

Executive Summary – Enforcement Matter – Case No. 40497
CALABRIAN CORPORATION
RN101645018
Docket No. 2010-1631-IWD-E

Order Type:
Agreed Order

Findings Order Justification:
N/A

Media:
IWD

Small Business:
No

Location(s) Where Violation(s) Occurred:
5500 State Highway 366, Port Neches, Jefferson County

Type of Operation:
Inorganic chemical plant

Other Significant Matters:
Additional Pending Enforcement Actions: None
Past-Due Penalties: None
Past-Due Fees: None
Other: None
Interested Third-Parties: None

Texas Register Publication Date: November 18, 2011

Comments Received: None

Penalty Information

Total Penalty Assessed: \$38,870
Amount Deferred for Expedited Settlement: N/A
Amount Deferred for Financial Inability to Pay: N/A
Total Paid to General Revenue: \$38,870
Total Due to General Revenue: \$0
SEP Conditional Offset: N/A

Compliance History Classifications:
Person/CN – Average
Site/RN – Average

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002

**CALABRIAN CORPORATION
RN101645018
Docket No. 2010-1631-IWD-E**

Investigation Information

Complaint Date(s): N/A
Date(s) of Investigation: August 18, 2010
Date(s) of NOV(s): See Compliance History – 39 NOVs for same/similar violations
Date(s) of NOE(s): September 15, 2010

Violation Information

Failed to comply with permitted effluent limits [TEX. WATER CODE § 26.121(a)(1); 30 TEX. ADMIN. CODE § 305.125(1); and TPDES Permit No. WQ0004731000, Effluent Limitations and Monitoring Requirements No. 1].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

1. Respondent has met permitted effluent limits for chemical oxygen demand and flow since April 30, 2010; and
2. During the timeframe of August 2009 to April 2011, to address alleged permit exceedences, Respondent:
 - a. Raised dike walls and separated contact water from non-contact water; and
 - b. Hired consultants, researched and performed analysis regarding potential hydrogen ion concentration, ammonia nitrogen, total suspended solids, total organic compounds, total residual chlorine, volatile organic compounds, carbonaceous biochemical oxygen demand, ferrous iron, sulfites, aluminum sulfate, bleach and metals.

Technical Requirements:

1. Within 30 days, submit a substantially complete application to modify or amend TPDES Permit No. WQ0004731000 relating to the CBOD provisions or conditions for Respondent's specific discharge profile.
2. Respondent shall respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit application within 30 days after the date of such requests or by any other deadline specified in writing.
3. Within 45 days, submit written certification of compliance Technical Requirement No. 1.
4. Within 180 days, submit a report to the Commission, documenting the progress of the corrective actions that are planned and/or have been completed to ensure the effluent meets the permitted limits.
5. Within 330 days, submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0004731000, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations, including CBOD Daily Avg. Conc. and CBOD Daily Max. Conc. if applicable.

Litigation Information

Date Petition(s) Filed: February 16, 2011
Date Answer(s) Filed: March 8, 2011
SOAH Referral Date: April 26, 2011

CALABRIAN CORPORATION
RN101645018
Docket No. 2010-1631-IWD-E

Hearing Date(s):

Preliminary hearing: June 20, 2011
Evidentiary hearing: October 14, 2011

Settlement Date: October 14, 2011

Contact Information

TCEQ Attorneys: Jennifer Cook, Litigation Division, (512) 239-3400
Lena Roberts, Litigation Division, (512) 239-3400

TCEQ SEP Coordinator: N/A

TCEQ Enforcement Coordinator: Lanae Foard, Water Enforcement Section, (512) 239- 2554

TCEQ Regional Contact: Ronald Hebert, Beaumont Regional Office, (409) 898-3838

Respondent: Benny Deters, Plant Manager, Calabrian Corporation, 5500 Highway 366
Port Neches, Texas 77651

Respondent's Attorney: Leanne Johnson, Orgain, Bell & Tucker, LLP, 470 Orleans Street,
Beaumont, Texas 77701

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Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	20-Sep-2010	Screening	1-Oct-2010	EPA Due	
	PCW	28-Sep-2011				

RESPONDENT/FACILITY INFORMATION			
Respondent	Calabrian Corporation		
Reg. Ent. Ref. No.	RN101645018		
Facility/Site Region	10-Beaumont	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	40497	No. of Violations	2
Docket No.	2010-1631-IWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Lanae Foard
		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit	Minimum \$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$13,000
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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.

Compliance History	219.0% Enhancement	Subtotals 2, 3, & 7	\$28,470
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Notes: Enhancement for 36 months of self-reported effluent violations, three NOV's with same/similar violations, two NOV's with dissimilar violations, and one order with denial of liability.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$4,169
 Approx. Cost of Compliance: \$20,000
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$41,470
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OTHER FACTORS AS JUSTICE MAY REQUIRE	-6.3%	Adjustment	-\$2,600
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Recommended reduction so that monthly self-reported violations do not overly impact the penalty amount.

Final Penalty Amount	\$38,870
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$38,870
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: Deferral not offered for non-expedited settlement.

PAYABLE PENALTY	\$38,870
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Screening Date 1-Oct-2010

Docket No. 2010-1631-IWD-E

PCW

Respondent Calabrian Corporation

Case ID No. 40497

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101645018

Media [Statute] Water Quality

Enf. Coordinator Lanae Foard

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	39	195%
	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) 219%

>> 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 36 months of self-reported effluent violations, three NOVs with same/similar violations, two NOVs with dissimilar violations, and one order with denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 219%

Screening Date 1-Oct-2010

Docket No. 2010-1631-IWD-E

PCW

Respondent Calabrian Corporation

Policy Revision 2 (September 2002)

Case ID No. 40497

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101645018

Media [Statute] Water Quality

Enf. Coordinator Lanae Foard

Violation Number 1

Rule Cite(s) Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0004731000, Effluent Limitations and Monitoring Requirements No. 1

Violation Description Failed to comply with permitted effluent limits, as documented during a record review conducted on August 18, 2010, and as shown in the attached violation table.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual		x		25%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0%

Matrix Notes As a result of these discharges, human health or the environment has been exposed to significant amounts of pollutants which do not exceed protective levels.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 4 Number of violation days 119

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$10,000

Four monthly events are recommended for the months of September 2009, February 2010, March 2010, and April 2010.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

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

Violation Subtotal \$10,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$4,169

Violation Final Penalty Total \$29,900

This violation Final Assessed Penalty (adjusted for limits) \$29,900

EFFLUENT VIOLATION TABLE
Calabrian Corporation
TPDES Permit No. WQ0004731000
Docket No. 2010-1631-IWD-E

Monitoring period	Permitted Effluent Limits			
	CBOD Daily Avg. Conc.	CBOD Daily Max. Conc.	Flow Daily Avg.	COD Daily Avg. Conc.
	Limit = 10 mg/L	Limit = 25 mg/L	Limit = .25 MGD	Limit = 273 mg/L
August 2009	28	36	c	c
September 2009	21	31	0.31	c
October 2009	22	40	c	c
November 2009	14	c	c	c
December 2009	12	c	c	c
February 2010	100	373	c	359
March 2010	90	159	0.37	324
April 2010	58	135	c	c
May 2010	13	26	c	c

CBOD = carbonaceous biochemical oxygen demand
 COD = chemical oxygen demand
 Avg. = average

Max. = maximum
 Conc. = concentration
 mg/L = milligrams per liter

MGD = millions of gallons per day

Economic Benefit Worksheet

Respondent Calabrian Corporation
Case ID No. 40497
Req. Ent. Reference No. RN101645018
Media Water Quality
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	\$10,000	31-Aug-2009	19-Feb-2013	3.47	\$116	\$2,316	\$2,432
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	\$10,000	31-Aug-2009	19-Feb-2013	3.47	\$1,737	n/a	\$1,737
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated costs to determine the cause of noncompliance and to make any necessary repairs/adjustments to the Facility and to prepare and submit a permit ammendment application, respectively. Date required is the initial date of noncompliance. Final date is the expected date on 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

\$20,000

TOTAL

\$4,169

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Screening Date 1-Oct-2010

Docket No. 2010-1631-IWD-E

PCW

Respondent Calabrian Corporation

Policy Revision 2 (September 2002)

Case ID No. 40497

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101645018

Media [Statute] Water Quality

Enf. Coordinator Lanae Foard

Violation Number 2

Rule Cite(s) Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0004731000, Effluent Limitations and Monitoring Requirements No. 1

Violation Description Failed to comply with permitted effluent limits, as documented during a record review conducted on August 18, 2010, and as shown in the attached violation table.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0%

Matrix Notes As a result of these discharges, human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed protective levels.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 3 154 Number of violation days

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

Violation Base Penalty \$3,000

Three quarterly events are recommended for the quarters containing the months of August 2009, October 2009, November 2009, December 2009, and May 2010.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

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

Violation Subtotal \$3,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$8,970

This violation Final Assessed Penalty (adjusted for limits) \$8,970

Economic Benefit Worksheet

Respondent Calabrian Corporation
Case ID No. 40497
Req. Ent. Reference No. RN101645018
Media Water Quality
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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Economic benefit for this violation is included with Violation No. 1.

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

\$0

TOTAL

\$0

Compliance History Report

Customer/Respondent/Owner-Operator:	CN602400954 Calabrian Corporation	Classification: AVERAGE	Rating: 2.84	
Regulated Entity:	RN101645018 CALABRIAN	Classification: AVERAGE	Site Rating: 2.89	
ID Number(s):	AIR NEW SOURCE PERMITS	REGISTRATION	92593	
	AIR NEW SOURCE PERMITS	PERMIT	9214	
	AIR NEW SOURCE PERMITS	REGISTRATION	12821	
	AIR NEW SOURCE PERMITS	REGISTRATION	13325	
	AIR NEW SOURCE PERMITS	REGISTRATION	27400	
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	JE0081O	
	AIR NEW SOURCE PERMITS	AFS NUM	4824500106	
	WASTEWATER	EPA ID	TX0062448	
	WASTEWATER	PERMIT	WQ0004731000	
	WASTEWATER	EPA ID	TX0062448	
	STORMWATER	PERMIT	TXR05K152	
	PRETREATMENT	PERMIT	TXU500031	
	AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	JE0081O	
	Location:	5500 STATE HIGHWAY 366, PORT NECHES, JEFFERSON COUNTY, TEXAS		
	TCEQ Region:	REGION 10 - BEAUMONT		
	Date Compliance History Prepared:	September 24, 2010		
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	September 24, 2005 to September 24, 2010			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History				
Name:	<u>Lanae Foard</u>	Phone:	<u>(512) 239-2554</u>	

Site Compliance History Components

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

Components (Multimedia) for the Site :

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

Effective Date: 07/13/2007

ADMINORDER 2006-1972-IWD-E

Classification: Moderate

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

Rqmt Prov: Effluent Limits PERMIT

Description: failed to comply with permitted effluent limitations.

- 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	10/26/2005	(524282)
2	11/03/2005	(524286)
3	12/09/2005	(524290)
4	01/05/2006	(524294)
5	02/13/2006	(524249)
6	03/08/2006	(524252)
7	04/10/2006	(524257)
8	05/15/2006	(524261)
9	06/13/2006	(524266)
10	07/10/2006	(465478)
11	07/14/2006	(524271)
12	08/14/2006	(524275)
13	09/12/2006	(524279)
14	10/06/2006	(549214)
15	11/03/2006	(511885)
16	11/10/2006	(516960)
17	11/20/2006	(516668)
18	11/21/2006	(549215)
19	12/07/2006	(549216)
20	12/14/2006	(533879)
21	01/11/2007	(582885)
22	02/07/2007	(582879)
23	02/14/2007	(538486)
24	03/20/2007	(582880)
25	04/09/2007	(582881)
26	04/09/2007	(582882)

27	04/21/2007	(531699)
28	05/10/2007	(582883)
29	06/12/2007	(582884)
30	07/13/2007	(603746)
31	08/13/2007	(603747)
32	09/13/2007	(603748)
33	10/03/2007	(571993)
34	10/12/2007	(622524)
35	11/09/2007	(622525)
36	12/17/2007	(622526)
37	01/10/2008	(674123)
38	02/12/2008	(674122)
39	03/11/2008	(692413)
40	04/18/2008	(692414)
41	05/05/2008	(692415)
42	05/15/2008	(646657)
43	06/11/2008	(692416)
44	07/07/2008	(692417)
45	08/12/2008	(713532)
46	09/25/2008	(713533)
47	10/03/2008	(713534)
48	11/04/2008	(713535)
49	12/08/2008	(729557)
50	01/05/2009	(722077)
51	01/19/2009	(729558)
52	02/02/2009	(752804)
53	03/09/2009	(752805)
54	04/13/2009	(752806)
55	05/04/2009	(770435)
56	06/08/2009	(770436)
57	01/14/2010	(783943)
58	05/12/2010	(833051)
59	05/19/2010	(796717)
60	06/07/2010	(846943)
61	07/12/2010	(861439)
62	08/13/2010	(842881)
63	09/16/2010	(857715)
64	09/17/2010	(849635)

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

Date:	09/30/2005	(524282)		
Self Report?	YES		Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	11/30/2005	(524290)		
Self Report?	YES		Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	12/31/2005	(524294)	CN602400954	
Self Report?	YES		Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	04/30/2006	(524261)	CN602400954	
Self Report?	YES		Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	05/31/2006	(524266)	CN602400954	
Self Report?	YES		Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	06/30/2006	(524271)	CN602400954	
Self Report?	YES		Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)			

Description: Failure to meet the limit for one or more permit parameter
Date: 07/10/2006 (465478) CN602400954
Self Report? NO Classification: Moderate
Citation: M&RR 7a PERMIT
Description: Failure to report unauthorized discharge of contact stormwater from the conveyance system.
Self Report? NO Classification: Moderate
Citation: PC 2g PERMIT
Description: Failure to prevent unauthorized discharges from the wastewater conveyance ditch system.
Self Report? NO Classification: Moderate
Citation: EL&MR 1 PERMIT
Description: Failure to discharge effluent compliant with the permitted 24 mg/l daily average limitation for TSS.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter A 335.4
Description: Failure to remediate spillage of soda ash.
Self Report? NO Classification: Moderate
Citation: OR 4A PERMIT
Description: Failure to obtain a professional engineer certification on the synthetic lining in the pond system.
Self Report? NO Classification: Moderate
Citation: O&M 1 PERMIT
Description: Failure to properly operate and maintain the wastewater conveyance system.
Self Report? NO Classification: Minor
Citation: OR 3 PERMIT
Description: Failure by Calabrian Corporation to utilize a test method sensitive enough to conform to the 0.005 mg/l minimum analytical limit (MAL) specified in the permit for total zinc.
Date: 07/31/2006 (524275) CN602400954
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter
Date: 09/30/2006 (549214)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter
Date: 10/31/2006 (549215)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter
Date: 12/31/2006 (582885) CN602400954
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter
Date: 01/31/2007 (582879) CN602400954
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter
Date: 02/28/2007 (582880) CN602400954
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter
Date: 04/30/2007 (582883) CN602400954
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter
Date: 05/31/2007 (582884) CN602400954
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter
Date: 06/30/2007 (603746)
Self Report? YES Classification: Moderate

Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	07/31/2007	(603747)	CN602400954
Self Report?	YES		Classification: Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	08/31/2007	(603748)	
Self Report?	YES		Classification: Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	10/31/2007	(622525)	
Self Report?	YES		Classification: Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	11/30/2007	(622526)	CN602400954
Self Report?	YES		Classification: Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	01/31/2008	(674122)	CN602400954
Self Report?	YES		Classification: Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	02/29/2008	(692413)	CN602400954
Self Report?	YES		Classification: Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	05/15/2008	(646657)	CN602400954
Self Report?	NO		Classification: Minor
Citation:	M&RR 3cvi PERMIT		
Description:	Failure by Calabrian Corporation to maintain required quality assurance records; specifically, failure to maintain records documenting results of duplicate analyses on effluent samples.		
Self Report?	NO		Classification: Minor
Citation:	M&RR 2 PERMIT		
Description:	Failure by Calabrian Corporation to properly document chain of custody records; specifically, gaps in time were found between sample collector relinquishment and receipt of the sample to the contract laboratory.		
Self Report?	NO		Classification: Minor
Citation:	OpR 1 PERMIT		
Description:	Failure by Calabrian Corporation to properly maintain units of conveyance.		
Self Report?	NO		Classification: Minor
Citation:	OpR 1 PERMIT		
Description:	Failure by Calabrian Corporation to maintain facility dikes.		
Self Report?	NO		Classification: Minor
Citation:	30 TAC Chapter 335, SubChapter A 335.4		
Description:	Failure by Calabrian Corporation to remove and properly dispose of thiosulfate spillage.		
Self Report?	NO		Classification: Minor
Citation:	OpR1 PERMIT		
Description:	Failure by Calabrian to ensure that the facility is protected by an intruder resistant fence.		
Self Report?	NO		Classification: Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125 OpR 1 PERMIT		
Description:	Failure by Calabrian Corporation to maintain units of conveyance.		
Date:	05/31/2008	(692416)	CN602400954
Self Report?	YES		Classification: Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	08/31/2008	(713533)	
Self Report?	YES		Classification: Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		

Date: 11/30/2008	(729557)	CN602400954	
Self Report?	YES		Classification: Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date: 01/31/2009	(752804)		
Self Report?	YES		Classification: Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	(752805)		
Self Report?	YES		Classification: Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date: 03/31/2009	(752806)		
Self Report?	YES		Classification: Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date: 08/31/2009			
Self Report?	YES		Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date: 09/30/2009		CN602400954	
Self Report?	YES		Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date: 10/31/2009		CN602400954	
Self Report?	YES		Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date: 11/30/2009		CN602400954	
Self Report?	YES		Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date: 12/31/2009		CN602400954	
Self Report?	YES		Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date: 01/15/2010	(783943)	CN602400954	
Self Report?	NO		Classification: Minor
Citation:	EI&MR, No. 1, Pg. 2 PERMIT		
Description:	Failure to discharge effluent in compliance with permitted flow limits.		
Self Report?	NO		Classification: Moderate
Citation:	EI&MR, No. 1 Pg. 2 PERMIT		
Description:	Failure to discharge effluent in compliance with permitted effluent limitations. (COD, TSS, & CBOD)		
Self Report?	NO		Classification: Minor
Citation:	M&RR, No. 3(c)(iii), Pg. 5 PERMIT		
Description:	Failure by Calabrian to maintain records of monitoring activities (times of sample analysis).		
Self Report?	NO		Classification: Minor
Citation:	OpR, No. 1, Pg. 9 PERMIT		
Description:	Failure to properly operate and maintain all systems of collection, treatment, and disposal (East ditch liner).		
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 335, SubChapter A 335.4(1)		
Description:	Failure by Calabrian to contain sulfur and sodium bisulfate resulting in a spill.		
Date: 02/28/2010		CN602400954	
Self Report?	YES		Classification: Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date: 03/31/2010	(713533)		
Self Report?	YES		Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
Date: 04/30/2010 (833051) CN602400954
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
Date: 05/11/2010 (799278) CN602400954
 Self Report? NO Classification: Moderate
 Citation: PC PERMIT
 Description: Failure by Calabrian Corporation to prevent an unauthorized discharge of wastewater into or adjacent to water in the state at any location not permitted as an outfall.
 Self Report? NO Classification: Moderate
 Citation: OT PERMIT
 Description: Failure by Calabrian Corporation to properly operate and maintain units of treatment and collection.
Date: 05/20/2010 (796717)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 5C THSC Chapter 382 382.085(b)
 Description: Failure to prevent unauthorized emissions.
Date: 05/31/2010 (846943) CN602400954
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

- 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
CALABRIAN CORPORATION;
RN101645018**

§
§
§
§
§

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

AGREED ORDER

DOCKET NO. 2010-1631-IWD-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda meeting, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties (the "Agreed Order"), resolving an enforcement action regarding Calabrian Corporation ("Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, represented by the Litigation Division, and Respondent, represented by Leanne Johnson of the law firm Orgain, Bell & Tucker, LLP, appear before the Commission and together stipulate that:

1. Respondent owns and operates an inorganic chemical plant located at 5500 State Highway 366 in Port Neches, Jefferson County, Texas (the "Facility"). The Facility adjoins, is contiguous with, surrounds, or is near or adjacent to water in the state as defined in TEX. WATER CODE § 26.001(5).
2. This Agreed Order is entered into pursuant to TEX. WATER CODE §§ 7.051 and 7.070. The Commission has jurisdiction of this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. WATER CODE ch. 26 and TCEQ rules.
3. The Executive Director and Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that Respondent is subject to the Commission's jurisdiction on this matter.
4. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
5. An administrative penalty in the amount of thirty-eight thousand eight hundred seventy dollars (\$38,870.00) is assessed by the Commission in settlement of the violations alleged in Section II. Respondent paid thirty-eight thousand eight hundred seventy dollars (\$38,870.00) of the administrative penalty.
6. Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.
7. The Executive Director of the TCEQ and Respondent agree on a settlement of the matters addressed in this Agreed Order, subject to the approval of the Commission.

8. The Executive Director recognizes that Respondent implemented the following corrective measures:
 - a. Respondent has met permitted effluent limits for chemical oxygen demand and flow since April 30, 2010; and
 - b. During the timeframe of August 2009 to April 2011, to address alleged permit exceedences, Respondent:
 - i. Raised dike walls and separated contact water from non-contact water; and
 - ii. Hired consultants, researched and performed analysis regarding potential hydrogen ion concentration, ammonia nitrogen, total suspended solids, total organic compounds, total residual chlorine, volatile organic compounds, carbonaceous biochemical oxygen demand, ferrous iron, sulfites, aluminum sulfate, bleach and metals.
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable, and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

1. During a record review conducted on August 18, 2010, a TCEQ Central Office investigator documented that Respondent failed to comply with permitted effluent limits, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0004731000, Effluent Limitations and Monitoring Requirements No. 1 as shown in the following table:

EFFLUENT VIOLATION TABLE				
Monitoring period	Permitted Effluent Limits			
	CBOD Daily Avg. Conc.	CBOD Daily Max. Conc.	Flow Daily Avg.	COD Daily Avg. Conc.
	Limit = 10 mg/L	Limit = 25 mg/L	Limit = .25 MGD	Limit = 273 mg/L
August 2009	28	36	c	c
September 2009	21	31	0.31	c
October 2009	22	40	c	c
November 2009	14	c	c	c
December 2009	12	c	c	c
February 2010	100	373	c	359
March 2010	90	159	0.37	324
April 2010	58	135	c	c
May 2010	13	26	c	c

CBOD = carbonaceous biochemical oxygen demand
COD = chemical oxygen demand
Avg. = average
Max. = maximum
Conc. = concentration
mg/L = milligrams per liter
MGD = millions of gallons per day
c = in compliance

2. Respondent received notice of the violations on or about September 20, 2010.

III. DENIALS

Respondent generally denies each Allegation in Section II.

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Respondent pay an administrative penalty as set forth in Section I, Paragraph 5, above. The payment of this administrative penalty and Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the Allegations in Section II. The Commission shall not be constrained in any manner from considering or requiring corrective actions or penalties for violations which are not raised here.
2. Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, Respondent shall submit a substantially complete application to modify or amend TPDES Permit No. WQ0004731000 relating to the CBOD provisions or conditions for Respondent's specific discharge profile to:

Application Review and Processing Team
Water Quality Division, MC148
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

- b. Respondent shall respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit application within 30 days after the date of such requests or by any other deadline specified in writing.
- c. Within 45 days after the effective date of this Agreed Order, Respondent shall submit written certification of compliance with Ordering Provision No. 2.a. in accordance with Ordering Provision No. 2.f. below.
- d. Within 180 days after the effective date of this Agreed Order, and on a semi-annual basis thereafter, Respondent shall submit a report to the Commission, documenting the progress of the corrective actions that are planned and/or have been completed to ensure the effluent meets the permitted limits. The reports shall be submitted to the addresses listed in Ordering Provision No. 2.f. below and shall be submitted on a semi-annual basis until written certification of compliance with Ordering Provision No. 2.e. is submitted.
- e. Within 330 days after the effective date of this Agreed Order, Respondent shall submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0004731000, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations, including CBOD Daily Avg. Conc. and CBOD Daily Max. Conc. if applicable, in accordance with Ordering Provision No. 2.f. below.
- f. The certifications required by these Ordering Provisions shall be accompanied by detailed supporting documentation, including photographs, receipts, and/or other records, shall be notarized by a State of Texas Notary Public, and shall 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 certifications and supporting documentation necessary to demonstrate compliance with these Ordering Provisions to:

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

and:

Water Section Manager
Texas Commission on Environmental Quality
Beaumont Regional Office
3870 Eastex Fwy.
Beaumont, TX 77703-1830

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 Facility 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. This Agreed Order, issued by the Commission, shall not be admissible against Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail,

facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission" "owner" "person" "writing" and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

9. 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

12/5/2011

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 Calabrian Corporation, 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

HELENE C. OPPERMANN

Name (Printed or typed)

Authorized representative of
Calabrian Corporation

October 14, 2011

Date

VICE-PRESIDENT

Title