

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

**DOCKET NO. 2010-1033-AIR-E      RN102754652      CASE NO. 39923**

**RESPONDENT NAME: SOFIA ENTERPRISES, L.P. D/B/A HTC INDUSTRIES**

ORDER TYPE:		
<input type="checkbox"/> AGREED ORDER	<input checked="" type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	

CASE TYPE:		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION

**SITE WHERE VIOLATIONS OCCURRED:** 1812 North Bell Street, San Angelo, Tom Green County

**TYPE OF OPERATION:** rendering plant

**SMALL BUSINESS:**     Yes     No     N/A

**OTHER SIGNIFICANT MATTERS:** Two complaints were received from one party, alleging that the smell coming from the Plant is so bad that they have lost the use and enjoyment of their home and yard. There is no record of additional pending enforcement actions regarding this facility location.

**INTERESTED PARTIES:** The complainant has not indicated a desire to protest this action or speak at Agenda. No one other than the ED and Respondent expressed an interest in this matter.

**COMMENTS RECEIVED:** The *Texas Register* comment period expired January 24, 2011. No comments were received.

**CONTACTS AND MAILING LIST:**

**TCEQ Attorney:** Laurencia Fasoyiro, Litigation Division, MC R-12, (713) 422-8914  
Lena Roberts, Litigation Division, MC 175, (512) 239-3400

**TCEQ Enforcement Coordinator:** Rebecca Johnson, Air Enforcement Section, MC R-14, (361) 825-3420

**TCEQ Regional Contact:** Chris Mayben, San Angelo Regional Office, MC R-8, (325) 655-9479

**Respondent:** Mel Roshanravan, Vice President-Operations, Sofia Enterprises, L.P., 2621 State Street, Dallas, TX 75204-2602

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

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b></p> <p><input checked="" type="checkbox"/> Complaint  <input type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Dates of Complaints:</b>                      March 31, 2010 and April 8, 2010</p> <p><b>Date of Investigation:</b>                      April 16, 2010</p> <p><b>Date of NOE:</b>                      June 14, 2010</p> <p><b>Background Facts:</b>                      The EDP RP was filed on September 7, 2010. The Agreed Order was signed on November 8, 2010.</p> <p><b>Current Compliance Status:</b>                      Respondent has not yet submitted documentation to certify compliance with the technical requirements.</p> <p><b>AIR:</b></p> <ol style="list-style-type: none"> <li>Failed to place all raw materials received into the rendering process receiving pit within eight hours after arrival and within 18 hours after slaughter or leaving a refrigerated environment [30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH &amp; SAFETY CODE § 382.085(b), and Air Permit No. 8710, Special Condition ("SC") Nos. 6 and 7 (formerly SC Nos. 5 and 6)].</li> <li>Failed to obtain authorization prior to the use of an alternative emission control method [30 TEX. ADMIN. CODE § 116.115(b)(2)(D), TEX. HEALTH &amp; SAFETY CODE § 382.085(b), and Air Permit No. 8710, General Conditions].</li> <li>Failed to maintain complete records of the required information of each shipment of raw materials received [30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH &amp; SAFETY CODE § 382.085(b), and Air Permit No. 8710, SC Nos. 18.B.(1), (3) and (4), (formerly SC Nos. 17.B.(1), (3) and (4)].</li> <li>Failed to maintain complete records of the air temperature of the area entering the air scrubber room at least once per shift but no less than once every ten hours during the operation of the scrubber [30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH &amp; SAFETY CODE § 382.085(b), and Air Permit No. 8710, SC No. 18.D. (formerly SC No. 17.C.)].</li> </ol>	<p><b>Total Assessed:</b> \$9,302</p> <p><b>Total Deferred:</b> \$0  <input type="checkbox"/> Expedited Order  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>Total Paid/Due to General Revenue:</b>                      \$1,552/\$7,750</p> <p>Respondent paid \$1,552 of the administrative penalty. The remaining amount of \$7,750 shall be payable in 5 monthly payments of \$1,550 each.</p> <p><b>Compliance History Classifications:</b>  <i>Person/CN</i> – Average  <i>Site/RN</i> – Average</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p> <p><b>Findings Order Justification:</b>                      Three or more enforcement actions (NOVs, orders, etc.) over the prior five year period for the same violation/s.</p>	<p><b>Corrective Actions Taken:</b>                      The Executive Director recognizes that Respondent performed the following corrective actions:</p> <ol style="list-style-type: none"> <li>On June 22, 2010, a log was created and measures were implemented to ensure the air temperature of the area entering the air scrubber room is recorded at least once per shift; (Violation No. 4); and</li> <li>On June 22, 2010, a log was created and measures were implemented to ensure the chemical feed rate to the scrubber system is recorded. (Violation No. 5).</li> </ol> <p><b>Ordering Provisions:</b>                      Respondent shall undertake the following technical requirements:</p> <ol style="list-style-type: none"> <li>Within 30 days:                             <ol style="list-style-type: none"> <li>Implement measures designed to ensure that all raw materials received on-site, including blood, are placed in the rendering process receiving pit within eight hours after arrival, and placed in the rendering process receiving pit within 18 hours after slaughter or within 18 hours after leaving a refrigerated environment (Violation No. 1);</li> <li>Implement measures designed to ensure that only approved odor suppressant chemicals are used in the scrubber (Violation No. 2); and</li> <li>Implement measures designed to ensure that complete records of shipments of raw materials are maintained, including the date and time of generation at the slaughter facility, the date and time of arrival at the Plant, and the date and time of placement in the rendering process receiving pit (Violation No. 3).</li> </ol> </li> <li>Within 45 days, submit written certification demonstrating compliance.</li> </ol>

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
5. Failed to maintain a record of the chemical feed rate to the scrubber system [30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH & SAFETY CODE § 382.085(b), and Air Permit No. 8710, SC No. 18.F.(4) [formerly Special Condition No. 17.E.(4)].		



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	19-Jul-2010	<b>Screening</b>	21-Jul-2010	<b>EPA Due</b>	N/A
	<b>PCW</b>	8-Oct-2010				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Sofia Enterprises, L.P. d/b/a HTC Industries
<b>Reg. Ent. Ref. No.</b>	RN102754652
<b>Facility/Site Region</b>	8-San Angelo
<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>				
<b>Enf./Case ID No.</b>	39923	<b>No. of Violations</b>	5	
<b>Docket No.</b>	2010-1033-AIR-E	<b>Order Type</b>	Findings	
<b>Media Program(s)</b>	Air	<b>Government/Non-Profit</b>	No	
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Rebecca Johnson	
		<b>EC's Team</b>	Enforcement Team 5	
<b>Admin. Penalty \$ Limit</b>	<b>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>	\$6,800
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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>	39.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$2,652
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<b>Notes</b>	Enhancement due to three NOVs for same/similar violations, two NOVs for dissimilar violations, and one agreed order with a denial of liability.
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<b>Culpability</b>	No	0.0% Enhancement	<b>Subtotal 4</b>	\$0
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<b>Notes</b>	The Respondent does not meet the culpability criteria.
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<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$150
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts	\$171	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$2,300	

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$9,302
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

<b>Notes</b>	
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<b>Final Penalty Amount</b>	\$9,302
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$9,302
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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.)

<b>Notes</b>	No deferral is recommended for Findings Orders.
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<b>PAYABLE PENALTY</b>	\$9,302
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**Screening Date** 21-Jul-2010

**Docket No.** 2010-1033-AIR-E

**PCW**

**Respondent** Sofia Enterprises, L.P. d/b/a HTC Industries

Policy Revision 2 (September 2002)

**Case ID No.** 39923

PCW Revision October 30, 2008

**Reg. Ent. Reference No.** RN102754652

**Media [Statute]** Air

**Enf. Coordinator** Rebecca Johnson

### 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 ( <i>number of NOVs meeting criteria</i> )	3	15%
	Other written NOVs	2	4%
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> )	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 ( <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> )	0	0%
	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> )	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	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)** 39%

**>> 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 due to three NOVs for same/similar violations, two NOVs for dissimilar violations, and one agreed order with a denial of liability.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 39%

**Screening Date** 21-Jul-2010 **Docket No.** 2010-1033-AIR-E **PCW**  
**Respondent** Sofia Enterprises, L.P. d/b/a HTC Industries *Policy Revision 2 (September 2002)*  
**Case ID No.** 39923 *PCW Revision October 30, 2008*  
**Reg. Ent. Reference No.** RN102754652  
**Media [Statute]** Air  
**Enf. Coordinator** Rebecca Johnson

**Violation Number**   
**Rule Cite(s)** Air Permit No. 8710, Special Condition Nos. 6 and 7 (formerly Special Condition Nos. 5 and 6), 30 Tex. Admin. Code § 116.115(c), and Tex. Health & Safety Code § 382.085(b)  
**Violation Description** Failed to place all raw materials received into the rendering process receiving pit within eight hours after arrival and within 18 hours after slaughter or leaving a refrigerated environment. Specifically, during the April 16, 2010 investigation, records of raw material shipments and processing records were reviewed and there were documented occurrences of blood and other raw materials not being processed as required from October 1, 2009 to April 16, 2010.  
**Base Penalty**

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

OR	<b>Harm</b>			Percent <input type="text" value="10%"/>	
	<b>Release</b>	Major	Moderate		Minor
	Actual	<input type="text"/>	<input type="text"/>		<input type="text"/>
	Potential	<input type="text"/>	x	<input type="text"/>	

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent <input type="text" value="0%"/>
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	
Matrix Notes	Human health or the environment could be exposed to a significant amount of pollutants that would not exceed protective levels as a result of the violation.				
	<b>Adjustment</b>				<input type="text" value="\$9,000"/>

**Violation Events**

Number of Violation Events   Number of violation days  
 daily   
 weekly   
 monthly   
*mark only one with an x* quarterly   
 semiannual   
 annual   
 single event   
**Violation Base Penalty**

Three quarterly events are recommended based on the documented occurrence of the violation from October 1, 2009 to April 16, 2010.

**Good Faith Efforts to Comply**  Reduction

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	x	(mark with x)
Notes	The Respondent does not meet the good faith criteria for this violation.	
<b>Violation Subtotal</b>		
<input type="text" value="\$3,000"/>		

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

**Estimated EB Amount**  **Violation Final Penalty Total**   
**This violation Final Assessed Penalty (adjusted for limits)**

## Economic Benefit Worksheet

**Respondent** Sofia Enterprises, L.P. d/b/a HTC Industries  
**Case ID No.** 39923  
**Reg. Ent. Reference No.** RN102754652  
**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				0.00	\$0	n/a	\$0
Other (as needed)	\$2,000	1-Oct-2009	10-Apr-2011	1.52	\$152	n/a	\$152

Notes for DELAYED costs

Estimated cost to implement measures to ensure that the raw materials received are processed within the required timeframes. The date required is the earliest documented date of the violation. The final date is the projected date corrective measures will be completed.

### 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

\$2,000

**TOTAL**

\$152

**Screening Date** 21-Jul-2010 **Docket No.** 2010-1033-AIR-E **PCW**  
**Respondent** Sofia Enterprises, L.P. d/b/a HTC Industries *Policy Revision 2 (September 2002)*  
**Case ID No.** 39923 *PCW Revision October 30, 2008*  
**Reg. Ent. Reference No.** RN102754652  
**Media [Statute]** Air  
**Enf. Coordinator** Rebecca Johnson

**Violation Number** 2  
**Rule Cite(s)** Air Permit No. 8710, General Conditions, 30 Tex. Admin. Code § 116.115(b)(2)(D), and Tex. Health & Safety Code § 382.085(b)  
**Violation Description** Failure to obtain authorization prior to the use of an alternative emission control method. Specifically, during the April 16, 2010 investigation, it was documented that from July 29, 2009 to September 2, 2009, Hydritreat HS was being utilized as an odor suppressant in the scrubber system, however, prior approval to use the alternative emissions control method was not obtained.  
**Base Penalty** \$10,000

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

OR	<b>Harm</b>			Percent
	Major	Moderate	Minor	
	Actual			
	Potential			

**>>Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
		x			
Matrix Notes	100% of the rule requirement was not met.				
<b>Adjustment</b>					\$9,000

\$1,000

**Violation Events**

Number of Violation Events   Number of violation days

<i>mark only one with an x</i>	daily	
	weekly	
	monthly	x
	quarterly	
	semiannual	
	annual	
	single event	

**Violation Base Penalty** \$2,000

Two monthly events are recommended based on the documented occurrence of the violation from July 29, 2009 through September 2, 2009.

**Good Faith Efforts to Comply**  Reduction

	Before NOV	NOV to EDRP/Settlement Offer	
Extraordinary			
Ordinary			
N/A	x	(mark with x)	
Notes	The Respondent does not meet the good faith criteria for this violation.		
<b>Violation Subtotal</b>			\$2,000

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

**Estimated EB Amount**  **Violation Final Penalty Total**   
**This violation Final Assessed Penalty (adjusted for limits)**

## Economic Benefit Worksheet

**Respondent** Sofia Enterprises, L.P. d/b/a HTC Industries  
**Case ID No.** 39923  
**Reg. Ent. Reference No.** RN102754652  
**Media** Air  
**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				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$100	29-Jul-2009	10-Apr-2011	1.70	\$8	n/a	\$8

**Notes for DELAYED costs** Estimated cost to implement measures designed to ensure that only approved odor suppressant chemicals are used in the scrubber system and that approval is obtained prior to use of an alternative emission control method. The date required is the earliest documented date of the violation. The final date is the projected date corrective actions will be completed.

### 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	\$100	<b>TOTAL</b>	\$8
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<b>Screening Date</b>	21-Jul-2010	<b>Docket No.</b>	2010-1033-AIR-E	<b>PCW</b>
<b>Respondent</b>	Sofia Enterprises, L.P. d/b/a HTC Industries			<i>Policy Revision 2 (September 2002)</i>
<b>Case ID No.</b>	39923			<i>PCW Revision October 30, 2008</i>
<b>Reg. Ent. Reference No.</b>	RN102754652			
<b>Media [Statute]</b>	Air			
<b>Enf. Coordinator</b>	Rebecca Johnson			
<b>Violation Number</b>	3			
<b>Rule Cite(s)</b>	Air Permit No. 8710, Special Condition No. 18.B.(1), (3), and (4) [formerly Special Condition No. 17.B.(1), (3), and (4)], 30 Tex. Admin. Code § 116.115(c), and Tex. Health & Safety Code § 382.085(b)			
<b>Violation Description</b>	Failed to maintain complete records of the required information for each shipment of raw materials received. Specifically, during the April 16, 2010 investigation, the shipment records of raw materials received during 2009 were reviewed and it was documented that the date and time of generation at the slaughtering facility, the date and time of arrival at the facility, and the date and time of placement in the rendering process receiving pit were not recorded for each shipment.			
	<b>Base Penalty</b>	\$10,000		

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

OR	<b>Harm</b>			
	Major	Moderate	Minor	
	Actual			<b>Percent</b> 0%
	Potential			

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
				x	<b>Percent</b> 1%
<b>Matrix Notes</b>	Less than 30% of the required dates and times were not recorded for the raw material shipments made in 2009.				
	<b>Adjustment</b>				\$9,900

\$100

**Violation Events**

	3	145	Number of violation days	
<i>mark only one with an x</i>	daily			<b>Violation Base Penalty</b> \$300
	weekly			
	monthly			
	quarterly			
	semiannual			
	annual			
	single event	x		

Three single events are recommended based on the incomplete recorded dates and times for the generation at the slaughtering facility, arrival at the facility, and placement in the rendering process.

**Good Faith Efforts to Comply** 0.0% Reduction \$0

	Before NOV	NOV to EDPRP/Settlement Offer	
Extraordinary			
Ordinary			
N/A	x	(mark with x)	
<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.		

**Violation Subtotal** \$300

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
Estimated EB Amount \$6	Violation Final Penalty Total \$417
<b>This violation Final Assessed Penalty (adjusted for limits)</b> \$417	

## Economic Benefit Worksheet

**Respondent** Sofia Enterprises, L.P. d/b/a HTC Industries  
**Case ID No.** 39923  
**Reg. Ent. Reference No.** RN102754652  
**Media** Air  
**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	\$50	2-Jan-2009	10-Apr-2011	2.27	\$6	n/a	\$6
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 implement measures designed to ensure that the required information is recorded for each shipment of raw materials received. The date required is earliest documented date of the violation. The final date is the projected date corrective actions will be completed.

### 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

\$50

TOTAL

\$6

**Screening Date** 21-Jul-2010 **Docket No.** 2010-1033-AIR-E **PCW**  
**Respondent** Sofia Enterprises, L.P. d/b/a HTC Industries *Policy Revision 2 (September 2002)*  
**Case ID No.** 39923 *PCW Revision October 30, 2008*  
**Reg. Ent. Reference No.** RN102754652  
**Media [Statute]** Air  
**Enf. Coordinator** Rebecca Johnson

**Violation Number** 4  
**Rule Cite(s)** Air Permit No. 8710, Special Condition No. 18.D. (formerly Special Condition No. 17.C.), 30 Tex. Admin. Code § 116.115(c), and Tex. Health & Safety Code § 382.085(b)  
**Violation Description** Failed to maintain complete records of the air temperature of the area entering the air scrubber room at least once per shift but no less than once every ten hours during the operation of the scrubber. Specifically, during the April 16, 2010 investigation, the records of the air temperature for 2009 were reviewed and it was documented that not all the required temperature recordings were made.  
**Base Penalty** \$10,000

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

OR	<b>Harm</b>			Percent
	Major	Moderate	Minor	
	Actual			
	Potential			

**>> Programmatic Matrix**

Matrix Notes	Falsification	Major	Moderate	Minor	Percent	
			x			5%
	Approximately 40% of the required temperature information was not recorded.					
<b>Adjustment</b>					\$9,500	

\$500

**Violation Events**

Number of Violation Events: 1      128 Number of violation days

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

**Violation Base Penalty** \$500

One single event is recommended based on the incomplete air temperature records.

**Good Faith Efforts to Comply** 10.0% Reduction \$50

	Before NOV	NOV to EDPRP/Settlement Offer	
Extraordinary			
Ordinary		x	
N/A		(mark with x)	
Notes	The Respondent completed corrective actions on June 22, 2010, which was after the June 14, 2010 NOE and before the September 7, 2010 EDPRP.		
<b>Violation Subtotal</b>			\$450

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

**Estimated EB Amount** \$4      **Violation Final Penalty Total** \$645  
**This violation Final Assessed Penalty (adjusted for limits)** \$645

## Economic Benefit Worksheet

**Respondent** Sofia Enterprises, L.P. d/b/a HTC Industries  
**Case ID No.** 39923  
**Reg. Ent. Reference No.** RN102754652  
**Media** Air  
**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	\$50	11-Jan-2009	22-Jun-2010	1.44	\$4	n/a	\$4
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 implement measures designed to ensure that the air temperature of the area entering the scrubber room is recorded as required. The date required is the earliest documented date of the violation. The final date is the date corrective actions were completed.

### 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

\$50

**TOTAL**

\$4

**Screening Date** 21-Jul-2010 **Docket No.** 2010-1033-AIR-E **PCW**  
**Respondent** Sofia Enterprises, L.P. d/b/a HTC Industries *Policy Revision 2 (September 2002)*  
**Case ID No.** 39923 *PCW Revision October 30, 2008*  
**Reg. Ent. Reference No.** RN102754652  
**Media [Statute]** Air  
**Enf. Coordinator** Rebecca Johnson

**Violation Number** 5  
**Rule Cite(s)** Air Permit No. 8710, Special Condition No. 18.F.(4) [previously Special Condition No. 17.E.(4)], 30 Tex. Admin. Code § 116.115(c), and Tex. Health & Safety Code § 382.085(b)  
**Violation Description** Failed to maintain a record of the chemical feed rate to the scrubber system. Specifically, during the April 16, 2010 investigation, it was documented that chemicals were being fed to the scrubber, however, a record of the chemical feed rate was not being maintained.

**Base Penalty** \$10,000

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
		Actual			
Potential					

**>> Programmatic Matrix**

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
			x		
100% of the required information was not being maintained.					

**Adjustment** \$9,000

\$1,000

**Violation Events**

Number of Violation Events 1 68 Number of violation days

*mark only one with an x*

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

**Violation Base Penalty** \$1,000

One single event is recommended based on the chemical feed rate record that was not maintained.

**Good Faith Efforts to Comply** 10.0% Reduction \$100

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

**Notes** The Respondent completed corrective actions on June 22, 2010, which was after the June 14, 2010 NOE and before the September 7, 2010 EDPRP.

**Violation Subtotal** \$900

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

**Estimated EB Amount** \$1 **Violation Final Penalty Total** \$1,290

**This violation Final Assessed Penalty (adjusted for limits)** \$1,290

## Economic Benefit Worksheet

**Respondent** Sofia Enterprises, L.P. d/b/a HTC Industries  
**Case ID No.** 39923  
**Reg. Ent. Reference No.** RN102754652  
**Media** Air  
**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	\$100	16-Apr-2010	22-Jun-2010	0.18	\$1	n/a	\$1
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 implement a record keeping system to document the chemical feed rate to the scrubber system. The date required is the investigation date. The final date is the date corrective actions were completed.

### 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

\$100

TOTAL

\$1

# Compliance History Report

Customer/Respondent/Owner-Operator: CN601403173 Sofia Enterprises, L.P. Classification: AVERAGE Rating: 1.71  
Regulated Entity: RN102754652 HTC INDUSTRIES Classification: AVERAGE Site Rating: 1.71  
ID Number(s): INDUSTRIAL AND HAZARDOUS WASTE ID NUMBER F1307  
GENERATION  
INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXR000047902  
GENERATION  
AIR NEW SOURCE PERMITS ACCOUNT NUMBER TG0053B  
AIR NEW SOURCE PERMITS PERMIT 8710  
STORMWATER PERMIT TXR05T411

Location: 1812 N BELL ST, SAN ANGELO, TX, 76903  
TCEQ Region: REGION 08 - SAN ANGELO

Date Compliance History Prepared: July 21, 2010  
Agency Decision Requiring Compliance History: Enforcement  
Compliance Period: July 21, 2005 to July 21, 2010

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History  
Name: Rebecca Johnson Phone: (361) 825-3420

## Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s) ? N/A
5. When did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2009 Repeat Violator: NO

## Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

**Effective Date: 03/08/2010**

**ADMINORDER 2009-1291-AIR-E**

Classification: Moderate

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

5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Conditions 5 and 6 PERMIT

Description: Failed to place all rendering raw materials received on the plant in the rendering process receiving pit within eight hours after arrival and within 18 hours after slaughter or leaving a refrigerated environment.

- 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	05/31/2006	(465216)
2	08/29/2006	(510561)
3	01/09/2008	(613995)
4	09/03/2008	(701909)
5	01/13/2009	(723614)
6	03/16/2010	(789823)
7	05/28/2010	(802544)
8	05/28/2010	(829588)

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

**Date: 05/31/2006 (465216)**

Self Report? NO Classification: Major

Citation: 30 TAC Chapter 281, SubChapter A 281.25(a)(4)  
MSGP Part II, Section C(2) PERMIT

Description: Failure to obtain authorization to discharge storm water associated with industrial activity.

**Date: 08/05/2008 (688826)**

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
Permit No 8710, Special Conditions 5 & 6 PERMIT

Description: Failure to comply with the operational and work practice requirements in Special Conditions 5 and 6 of Permit Number 8710

**Date: 12/11/2008 (721064)**

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)  
Special Condition 17B PERMIT

Description: Failure to maintain sufficient records for received raw materials at the site

**Date: 01/13/2009 (723541)**

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)  
Special Conditions 5 and 6 PERMIT

Description: Failure to comply with the operational and work practice requirements in Special Conditions 5 and 6 in Permit Number 8710

**Date: 03/12/2010 (789823)**

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 281, SubChapter A 281.25(a)(4)  
MSGP Part III, Section A(1)(a) PERMIT

Description: Failure to maintain and have the Storm Water Pollution Prevention Plan (SWP3) available on-site.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 281, SubChapter A 281.25(a)(4)  
MSGP Part III, Section A(2)(a)(b) PERMIT

Description: Failure to identify correct Pollution Prevention Team (PPT) positions with a clear description of responsibilities for each position.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 281, SubChapter A 281.25(a)(4)  
MSGP Part III, A(3)(a) PERMIT

Description: Failure to identify in the SWP3 discharges that are eligible for permit coverage.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 281, SubChapter A 281.25(a)(4)  
MSGP Part III, Section A(3)(b)(c) PERMIT

Description: Failure to certify and document the evaluation of the storm water system for non-storm water discharges according to permit requirements.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 281, SubChapter A 281.25(a)(4)  
MSGP Part III, A(4)(a) PERMIT

Description: Failure to develop a complete of list exposed materials and specific pollutants.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 281, SubChapter A 281.25(a)(4)  
MSGP Part III, A(4)(b) PERMIT

Description: Failure to develop a complete narrative description of all activities and potential sources of pollutants.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 281, SubChapter A 281.25(a)(4)  
MSGP Part III, Section A(5) PERMIT

Description: Failure to develop a good housekeeping section according to permit requirements.

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

Description: Failure implement good housekeeping at the facility.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 281, SubChapter A 281.25(a)(4)  
MSGP Part III, A(5)(b)(1) PERMIT

Description: Failure to identify the areas where spills could contribute pollutants to storm water discharges in the Spill Prevention and Response Measures section.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 281, SubChapter A 281.25(a)(4)  
MSGP Part III, A(5)(b)(3) PERMIT

Description: Failure to label drums, tanks and other containers.

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

Description: Failure to develop specific spill prevention and cleanup techniques.

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

Description: Failure to develop a spill cleanup materials and equipment inventory.

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

Description: Failure to conduct employee training.

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

Description: Failure to conduct education of employees not directly responsible for implementing the SWP3.

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

Description: Failure to conduct periodic inspections.

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

Description: Failure to conduct and document quarterly visual monitoring according to MSGP requirements.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 281, SubChapter A 281.25(a)(4)  
MSGP Part III, C(1)( c) PERMIT

Description: Failure to monitor the rain gauge according to permit requirements.

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

Description: Failure to conduct the Annual Comprehensive Site Evaluation.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 281, SubChapter A 281.25(a)(4)  
MSGP Part III, Section D(1) PERMIT

Description: Failure to conduct Numeric Effluent (Hazardous Metals) Monitoring.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 281, SubChapter A 281.25(a)(4)  
MSGP Part II, B(5) PERMIT  
TWC Chapter 26 26.121  
TWC Chapter 26 26.266

Description: Failure to prevent discharges to the environment.

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

Description: Failure to conduct Sector U benchmark monitoring for the SIC code 2077 activity.

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
SOFIA ENTERPRISES, L.P. D/B/A  
HTC INDUSTRIES;  
RN102754652**

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§  
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**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER**

### **DOCKET NO. 2010-1033-AIR-E**

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 Sofia Enterprises, L.P. d/b/a HTC Industries ("Respondent") under the authority of TEX. WATER CODE ch. 7 and TEX. HEALTH & SAFETY CODE ch. 382. The Executive Director of the TCEQ, represented by the Litigation Division, and Respondent presented this Agreed Order to the Commission.

Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Agreed Order represents the complete and fully-integrated agreement of the parties. 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. The duties and responsibilities imposed by this Agreed Order are binding upon Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

### **FINDINGS OF FACT**

1. Respondent owns and operates a rendering plant located at 1812 North Bell Street in San Angelo, Tom Green County, Texas (the "Plant"). The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
2. During an investigation conducted on April 16, 2010, a TCEQ San Angelo Regional Office investigator documented that Respondent:
  - a. Failed to place all raw materials received into the rendering process receiving pit within eight hours after arrival and within 18 hours after slaughter or leaving a refrigerated environment. Specifically, records of raw material shipments and processing records showed there were occurrences of blood

and other raw materials not being processed as required from October 1, 2009 to April 16, 2010;

- b. Failed to obtain authorization prior to the use of an alternative emission control method. Specifically, from July 29, 2009 to September 2, 2009, Hydritreat HS was being utilized as an odor suppressant in the scrubber system, however, prior approval to use this alternative emissions control method was not obtained;
  - c. Failed to maintain complete records of the required information for each shipment of raw materials received. Specifically, the shipment records of raw materials received during 2009 were reviewed and the date and time of generation at the slaughtering plant, the date and time of arrival at the Plant, and the date and time of placement in the rendering process receiving pit were not recorded for each shipment;
  - d. Failed to maintain complete records of the air temperature of the area entering the air scrubber room at least once per shift but no less than once every ten hours during the operation of the scrubber. Specifically, the records of the air temperature for 2009 show that not all the required temperature recordings were made; and
  - e. Failed to maintain a record of the chemical feed rate to the scrubber system. Specifically, chemicals were being fed to the scrubber, however, a record of the chemical feed rate was not being maintained.
3. Respondent received notice of the violations on or about June 19, 2010.
  4. The Executive Director recognizes that Respondent implemented the following corrective measures at the Plant:
    - a. On June 22, 2010, a log was created and measures were implemented to ensure the air temperature of the area entering the air scrubber room is recorded at least once per shift (Finding of Fact No. 2.d.); and
    - b. On June 22, 2010, a log was created and measures were implemented to ensure the chemical feed rate to the scrubber system is recorded (Finding of Fact No. 2.e.).

#### **CONCLUSIONS OF LAW**

1. As evidenced by Finding of Fact No. 1, Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 382 and the rules of the Commission.
2. As evidenced by Finding of Fact No. 2.a., Respondent violated 30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH & SAFETY CODE § 382.085(b), and Air Permit No. 8710, Special Condition ("SC") Nos. 6 and 7 (formerly SC Nos. 5 and 6), by failing to place all raw materials received into the rendering process receiving pit within eight hours after arrival and within 18 hours after slaughter or leaving a refrigerated environment.

3. As evidenced by Finding of Fact No. 2.b., Respondent violated 30 TEX. ADMIN. CODE § 116.115(b)(2)(D), TEX. HEALTH & SAFETY CODE § 382.085(b), and Air Permit No. 8710, General Conditions, by failing to obtain authorization prior to the use of an alternative emission control method.
4. As evidenced by Finding of Fact No. 2.c., Respondent violated 30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH & SAFETY CODE § 382.085(b), and Air Permit No. 8710, SC Nos. 18.B. (1), (3), and (4) [formerly SC Nos. 17.B. (1), (3), and (4)], by failing to maintain complete records of the required information for each shipment of raw materials received.
5. As evidenced by Finding of Fact No. 2.d., Respondent violated 30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH & SAFETY CODE § 382.085(b), and Air Permit No. 8710, SC No. 18.D. [formerly SC No. 17.C.], by failing to maintain complete records of the air temperature of the area entering the air scrubber room at least once per shift but no less than once every ten hours during the operation of the scrubber.
6. As evidenced by Finding of Fact No. 2.e., Respondent violated 30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH & SAFETY CODE § 382.085(b), and Air Permit No. 8710, SC No. 18.F.(4) [formerly SC No. 17.E.(4)], by failing to maintain a record of the chemical feed rate to the scrubber system.
7. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against Respondent for violations of state statutes within the Commission's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
8. An administrative penalty in the amount of nine thousand three hundred two dollars (\$9,302.00) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. Respondent paid one thousand five hundred fifty-two dollars (\$1,552.00) of the administrative penalty. The remaining amount of seven thousand seven hundred fifty dollars (\$7,750.00) of the administrative penalty shall be payable in five (5) monthly payments of one thousand five hundred fifty dollars (\$1,550.00) each. The first monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall be paid not later than 30 days following the due date of the previous payment. If Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, including the payment schedule, the Executive Director may, at his option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, Respondent's failure to meet the payment schedule of this Agreed Order constitutes the failure by Respondent to timely and satisfactorily comply with all of the terms of this Agreed Order.

## ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. Respondent is assessed an administrative penalty as set forth in Conclusion of Law No. 8, above, for violations of state statutes and rules of the TCEQ. 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 matters set forth by this Agreed Order in this action. The Commission shall not be constrained in any manner from considering or requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: Sofia Enterprises, L.P. d/b/a HTC Industries, Docket No. 2010-1033-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. Respondent shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Agreed Order, Respondent shall:
    - i. Implement measures designed to ensure that all raw materials received on-site, including blood, are placed in the rendering process receiving pit within eight hours after arrival, and placed in the rendering process receiving pit within 18 hours after slaughter or within 18 hours after leaving a refrigerated environment (Conclusion of Law No. 2);
    - ii. Implement measures designed to ensure that only approved odor suppressant chemicals are used in the scrubber (Conclusion of Law No. 3); and
    - iii. Implement measures designed to ensure that complete records of shipments of raw materials are maintained, including the date and time of generation at the Plant, the date and time of arrival at the Plant, and the date and time of placement in the rendering process receiving pit (Conclusion of Law No. 4).
  - b. Within 45 days after the effective date of this Agreed Order, Respondent shall submit written certification and detailed supporting documentation, including photographs, receipts, and/or other records, to demonstrate compliance with Ordering Provision Nos. 2.a.i. and through 2.a.iii. 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 fine and imprisonment for knowing violations."

Respondent shall submit the written certification and copies of documentation necessary to demonstrate compliance with these Ordering Provisions to:

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

and

Christopher G. Mayben, Air Section Manager  
Texas Commission on Environmental Quality  
San Angelo Regional Office  
622 South Oakes, Suite K  
San Angelo, Texas 76903-7035

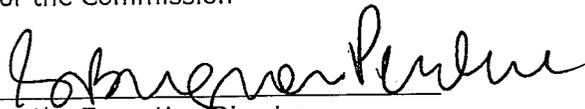
3. All relief not expressly granted in this Agreed Order is denied.
4. The duties and provisions imposed by this Agreed Order shall apply to and be binding upon Respondent. Respondent is ordered to give notice of this Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
5. 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.
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 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.
7. 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.

8. 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.
9. 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.
10. 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

4/7/2011  
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 Sofia Enterprises, L.P. d/b/a HTC Industries, 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 – Mel Roshanravan, Vice President  
Sofia Enterprises, L.P. d/b/a HTC Industries

11/8/2010  
Date