EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2010-1076-AIR-E **TCEQ ID:** RN100212463 **CASE NO.:** 39926

RESPONDENT NAME: Gulf Coast Waste Disposal Authority

ORDER TYPE:		
X 1660 AGREED ORDER	__FINDINGS AGREED ORDER	__FINDINGS ORDER FOLLOWING SOAH HEARING
__FINDINGS DEFAULT ORDER	__SHUTDOWN ORDER	__IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
__AMENDED ORDER	__EMERGENCY ORDER	
CASE TYPE:		
X AIR	__MULTI-MEDIA (check all that apply)	__INDUSTRIAL AND HAZARDOUS WASTE
__PUBLIC WATER SUPPLY	__PETROLEUM STORAGE TANKS	__OCCUPATIONAL CERTIFICATION
__WATER QUALITY	__SEWAGE SLUDGE	__UNDERGROUND INJECTION CONTROL
__MUNICIPAL SOLID WASTE	__RADIOACTIVE WASTE	__DRY CLEANER REGISTRATION

SITE WHERE VIOLATION(S) OCCURRED: 40-Acre Facility, 3500 Loop 197 North, Texas City, Galveston County

TYPE OF OPERATION: Wastewater treatment plant

SMALL BUSINESS: ___ Yes X No

OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.

INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired on December 6, 2010. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: Mr. Phillip Hampsten, SEP Coordinator, Enforcement Division, MC 219, (512) 239-6732

TCEQ Enforcement Coordinator: Mr. Todd Huddleson, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-2541; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495

Respondent: Mr. Charles Ganze, General Manager, Gulf Coast Waste Disposal Authority, 910 Bay Area Boulevard, Houston, Texas 77058

Mr. Michael Cunningham, Compliance Coordinator, Gulf Coast Waste Disposal Authority, 910 Bay Area Boulevard, Houston, Texas 77058

Respondent's Attorney: Not represented by counsel on this enforcement matter

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation: __ Complaint __ Routine __ Enforcement Follow-up X Records Review **Date(s) of Complaints Relating to this Case:** None **Date of Investigation Relating to this Case:** April 14, 2010 **Date of NOV/NOE Relating to this Case:** June 11, 2010 (NOE) **Background Facts:** This was a records review. **AIR** Failed to maintain emissions below the allowable emission limits for ammonia. Specifically, during the period of October 15, 2008 through October 14, 2009, the Respondent exceeded the following tons per year ("TPY") permit limits for ammonia [New Source Review ("NSR") Permit No. 54330, Special Condition 1, Federal Operating Permit O-2352, Special Term and Condition 5, 30 TEX. ADMIN. CODE §§ 116.115(c), 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b)].	**Total Assessed:** $17,100 **Total Deferred:** $3,420 X Expedited Settlement __Financial Inability to Pay **SEP Conditional Offset:** $13,680 **Total Paid to General Revenue:** $0 **Compliance History Classifications:** Person/CN – Average Site/RN - Average **Major Source:** X Yes __ No **Applicable Penalty Policy:** September 2002	**Corrective Actions Taken:** The Executive Director recognizes that on February 26, 2010, the Respondent submitted an application to amend NSR Permit No. 54330 to increase the TPY of ammonia referenced in the maximum allowable emissions rates table. **Ordering Provisions:** 1) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A) 2) The Order will also require the Respondent to: a. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit amendment application within 30 days after the date of such requests, or by any other deadline specified in writing; and b. Within 180 days after the effective date of this Agreed Order, submit written certification that either the Plant is in compliance with permitted ammonia limits or that operation has ceased.

Additional ID No(s).: Federal Operating Permit No. O-02352, Air Account No. GB0032G, NSR Permit No. 54330

Attachment A
Docket Number: 2010-1076-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	**Gulf Coast Waste Disposal Authority**
Payable Penalty Amount:	**Thirteen Thousand Six Hundred Eighty Dollars ($13,680)**
SEP Amount:	**Thirteen Thousand Six Hundred Eighty Dollars ($13,680)**
Type of SEP:	**Pre-approved**
Third-Party Recipient:	**Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program**
Location of SEP:	**Texas Air Quality Control Region 216 – Houston-Galveston**

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 ***Houston-Galveston AERCO*** for the **Clean Cities/Clean Vehicles Program** as set forth in an agreement between the Third-Party Recipient and the TCEQ. SEP monies will be used to aid local school districts and area transit agencies in reaching local match requirements mandated by the Federal Highway Administration's ("FHWA") Congestion Mitigation/Air Quality Funding program. SEP monies will be disbursed to school districts and transit agencies in need of funding assistance in the Houston-Galveston non-attainment area. Those SEP monies will be used exclusively by the school districts and transit agencies as supplements to meet the local match requirements of the EPA. SEP monies will be used to pay for the cost of replacing older diesel buses with alternative fueled or clean diesel buses. The old buses will be permanently retired and only sold for scrap. The schools and transit agencies will also use the SEP monies to retrofit more buses to reduce emissions. Houston-Galveston AERCO will send the TCEQ verification in the form of paid invoices and other documentation to show that the retrofits were completed. Retrofit technologies include particulate matter traps, diesel particulate matter filters, NOx reduction catalyst technology in combination with diesel particulate filters, and other emission control technologies that are developed and approved by EPA or the California Air Resources Board.

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 reducing particulate emissions of buses by more than 90% below today's level and reducing hydrocarbons below measurement capability.

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:

Houston-Galveston Area Council
Houston-Galveston AERCO
P.O. Box 22777
Houston, Texas 77227-2777

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

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

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

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

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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

Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002) *PCW Revision October 30, 2008*

TCEQ

DATES					
Assigned	14-Jun-2010				
PCW	21-Jun-2010	Screening	17-Jun-2010	EPA Due	

RESPONDENT/FACILITY INFORMATION

Respondent	Gulf Coast Waste Disposal Authority		
Reg. Ent. Ref. No.	RN100212463		
Facility/Site Region	12-Houston	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	39926	No. of Violations	1
Docket No.	2010-1076-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Todd Huddleson
		EC's Team	Enforcement Team 4

Admin. Penalty $ Limit Minimum $0 Maximum $10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) *Subtotal 1* $15,000

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 14.0% Enhancement *Subtotals 2, 3, & 7* $2,100

Notes: Enhancement for two NOVs for same/similar violations, and two NOVs for dissimilar violations.

Culpability No 0.0% Enhancement *Subtotal 4* $0

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments *Subtotal 5* $0

Economic Benefit 0.0% Enhancement* *Subtotal 6* $0

Total EB Amounts $402
Approx. Cost of Compliance $3,500

**Capped at the Total EB $ Amount*

SUM OF SUBTOTALS 1-7 *Final Subtotal* $17,100

OTHER FACTORS AS JUSTICE MAY REQUIRE 0.0% *Adjustment* $0

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount $17,100

STATUTORY LIMIT ADJUSTMENT *Final Assessed Penalty* $17,100

DEFERRAL 20.0% Reduction *Adjustment* -$3,420

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

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY $13,680

Screening Date 17-Jun-2010 **Docket No.** 2010-1076-AIR-E **PCW**

Respondent Gulf Coast Waste Disposal Authority *Policy Revision 2 (September 2002)*

Case ID No. 39926 *PCW Revision October 30, 2008*

Reg. Ent. Reference No. RN100212463

Media [Statute] Air

Enf. Coordinator Todd Huddleson

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*)	2	10%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability (*number of orders meeting criteria*)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (*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) 14%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for two NOVs for same/similar violations, and two NOVs for dissimilar violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 14%

Screening Date 17-Jun-2010 **Docket No.** 2010-1076-AIR-E **PCW**

Respondent Gulf Coast Waste Disposal Authority *Policy Revision 2 (September 2002)*

Case ID No. 39926 *PCW Revision October 30, 2008*

Reg. Ent. Reference No. RN100212463

Media [Statute] Air

Enf. Coordinator Todd Huddleson

Violation Number 1

Rule Cite(s) New Source Review Permit No. 54330, Special Conditions 1, Federal Operating Permit O-2352, Special Term and Condition 5, 30 Tex. Admin. Code §§ 116.115(c), 122.143(4), and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to maintain emissions below the allowable emission limits for ammonia, as documented during a record review conducted on April 14, 2010. Specifically, during the period of October 15, 2008 through October 14, 2009, the Respondent exceeded the following tons per year ("TPY") permit limits for ammonia: See attached table.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			x
Potential			

Percent 25%

>>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 protective of human health or environmental receptors as a result of the violation.

Adjustment $7,500

$2,500

Violation Events

Number of Violation Events 6 365 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	x
single event	

Violation Base Penalty $15,000

Six annual events (one event per emissions point number) are recommended for the period of October 15, 2008 through October 14, 2009.

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 applied for permit amendment by February 26, 2010, but is not in compliance until amendment is issued.

Violation Subtotal $15,000

Economic Benefit (EB) for this violation

Estimated EB Amount $402

Statutory Limit Test

Violation Final Penalty Total $17,100

This violation Final Assessed Penalty (adjusted for limits) $17,100

Economic Benefit Worksheet

Respondent Gulf Coast Waste Disposal Authority
Case ID No. 39926
Reg. Ent. Reference No. RN100212463
Media Air
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	$3,500	15-Oct-2008	31-Jan-2011	2.30	$402	n/a	$402
Other (as needed)				0.00	$0	n/a	$0

Notes for DELAYED costs: Estimated costs to apply for a minor amendment to the NSR permit. The Date Required is the date the violation started, and the Final Date is the estimated date of compliance.

Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.00	$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 $3,500

TOTAL $402

Gulf Coast Waste Disposal Authority
Docket No. 2010-1076-AIR-E
RN100212463
Case No. 39926
Attachment to PCW

EPN No.	EQUAL	LAB1	LAB2	STAB1	STAB2	FAC2
Permit Limit TPY	0.01	0.01	0.01	0.23	0.02	0.01
Actual Emissions TPY	0.31	0.03	0.04	1.03	0.38	0.55

Compliance History Report

Customer/Respondent/Owner-Operator:	CN600126163	Gulf Coast Waste Disposal Authority	Classification: AVERAGE	Rating: 1.21
Regulated Entity:	RN100212463	40-ACRE FACILITY	Classification: AVERAGE	Site Rating: 0.15

ID Number(s):

AIR OPERATING PERMITS	ACCOUNT NUMBER	GB0032G
AIR OPERATING PERMITS	PERMIT	2352
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD980626162
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	32323
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	GB0032G
AIR NEW SOURCE PERMITS	REGISTRATION	55573
AIR NEW SOURCE PERMITS	AFS NUM	4816700094
AIR NEW SOURCE PERMITS	PERMIT	54330
AIR NEW SOURCE PERMITS	REGISTRATION	78943
AIR NEW SOURCE PERMITS	REGISTRATION	80488
AIR NEW SOURCE PERMITS	REGISTRATION	80301
AIR NEW SOURCE PERMITS	REGISTRATION	80628
WASTEWATER	PERMIT	WQ0001485000
WASTEWATER	PERMIT	TX0057843000
WASTEWATER	PERMIT	TPDES0057843
WASTEWATER	PERMIT	TX0057843
WASTEWATER LICENSING	LICENSE	WQ0001485000
WASTE WATER GENERAL PERMIT	PERMIT	2E0000022
AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	GB0032G

Location: 3500 LOOP 197 N, TEXAS CITY, TX, 77590

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: Todd Huddleson Phone: (512) 239 - 2541

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.

N/A

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

N/A

C. Chronic excessive emissions events.

N/A

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

1 06/20/2005 (430304)
2 06/20/2005 (430305)
3 07/19/2005 (400406)

4	07/29/2005	(401646)
5	07/29/2005	(401992)
6	08/01/2005	(400344)
7	08/02/2005	(399988)
8	08/05/2005	(403254)
9	08/05/2005	(403878)
10	08/11/2005	(404861)
11	08/12/2005	(443746)
12	08/15/2005	(405053)
13	08/17/2005	(405511)
14	08/18/2005	(405954)
15	08/19/2005	(443748)
16	08/22/2005	(406072)
17	08/23/2005	(405852)
18	08/29/2005	(406809)
19	09/14/2005	(443747)
20	11/16/2005	(473809)
21	11/30/2005	(436238)
22	12/16/2005	(473810)
23	01/19/2006	(473811)
24	02/15/2006	(473808)
25	03/16/2006	(501820)
26	04/21/2006	(501821)
27	05/02/2006	(461756)
28	05/23/2006	(501823)
29	06/15/2006	(501822)
30	07/26/2006	(524097)
31	08/17/2006	(524098)
32	08/17/2006	(524101)
33	09/13/2006	(524099)
34	10/23/2006	(524100)
35	11/16/2006	(549081)
36	12/12/2006	(549082)
37	02/12/2007	(549080)
38	02/16/2007	(535102)
39	03/12/2007	(582558)
40	04/20/2007	(582559)
41	06/21/2007	(582560)
42	07/17/2007	(582561)
43	08/17/2007	(608336)
44	08/17/2007	(608340)
45	08/29/2007	(572310)
46	08/31/2007	(608335)
47	09/18/2007	(608338)
48	10/19/2007	(608339)
49	11/20/2007	(622277)
50	12/19/2007	(622278)
51	02/21/2008	(674007)
52	03/05/2008	(616006)
53	03/18/2008	(674008)
54	04/03/2008	(674009)
55	06/20/2008	(692285)
56	07/18/2008	(692286)
57	08/20/2008	(713383)
58	09/26/2008	(713384)
59	10/02/2008	(713385)
60	10/02/2008	(713386)
61	11/20/2008	(729459)
62	12/18/2008	(729460)

63 02/20/2009 (752676)
64 03/24/2009 (752677)
65 04/09/2009 (752679)
66 04/16/2009 (752678)
67 05/21/2009 (770336)
68 06/09/2009 (770338)
69 06/10/2009 (770337)
70 08/13/2009 (764820)
71 08/20/2009 (810586)
72 10/15/2009 (810587)
73 11/12/2009 (810588)
74 12/18/2009 (810589)
75 01/15/2010 (810590)
76 02/17/2010 (810585)
77 03/30/2010 (790494)
78 06/11/2010 (824281)

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

Date: 08/02/2005 (399988) CN600126163
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 112, SubChapter B 112.32
Description: H2S emissions exceeded 0.12 ppm

Date: 08/28/2007 (572310) CN600126163
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(C)
5C THC Chapter 382, SubChapter D 382.085(b)
O-02352 General Terms and Conditions OP
Description: Failure to submit the semiannual deviation report within 30 days of the end of the deviation reporting period.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.146(2)
5C THC Chapter 382, SubChapter D 382.085(b)
O-02352 General Terms and Conditions OP
Description: Failure to submit the permit compliance certification within 30 days of the end of the reporting period.

Date: 08/13/2009 (764820) CN600126163
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
SC 1 PA
Special Terms and Conditions 5 OP
Description: Failure to comply with MAERT.

Date: 06/11/2010 (824281) 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 THSC Chapter 382 382.085(b)
SC 3 PERMIT
ST&C 5 OP
Description: Failure to maintain MLSS concentration at a minimum limit of 2,500 mg/L as stated in Permit No. 54330

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

IN THE MATTER OF AN	**§**	**BEFORE THE**
ENFORCEMENT ACTION	**§**	
CONCERNING	**§**	
GULF COAST WASTE DISPOSAL	**§**	**TEXAS COMMISSION ON**
AUTHORITY	**§**	
RN100212463	**§**	**ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2010-1076-AIR-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. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a wastewater treatment plant at 3500 Loop 197 North near Texas City, Galveston County, Texas (the "Plant").

2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).

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 16, 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 Seventeen Thousand One Hundred Dollars ($17,100) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Three Thousand Four Hundred Twenty Dollars ($3,420) 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. Thirteen Thousand Six Hundred Eighty Dollars ($13,680) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.

8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.

9. The Executive Director recognizes that on February 26, 2010, the Respondent submitted an application to amend NSR ("New Source Review") Permit No. 54330 to increase the tons per year ("TPY") of ammonia referenced in the maximum allowable emissions rates table.

10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.

11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.

12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have failed to maintain emissions below the allowable emission limits for ammonia, in violation of NSR Permit No. 54330, Special Condition 1, Federal Operating Permit O-2352, Special Term and Condition 5, 30 TEX. ADMIN. CODE §§ 116.115(c), 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on April 14, 2010. Specifically, during the period of October 15, 2008 through October 14, 2009, the Respondent exceeded the following TPY permit limits for ammonia:

EPN No.	EQUAL	LAB1	LAB2	STAB1	STAB2	FAC2
Permit Limit TPY	0.01	0.01	0.01	0.23	0.02	0.01
Actual Emissions TPY	0.31	0.03	0.04	1.03	0.38	0.55

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. 2010-1076-AIR-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, Thirteen Thousand Six Hundred Eighty Dollars ($13,680) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.

3. It is further ordered that the Respondent shall undertake the following technical requirements:

   a. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit amendment application within 30 days after the date of such requests, or by any other deadline specified in writing; and

   b. Within 180 days after the effective date of this Agreed Order, submit written certification that either the Plant is in compliance with permitted ammonia limits or that operation has ceased. 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:

Air Section, Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas 77023-1425

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 Plant operations referenced in this Agreed Order.

5. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

8. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes under this Agreed Order.

9. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

_____
For the Commission

_____ 11/8/2010
For the Executive Director Date

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

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

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

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

_____ October 7, 2010
Signature Date

Charles Ganze General Manager
Name (Printed or typed) Title
Authorized Representative of
Gulf Coast Waste Disposal Authority

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

Attachment A
Docket Number: 2010-1076-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	**Gulf Coast Waste Disposal Authority**
Payable Penalty Amount:	**Thirteen Thousand Six Hundred Eighty Dollars ($13,680)**
SEP Amount:	**Thirteen Thousand Six Hundred Eighty Dollars ($13,680)**
Type of SEP:	**Pre-approved**
Third-Party Recipient:	**Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program**
Location of SEP:	**Texas Air Quality Control Region 216 – Houston-Galveston**

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 ***Houston-Galveston AERCO*** for the **Clean Cities/Clean Vehicles Program** as set forth in an agreement between the Third-Party Recipient and the TCEQ. SEP monies will be used to aid local school districts and area transit agencies in reaching local match requirements mandated by the Federal Highway Administration's ("FHWA") Congestion Mitigation/Air Quality Funding program. SEP monies will be disbursed to school districts and transit agencies in need of funding assistance in the Houston-Galveston non-attainment area. Those SEP monies will be used exclusively by the school districts and transit agencies as supplements to meet the local match requirements of the EPA. SEP monies will be used to pay for the cost of replacing older diesel buses with alternative fueled or clean diesel buses. The old buses will be permanently retired and only sold for scrap. The schools and transit agencies will also use the SEP monies to retrofit more buses to reduce emissions. Houston-Galveston AERCO will send the TCEQ verification in the form of paid invoices and other documentation to show that the retrofits were completed. Retrofit technologies include particulate matter traps, diesel particulate matter filters, NOx reduction catalyst technology in combination with diesel particulate filters, and other emission control technologies that are developed and approved by EPA or the California Air Resources Board.

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 reducing particulate emissions of buses by more than 90% below today's level and reducing hydrocarbons below measurement capability.

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:

Houston-Galveston Area Council
Houston-Galveston AERCO
P.O. Box 22777
Houston, Texas 77227-2777

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

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

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

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

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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