3287, San Angelo, Texas 76902

**Respondent's Attorney:** Keith A. Courtney, Winstead PC, 41 Congress Avenue, Suite 2100, Austin, Texas 78701

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# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	30-Aug-2010	<b>Screening</b>	1-Sep-2010	<b>EPA Due</b>	
	<b>PCW</b>	22-Mar-2011				

<b>RESPONDENT/FACILITY INFORMATION</b>						
<b>Respondent</b>	CONNER STEEL PRODUCTS, INC.					
<b>Reg. Ent. Ref. No.</b>	RN102602307					
<b>Facility/Site Region</b>	8-San Angelo	<b>Major/Minor Source</b>	Minor			

<b>CASE INFORMATION</b>						
<b>Enf./Case ID No.</b>	40332	<b>No. of Violations</b>	5			
<b>Docket No.</b>	2010-1443-IHW-E	<b>Order Type</b>	1660			
<b>Media Program(s)</b>	Industrial and Hazardous Waste	<b>Government/Non-Profit</b>	No			
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Michael Meyer			
		<b>EC's Team</b>	Enforcement Team 6			
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$10,000			

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$10,500
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	75.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$7,875
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**Notes**  
 Enhancement for two NOVs with same/similar violations, four NOVs with dissimilar violations, one order containing denial of liability, one court order with denial of liability, and poor performer classification and a reduction for one notice of intended audit and one disclosure of violation.

<b>Culpability</b>	No	0.0% Enhancement	<b>Subtotal 4</b>	\$0
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**Notes**  
 The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$100
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts	\$4,281
Approx. Cost of Compliance	\$8,830

\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$18,275
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	22.3%	<b>Adjustment</b>	\$4,073
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Reduces or enhances the Final Subtotal by the indicated percentage.

**Notes**  
 Recommended enhancement to capture the avoided cost of compliance associated with violation no. 1.

<b>Final Penalty Amount</b>	\$22,348
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$22,348
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<b>DEFERRAL</b>	0.0%	Reduction	<b>Adjustment</b>	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

**Notes**  
 Deferral not offered for non-expedited settlement.

<b>PAYABLE PENALTY</b>	\$22,348
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**Screening Date** 1-Sep-2010

**Docket No.** 2010-1443-IHW-E

**PCW**

**Respondent** CONNER STEEL PRODUCTS, INC.

*Policy Revision 2 (September 2002)*

**Case ID No.** 40332

*PCW Revision October 30, 2008*

**Reg. Ent. Reference No.** RN102602307

**Media [Statute]** Industrial and Hazardous Waste

**Enf. Coordinator** Michael Meyer

### Compliance History Worksheet

**>> Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	2	10%
	Other written NOVs	4	8%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgements or consent decrees meeting criteria</i> )	1	30%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	1	-1%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	1	-2%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

**Adjustment Percentage (Subtotal 2)** 65%

**>> Repeat Violator (Subtotal 3)**

No

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

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

Poor Performer

**Adjustment Percentage (Subtotal 7)** 10%

**>> Compliance History Summary**

**Compliance History Notes**

Enhancement for two NOVs with same/similar violations, four NOVs with dissimilar violations, one order containing denial of liability, one court order with denial of liability, and poor performer classification and a reduction for one notice of intended audit and one disclosure of violation.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 75%

Screening Date 1-Sep-2010

Docket No. 2010-1443-IHW-E

PCW

Respondent CONNER STEEL PRODUCTS, INC.

Policy Revision 2 (September 2002)

Case ID No. 40332

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102602307

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Michael Meyer

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 335.4

Violation Description Failed to prevent the unauthorized disposal of industrial solid waste. Specifically, approximately 70 barrels of contaminated rainwater from the crane secondary containment structures were disposed of in a disposal well located at Tankersley, Texas on November 5, 2009 which was not authorized to receive the wastewater.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0%

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

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1 70 Number of violation days

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

Violation Base Penalty \$1,000

One quarterly event is recommended from the June 23, 2010 investigation to the September 1, 2010 screening date.

Good Faith Efforts to Comply

0.0% Reduction \$0

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

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

Violation Subtotal \$1,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$4,073 Violation Final Penalty Total \$2,140

This violation Final Assessed Penalty (adjusted for limits) \$2,140

## Economic Benefit Worksheet

**Respondent** CONNER STEEL PRODUCTS, INC.  
**Case ID No.** 40332  
**Req. Ent. Reference No.** RN102602307  
**Media** Industrial and Hazardous Waste  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$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]				0.00	\$0	\$0	\$0
Other (as needed)	\$3,780	5-Nov-2009	23-Jun-2010	1.55	\$293	\$3,780	\$4,073

Notes for AVOIDED costs

Estimated avoided cost to properly dispose of 70 barrels of contaminated oily rainwater at an authorized facility based on the information provided by the Respondent. The date required is the date of disposal and the final date is the investigation date.

Approx. Cost of Compliance

\$3,780

**TOTAL**

\$4,073

Screening Date 1-Sep-2010

Docket No. 2010-1443-IHW-E

PCW

Respondent CONNER STEEL PRODUCTS, INC.

Policy Revision 2 (September 2002)

Case ID No. 40332

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102602307

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Michael Meyer

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 335.62, 335.503(a) and 335.513(c) and 40 Code of Federal Regulations ("CFR") § 262.11

Violation Description Failed to conduct hazardous waste determinations and waste classifications. Specifically, a waste determination and classification was not conducted for contaminated rainwater.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), and Percent (25%).

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, and 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 \$7,500

\$2,500

Violation Events

Number of Violation Events 1 Number of violation days 1

Table for frequency selection: daily, weekly, monthly, quarterly, semiannual, annual, single event (marked with x).

Violation Base Penalty \$2,500

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction \$0

Table for Good Faith Efforts: Extraordinary, Ordinary, N/A (marked with x).

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

Violation Subtotal \$2,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$179

Violation Final Penalty Total \$5,350

This violation Final Assessed Penalty (adjusted for limits) \$5,350

## Economic Benefit Worksheet

**Respondent** CONNER STEEL PRODUCTS, INC.  
**Case ID No.** 40332  
**Req. Ent. Reference No.** RN102602307  
**Media** Industrial and Hazardous Waste  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$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	\$4,200	23-Jun-2010	30-Apr-2011	0.85	\$179	n/a	\$179
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to conduct a waste determination and classification for the wastestream. The date required is the investigation date and the final date is the projected 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

\$4,200

**TOTAL**

\$179

Screening Date 1-Sep-2010

Docket No. 2010-1443-IHW-E

PCW

Respondent CONNER STEEL PRODUCTS, INC.

Policy Revision 2 (September 2002)

Case ID No. 40332

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102602307

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Michael Meyer

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 335.262(c)(2)

Violation Description Failed to properly close containers used to store universal waste except when adding or removing waste. Specifically, three open containers of paint waste were noted in the secondary containment structure of the satellite accumulation area.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0%

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

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 3 Number of violation days 1

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$3,000

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

Good Faith Efforts to Comply

0.0% Reduction \$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

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

Violation Subtotal \$3,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$21

Violation Final Penalty Total \$6,420

This violation Final Assessed Penalty (adjusted for limits) \$6,420

## Economic Benefit Worksheet

**Respondent** CONNER STEEL PRODUCTS, INC.  
**Case ID No.** 40332  
**Req. Ent. Reference No.** RN102602307  
**Media** Industrial and Hazardous Waste  
**Violation No.** 3

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$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	23-Jun-2010	30-Apr-2011	0.85	\$21	n/a	\$21

Notes for DELAYED costs

Estimated cost to develop and implement procedures to ensure that containers storing universal waste are properly closed except when adding or removing waste. The date required is the investigation date and the final date is the projected 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

\$21

Screening Date 1-Sep-2010

Docket No. 2010-1443-IHW-E

PCW

Respondent CONNER STEEL PRODUCTS, INC.

Policy Revision 2 (September 2002)

Case ID No. 40332

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102602307

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Michael Meyer

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code §§ 335.262(c)(1) and (2) and 40 CFR 273.15(c)(1)

Violation Description

Failed to properly label containers used to store universal waste. Specifically, two 55-gallon bucket liners and one 5-gallon bucket container of universal waste were not labeled or marked clearly with the words "Universal Waste - Paint and Paint Related Wastes" and had no accumulation start date.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
		x			10%
100 percent of the rule requirement was not met.					

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 3 3 Number of violation days

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

Violation Base Penalty \$3,000

Three single events (one event for each open container) are recommended.

Good Faith Efforts to Comply

	0.0%	Reduction	\$0
		Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary			
Ordinary			
N/A	x	(mark with x)	

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

Violation Subtotal \$3,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$6

Violation Final Penalty Total \$6,420

This violation Final Assessed Penalty (adjusted for limits) \$6,420

## Economic Benefit Worksheet

**Respondent** CONNER STEEL PRODUCTS, INC.  
**Case ID No.** 40332  
**Req. Ent. Reference No.** RN102602307  
**Media** Industrial and Hazardous Waste  
**Violation No.** 4

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$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)	\$150	23-Jun-2010	30-Apr-2011	0.85	\$6	n/a	\$6

Notes for DELAYED costs

Estimated cost to label three containers of universal waste. The date required is the investigation date and the final date is the projected 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

\$150

**TOTAL**

\$6

Screening Date 1-Sep-2010

Docket No. 2010-1443-IHW-E

PCW

Respondent CONNER STEEL PRODUCTS, INC.

Policy Revision 2 (September 2002)

Case ID No. 40332

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102602307

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Michael Meyer

Violation Number 5

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

Violation Description Failed to properly update the Facility's Notice of Registration. Specifically, the Respondent failed to update the Notice of Registration to reflect the current status of the grit trap unit.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), Percent (0%).

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, Percent (10%). Matrix Notes: 100% of the rule requirement was not met.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1 68 Number of violation days

Table for frequency: daily, weekly, monthly, quarterly, semiannual, annual, single event. Single event is marked with 'x'.

Violation Base Penalty \$1,000

One single event is recommended.

Good Faith Efforts to Comply

10.0% Reduction Before NOV NOV to EDPRP/Settlement Offer

\$100

Table for Good Faith Efforts: Extraordinary, Ordinary, N/A. Ordinary is marked with 'x'.

Notes The Respondent achieved compliance on September 14, 2010.

Violation Subtotal \$900

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2

Violation Final Penalty Total \$2,018

This violation Final Assessed Penalty (adjusted for limits) \$2,018

## Economic Benefit Worksheet

**Respondent** CONNER STEEL PRODUCTS, INC.  
**Case ID No.** 40332  
**Req. Ent. Reference No.** RN102602307  
**Media** Industrial and Hazardous Waste  
**Violation No.** 5

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$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	\$200	23-Jun-2010	14-Sep-2010	0.23	\$2	n/a	\$2
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to update the Facility's Notice of Registration. The date required is the investigation date and the final date is the 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

\$200

**TOTAL**

\$2

# Compliance History

Customer/Respondent/Owner-Operator: CN603240839 Conner Steel Products Inc. Classification: POOR Rating: 51.98  
Regulated Entity: RN102602307 CONNER STEEL PRODUCTS Classification: POOR Site Rating: 198.89

ID Number(s):  
WASTE WATER GENERAL PERMIT PERMIT 2E0000079  
INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXR000035519  
INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 80773  
AIR NEW SOURCE PERMITS ACCOUNT NUMBER TG02530  
AIR NEW SOURCE PERMITS PERMIT 74024  
AIR NEW SOURCE PERMITS AFS NUM 4845100030  
AIR NEW SOURCE PERMITS REGISTRATION 87867  
AIR OPERATING PERMITS ACCOUNT NUMBER TG02530  
AIR OPERATING PERMITS PERMIT 2820  
POLLUTION PREVENTION PLANNING ID NUMBER P06764  
AIR EMISSIONS INVENTORY ACCOUNT NUMBER TG02530  
Location: 6738 US HIGHWAY 87 N, SAN ANGELO, TX, 76901

TCEQ Region: REGION 08 - SAN ANGELO

Date Compliance History Prepared: March 22, 2011

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: December 10, 2005 to December 10, 2010

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

Name: Michael Meyer Phone: 239 - 4492

## Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s)? N/A
5. When did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2010 Repeat Violator: YES

## Components (Multimedia) for the Site :

A. ~~Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.~~

Effective Date: 09/25/2008

COURTORDER

Classification: Major

Citation: 30 TAC Chapter 335, SubChapter Q 335.473

30 TAC Chapter 335, SubChapter Q 335.474

30 TAC Chapter 335, SubChapter Q 335.475

Description: Failing to generate and update as necessary a Source Reduction Waste Minimization Plan. Conner Steel is required to generate and maintain this plan not only because it has been either a large quantity or small quantity hazardous waste generator but also because it is a TRI Form R reporter. (9.3)

Classification: Major

Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)

30 TAC Chapter 335, SubChapter C 335.69(e)

30 TAC Chapter 335, SubChapter E 335.112(a)

Description: Failing to properly manage two 55-gallon drums of ignitable acetone/styrene waste mixture

that (1) were placed in the alley less than 50 feet from the facility property line; (2) did not have the proper closure to prevent air emissions; (3) did not remain closed except when adding or removing waste; (4) were not properly labeled; and (5) were not removed from near the satellite accumulation area. [8.7(1)through (5)].

Classification: Major

Citation: 30 TAC Chapter 335, SubChapter C 335.69(d)(1)  
30 TAC Chapter 335, SubChapter C 335.69(d)(2)

Description: Allowing containers in the fiberglass tank department storing waste acetone to remain

uncovered and volatilize overnight. (8.8)

Classification: Major

Citation: 30 TAC Chapter 335, SubChapter A 335.2(a)  
30 TAC Chapter 335, SubChapter A 335.4

Description: Unauthorized and/or improper discharge, disposal, and storage of various wastes. [See Detailed Description for complete listing. 7.3(1)-9]

Classification: Major

Citation: 30 TAC Chapter 335, SubChapter A 335.4

Description: Failing to properly manage industrial solid waste by managing fire residue in a mangled fiberglass tank and thereby allowing the fire residue waste to discharge to the environment. (7.5)

Classification: Major

Citation: 30 TAC Chapter 335, SubChapter C 335.62  
30 TAC Chapter 335, SubChapter R 335.503  
30 TAC Chapter 335, SubChapter R 335.513

Description: Failing to perform a hazardous waste determinations and a non-hazardous solid waste classification on sandblast waste. (8.4)

Classification: Major

Citation: 30 TAC Chapter 335, SubChapter C 335.62  
30 TAC Chapter 335, SubChapter R 335.503  
30 TAC Chapter 335, SubChapter R 335.513

Description: Fail to perform a haz. waste determination and a non-haz. solid waste classif. on the following: 1 wastewater f/ fire residue managed in a fiberglass tks.; 2 fiberglass tk. air filters; 3 paint booth air filters; 4 paint cont. absorbent; 5 cont. paint waste found in the paint booth; 6 waste welding slag; 7 wastewater f/ the plasma cutting machine; 8 plant trash; 9 office trash; 10 florescent bulbs; 11 waste leaking f/ the 3-gal.; 12 fire resid. waste found in 3 55-gal. conts. (8.6 (1-18)).

Classification: Major

Citation: 30 TAC Chapter 335, SubChapter C 335.62  
30 TAC Chapter 335, SubChapter R 335.503  
30 TAC Chapter 335, SubChapter R 335.513

Description: Failing to perform a hazardous waste determinations and a non-hazardous solid waste classification on waste resin overspray and hydrostatic test water discharged to the alley. (8.5)

Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter A 335.10(b)

Description: Failing to properly complete a manifests AR-1070868 and 3512672. Manifest AR-1070868 did not contain Conner Steel's phone number, the transporter information, or the TCEQ waste code. Manifest 3512672 did not identify a TCEQ transporter ID, a second transporter phone number, or the correct EPA identification number for Conner Steel. (8.11)

Classification: Major

Citation: 30 TAC Chapter 335, SubChapter A 335.9(a)(1)

Description: Failing to (1) maintain most records of hazardous and industrial solid waste activities regarding the quantities generated, stored, processed, and disposed of on-site or shipped off-site for storage, processing, or disposal; and (2) provide the TCEQ investigator records of the location of hazardous waste accumulation areas. (9.4)

Classification: Major

Citation: 30 TAC Chapter 335, SubChapter O 335.431(c)

Description: Failing to maintain a record of LDR forms relating to wastes shipped on manifests AR1070868, S01058315, and 3512672. (9.6)

Classification: Minor

Citation: 30 TAC Chapter 324, SubChapter A 324.1

Description: failing to label two containers of used oil, which were found in the metal storage yard and sandblasting storage area, with the words "used oil". (8.12)

Classification: Major

Citation: 30 TAC Chapter 335, SubChapter A 335.4

Description: Storing hazardous acetone/styrene resin waste mixture in two open 55-gallon containers in an alley adjacent to residential homes and accessible to children. (7.4)

Classification: Major

Citation: 30 TAC Chapter 335, SubChapter A 335.6

Description: Generating more than 100 kg of hazardous waste in January 2005 but failing to notify TCEQ of this activity. (8.3)

Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(4)  
30 TAC Chapter 335, SubChapter E 335.112(a)(1)

Description: Failing to maintain a record of the names, job titles, and job descriptions for each employee in a position related to hazardous waste management. (9.5)

Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(4)  
30 TAC Chapter 335, SubChapter E 335.112(a)(3)

Description: Failing (1) to make arrangements with state and local emergency response agencies regarding their response to potential incidents at the facility as required in a Contingency Plan; (2) to list all emergency equipment available on-site, the location of such equipment, and a description of such equipment in the Contingency Plan; (3) to submit a copy of the Contingency Plan to all state and local agencies providing emergency response. [8.9(1)-(3)]

Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(4)  
30 TAC Chapter 335, SubChapter E 335.112(a)(2)

Description: Failing to educate the police department, fire department, all potential emergency responders, and the hospital on the layout of the facility, the properties of hazardous waste handled at the facility, possible evacuation routes, and the types of injuries or illness that could occur (8.10)

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter B 111.201

Description: Conducting unauthorized outdoor burning of which the TCEQ investigator observed the ashes and remnant material in two barrels. (10.3)

Classification: Major

Citation: 30 TAC Chapter 335, SubChapter A 335.2(a)

Description: Treating hazardous waste without authorization and by improperly disposing of hazardous waste. Conner Steel treated hazardous waste when it allowed acetone to volatilize by leaving acetone containers open to the environment and spraying acetone onto paper during resin gun cleaning. Connor Steel improperly disposed of hazardous waste by placing acetone waste paper in the dumpster intended for disposal at the City of San Angelo Landfill. (7.6)

Classification: Moderate

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

Rqmt Prov: Permit No 74024, Special Condition 10 PERMIT  
SPECIAL CONDITION 13 PERMIT

Description: Failing to store all used solvents in sealed containers until removed from site, reused, or recycled and waste resin in closed containers. The TCEQ investigator observed two uncovered 55-gallon drums of acetone/styrene resin waste mixture in the alley, which were placed there one week prior to site visit in order to allow the acetone to volatilize. (10.4)

Classification: Major

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(1)

Description: Failing to obtain authorization prior to increasing emissions from the surface coating activities in the paint booth. The documented average weekly VOC emissions from surface coating was greater than 500 pounds per week for the 2005 calendar year, thus exceeding the Permit by Rule requirements. (10.5)

Classification: Minor

Citation: 30 TAC Chapter 106, SubChapter S 106.433(8)

Description: Failing to maintain a monthly report for the paint booth representing the actual hours of operation each day, and emissions in pounds per hour, pounds per day, pounds per week and tons emitted from the booth during the previous twelve months. (10.7)

Classification: Major

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(1)

Description: Failing to obtain authorization prior to constructing and operating blast cleaning operations, a facility that emits air contaminants. (10.6)

Classification: Major

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(1)

Rqmt Prov: IV. 2(a) - (f) ORDER

Description: Performing unauthorized outside sand blasting operations without registering the operations and obtaining site approval as required under 30 T.A.C. 106.452(2) or obtaining a permit under 30 T.A.C. 116.111. (10.11)

Classification: Major

Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)(1)

Description: Failing to obtain authorization for emissions from surface coating activities in the fiberglass tank manufacturing building.(10.10)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(1)

Rqmt Prov: Permit Number 74024, General Condition 1 PERMIT

Description: Failing to operate the fiberglass tank manufacturing facility as specified in the application for permit. Specifically, emissions from the fiberglass manufacturing building were not being exhausted through filters which abate particulates at 95% efficiency. (10.9)

Classification: Major

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(1)

Description: Failing to obtain a permit amendment for annual styrene emissions greater than what is authorized under Permit Number 74024. (10.12)

Classification: Major

Citation: 5C THC Chapter 382, SubChapter D 382.085(a)

Description: Causing styrene emissions tending to be injurious to residential areas surrounding the facility. (10.8)

Effective Date: 06/15/2009

ADMINORDER 2008-1679-AIR-E

Classification: Moderate

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

30 TAC Chapter 122, SubChapter B 122.146(1)

30 TAC Chapter 122, SubChapter B 122.146(2)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: Permit No. O-2820, Special Condition 7 OP

Description: Failure to certify compliance with the terms and conditions of the Title V permit for at least each 12-month period

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.960

30 TAC Chapter 116, SubChapter B 116.115(c)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMMM 63.3890(b)(1)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: Permit No. 74024, Special Condition 4 PERMIT

Description: Failure to limit organic Hazardous Air Pollutant (HAP) emissions to the atmosphere to limits established in 40 CFR 63, Subpart MMMM from surface coating activities

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

N/A

C. Chronic excessive emissions events.

N/A

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

1 01/06/2006(440367)

2 04/30/2007 (558654)

3 09/06/2007 (593497)

4 09/07/2007 (593725)

5 10/02/2007 (594326)

6 10/24/2007 (598894)

7 12/06/2007 (611196)

8 10/09/2006 (637974)

9 09/24/2008 (703200)

10 12/04/2008 (709562)

11 01/23/2009 (724438)  
 12 03/23/2009 (739359)  
 13 07/22/2009 (762995)  
 14 12/04/2009 (784505)  
 15 02/19/2010 (791607)  
 16 02/18/2010 (792156)  
 17 08/05/2010 (828496)

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

Date: 04/30/2007 (558654)CN603240839  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
 Description: Failure to report, in writing to the TCEQ, all instances of deviations, the probable cause of the deviations, and any corrective actions or preventative measures taken for each emission unit addressed in the SOP Number O2820 for the July 7, 2006 through January 6, 2007 period

Date: 10/02/2007 (594326) CN603240839  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)  
 Description: Failure to update the Notice of Registration (NOR) to identify the correct contact, current waste streams, and waste management units.

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 335, SubChapter A 335.9(a)(2)(B)  
 Description: Failure to submit the 2005 Annual Waste Summary by the required date.

Self Report? NO Classification: Major  
 Citation: 30 TAC Chapter 335, SubChapter H 335.262(c)(2)(A)  
 Description: Failure to kept universal waste containers closed except when adding or removing wastes.

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 335, SubChapter H 335.262(c)(2)(F)  
 Description: Failure to label containers as "Universal Waste - Paint and Paint Related Wastes".

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 335, SubChapter A 335.9(a)(2)  
 Description: Failure to submit correct and complete Annual Waste Summaries.

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 335, SubChapter A 335.10(c)  
 Description: Failure to correctly complete manifests when shipping hazardous and Class 1 wastes.

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 335, SubChapter H 335.261(a)  
 40 CFR Chapter 273, SubChapter I, PT 273, SubPT B 273.15(c)  
 Description: Failure to demonstrate the length of time the universal waste (i.e., paint) had been accumulated from the date it became a waste.

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 Permit # 74024, Special Condition 13 PERMIT  
 Description: Failure to keep containers of resin closed when not utilizing.

Date: 02/28/2008 (618705)  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 281, SubChapter A 281.25(a)(4)  
 MSGP Part III, Section A(5)(g) PERMIT  
 Description: Failure to evaluate employee training during the periodic inspections.

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 281, SubChapter A 281.25(a)(4)  
 MSGP Part III, Section A(5)(h) PERMIT

Description: Failure to have documentation of the Pollution Prevention Team visual monitoring results review.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 281, SubChapter A 281.25(a)(4)  
MSGP Part III, A(7)(b)(4)(5) PERMIT

Description: Failure to evaluate downstream of each outfall and all records required by the MSGP for the Comprehensive Site Compliance Evaluation.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 281, SubChapter A 281.25(a)(4)  
MSGP Part III, A(7)(c) PERMIT

Description: Failure to prepare a site compliance evaluation report according to permit requirements.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 281, SubChapter A 281.25(a)(4)  
MSGP Part V, AA(3) PERMIT

Description: Failure to conduct benchmark monitoring.

Date: 03/14/2008 (639151) CN603240839

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 335, SubChapter A 335.4

Description: Failure to properly manage industrial solid waste so as to prevent a discharge.

Date: 10/10/2008 (705195) CN603240839

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
Special Condition 14 PERMIT

Description: Failure to operate only one welding station during the hours of 8 pm and 4 am

Date: 12/04/2008 (709562) CN603240839

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 335, SubChapter A 335.4

Description: Failure to properly manage industrial solid waste

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 335, SubChapter C 335.62  
40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11  
40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11(a)  
40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11(b)  
40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11(c)  
40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11(c)(1)  
40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11(c)(2)  
40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11(d)

Description: Failure to conduct hazardous waste determinations.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 335, SubChapter R 335.503(a)  
30 TAC Chapter 335, SubChapter R 335.503(a)(4)  
30 TAC Chapter 335, SubChapter R 335.503(a)(4)(A)  
30 TAC Chapter 335, SubChapter R 335.503(a)(4)(B)  
30 TAC Chapter 335, SubChapter R 335.503(a)(4)(C)  
30 TAC Chapter 335, SubChapter R 335.503(a)(4)(D)  
30 TAC Chapter 335, SubChapter R 335.513

Description: Failure to conduct waste classification determinations.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)

Description: Failure to update the Notice of Registration (NOR).

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 335, SubChapter A 335.6(h)

Description: Failure to notify of recycling activities.

Self Report? NO Classification: Major  
Citation: 30 TAC Chapter 335, SubChapter A 335.9(a)(1)  
30 TAC Chapter 335, SubChapter A 335.9(a)(1)(A)  
30 TAC Chapter 335, SubChapter A 335.9(a)(1)(B)  
30 TAC Chapter 335, SubChapter A 335.9(a)(1)(C)  
30 TAC Chapter 335, SubChapter A 335.9(a)(1)(D)  
30 TAC Chapter 335, SubChapter A 335.9(a)(1)(E)  
30 TAC Chapter 335, SubChapter A 335.9(a)(1)(F)

30 TAC Chapter 335, SubChapter A 335.9(a)(1)(G)  
 Description: Failure to keep records of hazardous waste generation.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 335, SubChapter A 335.9(a)(2)  
 30 TAC Chapter 335, SubChapter A 335.9(a)(2)(A)  
 30 TAC Chapter 335, SubChapter A 335.9(a)(2)(B)  
 30 TAC Chapter 335, SubChapter A 335.9(a)(2)(C)

Description: Failure to submit a correct 2007 AWS.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 335, SubChapter C 335.69(d)(1)  
 40 CFR Chapter 265, SubChapter I, PT 265, SubPT I 265.173(a)

Description: Failure to close a hazardous waste container.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 335, SubChapter C 335.69(d)(2)  
 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(c)(1)(ii)

Description: Failure to label a hazardous waste container.  
 Self Report? NO Classification: Major  
 Citation: 30 TAC Chapter 335, SubChapter O 335.431(c)  
 40 CFR Chapter 266, SubChapter I, PT 266, SubPT O 268.9(d)

Description: Failure to have a notice / certification of treatment in the file.  
 Self Report? NO Classification: Major  
 Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)  
 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34

Description: Failure to properly treat hazardous waste.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 335, SubChapter A 335.10(c)

Description: Failure to properly complete hazardous waste manifests.

F. Environmental audits.

Notice of Intent Date: 02/02/2006 (456772)  
 Disclosure Date: 08/04/2006

Viol. Classification: Moderate  
 Citation: 30 TAC Chapter 281, SubChapter A 281.25(a)(4)  
 Rqmt Prov: PERMIT TXR05P061

Description: Failure to maintain employee training and education/awareness records.  
 Viol. Classification: Minor  
 Citation: 30 TAC Chapter 281, SubChapter A 281.25(a)(4)  
 Rqmt Prov: PERMIT TXR05P061

Description: Failure to maintain Monitoring an Annual Numeric Effluent Limitation sampling records.

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

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# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
CONNER STEEL PRODUCTS INC.;  
RN102602307**

§  
§  
§  
§  
§

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER**

**DOCKET NO. 2010-1443-IHW-E**

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

At its \_\_\_\_\_ agenda meeting, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties (the "Agreed Order"), resolving an enforcement action regarding Conner Steel Products Inc. ("Respondent") under the authority of TEX. WATER CODE ch. 7 and TEX. HEALTH & SAFETY CODE ch. 361. The Executive Director of the TCEQ, represented by the Litigation Division, and Respondent, represented by Keith Courtney of the law firm Winstead PC, appear before the Commission and together stipulate that:

1. Respondent owns and operates a steel and fiberglass storage tank manufacturing facility located at 6738 US Highway 87 N in San Angelo, Tom Green County, Texas (the "Facility"). The Facility involves the management and/or the disposal of industrial hazardous waste as defined in TEX. HEALTH & SAFETY CODE ch. 361.
2. This Agreed Order is entered into pursuant to TEX. WATER CODE §§ 7.051 and 7.070. The Commission has jurisdiction of this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 361 and TCEQ rules.
3. The Executive Director and Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that Respondent is subject to the Commission's jurisdiction.
4. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
5. An administrative penalty in the amount of twenty-two thousand three hundred forty-eight dollars (\$22,348.00) is assessed by the Commission in settlement of the violations alleged in Section II. Respondent paid twenty-two thousand three hundred forty-eight dollars (\$22,348.00) of the administrative penalty.
6. Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.
7. The Executive Director of the TCEQ and Respondent agree on a settlement of the matters addressed in this Agreed Order, subject to the approval of the Commission.

8. The Executive Director recognizes that Respondent implemented the following corrective measures at the Facility:
  - a. Updated the Facility's Notice of Registration reflecting the current closed status of the grit trap unit on September 14, 2010 (Allegation 1.e.);
  - b. Developed and implemented procedures to ensure that all industrial wastewater generated at the Facility is disposed of at an authorized facility on July 7, 2010 (Allegation 1.a.);
  - c. Developed and implemented procedures regarding conducting waste determinations and waste classifications on all waste streams generated at the Facility on July 7, 2010 (Allegation 1.b.);
  - d. Developed and implemented procedures to ensure that all containers used to store universal waste at the Facility are kept closed except when adding or removing waste on July 7, 2010 (Allegation 1.c.); and
  - e. Developed and implemented procedures to ensure that containers used to store universal waste at the Facility are marked an accumulation start date and labeled with the words "Universal Waste – Paint and Paint Related Wastes on July 7, 2010 (Allegation 1.d.).
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 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**

1. During an investigation conducted on June 23, 2010, a TCEQ San Angelo Regional Office investigator documented that Respondent violated:
  - a. 30 TEX. ADMIN. CODE § 335.4, by failing to prevent the unauthorized disposal of industrial solid waste. Specifically, approximately 70 barrels of contaminated rainwater from the crane secondary containment structures were disposed of in a disposal well located at Tankersley, Texas on November 5, 2009, which was not authorized to receive the wastewater;
  - b. 30 TEX. ADMIN. CODE §§ 335.62, 335.503(a), 335.513(c) and 40 C.F.R. § 262.11, by failing to conduct hazardous waste determinations and waste classifications. Specifically, a waste determination and classification was not conducted for contaminated rainwater;

- c. 30 TEX. ADMIN. CODE § 335.262(c)(2), by failing to properly close containers used to store universal waste except when adding or removing waste. Specifically, three open containers of paint waste were noted in the secondary containment structure of the satellite accumulation area;
  - d. 30 TEX. ADMIN. CODE § 335.262(c)(1) and (2) and 40 C.F.R. § 273.15(c)(1), by failing to properly label containers used to store universal waste. Specifically, two 5-gallon bucket liners and one 5-gallon bucket container of universal waste were not labeled or marked clearly with the words "Universal Waste – Paint and Paint Related Wastes" and had no accumulation start date; and
  - e. 30 TEX. ADMIN. CODE § 335.6(c), by failing to properly update the Facility's Notice of Registration. Specifically, the Notice of Registration was not updated to reflect the current status of the grit trap unit.
2. Respondent received notice of the violations on or about August 10, 2010.

### **III. DENIALS**

Respondent generally denies each Allegation in Section II.

### **IV. ORDERING PROVISIONS**

1. It is, therefore, ordered by the TCEQ that Respondent pay an administrative penalty as set forth in Section I, Paragraph No. 5. The payment of this administrative penalty and 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 considering or requiring corrective actions or penalties for violations which are not raised here.
2. All relief not expressly granted in this Agreed Order is denied.
3. The duties and provisions imposed by this Agreed Order shall apply to and be binding upon Respondent. Respondent is ordered to give notice of this Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If 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, Respondent's failure to comply is not a violation of this Agreed Order. Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Respondent shall notify the Executive Director within seven days after Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions

by Respondent shall be made in writing to the Executive Director. Extensions are not effective until Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

6. This Agreed Order, issued by the Commission, shall not be admissible against Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Agreed Order may be executed in 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.
8. Pursuant to 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date of this Agreed Order is the date of hand delivery of this Agreed Order to Respondent, or three days after the date on which the Commission mails notice of this Agreed Order to 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

8/30/2011

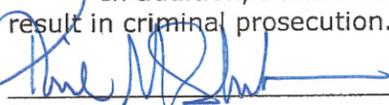
Date

I, the undersigned, have read and understand the attached Agreed Order. I represent that I am authorized to agree to the attached Agreed Order on behalf of Conner Steel Products, Inc., 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 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;
- 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, I understand that any falsification of any compliance documents may result in criminal prosecution.



Signature

Kirk M Shelton

Name (Printed or typed)

Authorized representative of  
Grant PrideCo, Inc. current owner and  
operator of RN102602307

6-8-11

Date

President - Mission Products

Title