

**Executive Summary – Enforcement Matter – Case No. 42436**  
**Texas Tile Manufacturing LLC**  
**RN100896729**  
**Docket No. 2011-1583-IWD-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

IWD

**Small Business:**

No

**Location(s) Where Violation(s) Occurred:**

Texas Tile Manufacturing, 1705 North Oliver Street, Houston, Harris County

**Type of Operation:**

Floor tile manufacturing facility

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** January 27, 2012

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$8,484

**Amount Deferred for Expedited Settlement:** \$1,696

**Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$6,788

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

Payment Plan: N/A

**SEP Conditional Offset:** \$0

Name of SEP: N/A

**Compliance History Classifications:**

Person/CN - Average

Site/RN - Average

**Major Source:** No

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** September 2002

**Executive Summary – Enforcement Matter – Case No. 42436**  
**Texas Tile Manufacturing LLC**  
**RN100896729**  
**Docket No. 2011-1583-IWD-E**

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** August 3, 2011

**Date(s) of NOE(s):** August 18, 2011

***Violation Information***

1. Failed to comply with permitted effluent limitations for 5-day biochemical oxygen demand, ammonia nitrogen, chromium, oil & grease, chemical oxygen demand, and total suspended solids [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System (“TPDES”) Permit No. WQ0000785000, Effluent Limitations and Monitoring Requirements No. 1].
2. Failed to timely submit the discharge monitoring report (“DMR”) for the monitoring period ending May 31, 2011 for Outfall 001 and the monitoring periods ending January 31, 2011; February 28, 2011; March 31, 2011; April 30, 2011; and May 31, 2011 for Outfall 002, by the 20th day of the following month [30 TEX. ADMIN CODE §§ 305.125(1) and (17) and 319.7(d), and TPDES Permit No. WQ0000785000, Monitoring and Reporting Requirements No. 1].
3. Failed to submit monitoring results at the intervals specified in the permit. Specifically, the Respondent failed to report the pH monthly minimum value for the monitoring period ending February 28, 2011 and April 30, 2011 for Outfall 001; the daily average and daily maximum values for flow for the monitoring periods ending January 31, 2011; February 28, 2011; March 31, 2011; and April 30, 2011 for Outfall 001; and the daily average and daily maximum values for flow for the monitoring periods ending June 30, 2010 and July 31, 2010 for Outfall 002 [30 TEX. ADMIN. CODE §§ 305.125(1) and (17) and 319.1, and TPDES Permit No. WQ0000785000, Monitoring and Reporting Requirements No. 1].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

By September 2, 2011, the Respondent has submitted the following:

- a. The DMR for Outfall 001 for the monitoring period ending May 31, 2011;
- b. The DMRs for Outfall 002 for the monitoring periods ending January 31, 2011; February 28, 2011; March 31, 2011; April 30, 2011; and May 31, 2011;
- c. The revised DMRs for Outfall 001 for the monitoring periods ending January 31, 2011; February 28, 2011; March 31, 2011; and April 30, 2011; and

**Executive Summary – Enforcement Matter – Case No. 42436**  
**Texas Tile Manufacturing LLC**  
**RN100896729**  
**Docket No. 2011-1583-IWD-E**

d. The revised DMRs for Outfall 002 for the monitoring periods ending June 30, 2010 and July 31, 2010.

**Technical Requirements:**

The Order will require the Respondent to:

- a. Within 30 days, update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submittal of complete, signed, and certified monthly DMRs;
- b. Within 45 days, submit written certification of compliance with Ordering Provision a.;
- c. Within 90 days, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0000785000, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported DMRs, demonstrating at least three consecutive months of compliance with all permitted effluent limitations.

***Litigation Information***

**Date Petition(s) Filed:** N/A

**Date Answer(s) Filed:** N/A

**SOAH Referral Date:** N/A

**Hearing Date(s):** N/A

**Settlement Date:** N/A

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** JR Cao, Enforcement Division, Enforcement Team 1, MC 169, (512) 239-2543; Debra Barber, Enforcement Division, MC 219, (512) 239-0412

**TCEQ SEP Coordinator:** N/A

**Respondent:** Anthony Matti, Director of Manufacturing, Texas Tile Manufacturing LLC, 1705 Oliver Street, Houston, Texas 77007

Gille de Beaumont, President, Texas Tile Manufacturing LLC, 1705 Oliver Street, Houston, Texas 77007

**Respondent's Attorney:** N/A





# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

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

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	Texas Tile Manufacturing LLC		
<b>Reg. Ent. Ref. No.</b>	RN100896729		
<b>Facility/Site Region</b>	12-Houston	<b>Major/Minor Source</b>	Minor

## CASE INFORMATION

<b>Enf./Case ID No.</b>	42436	<b>No. of Violations</b>	3
<b>Docket No.</b>	2011-1583-IWD-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Water Quality	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	JR Cao
		<b>EC's Team</b>	Enforcement Team 1
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$10,000

## Penalty Calculation Section

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

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

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

**Compliance History**  Enhancement **Subtotals 2, 3, & 7**

**Notes**

**Culpability**   Enhancement **Subtotal 4**

**Notes**

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

**Economic Benefit**  Enhancement\* **Subtotal 6**

Total EB Amounts	\$1,313
Approx. Cost of Compliance	\$10,550

\*Capped at the Total EB \$ Amount

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

**OTHER FACTORS AS JUSTICE MAY REQUIRE**  **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

**Notes**

**Final Penalty Amount**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty**

**DEFERRAL**  Reduction **Adjustment**

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

**Notes**

**PAYABLE PENALTY**

Screening Date 1-Sep-2011

Docket No. 2011-1583-IWD-E

PCW

Respondent Texas Tile Manufacturing LLC

Policy Revision 2 (September 2002)

Case ID No. 42436

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100896729

Media [Statute] Water Quality

Enf. Coordinator JR Cao

### 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> )	23	115%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <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%

Please Enter Yes or No

Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

**Adjustment Percentage (Subtotal 2)** 117%

>> Repeat Violator (Subtotal 3)

No

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

>> Compliance History Person Classification (Subtotal 7)

Average Performer

**Adjustment Percentage (Subtotal 7)** 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for two NOVs with same/similar violations, one NOV with a dissimilar violation, and 21 months of self-reported effluent violations.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 117%

Screening Date 1-Sep-2011

Docket No. 2011-1583-IWD-E

PCW

Respondent Texas Tile Manufacturing LLC

Policy Revision 2 (September 2002)

Case ID No. 42436

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100896729

Media [Statute] Water Quality

Enf. Coordinator JR Cao

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. WQ0000785000, Effluent Limitations and Monitoring Requirements No. 1

Violation Description Failed to comply with permitted effluent limitations, as documented in a record review on August 3, 2011, and as shown in the attached violation table.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

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

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 3

244 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.

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 \$1,279

Violation Final Penalty Total \$6,060

This violation Final Assessed Penalty (adjusted for limits) \$6,060

## Economic Benefit Worksheet

**Respondent** Texas Tile Manufacturing LLC  
**Case ID No.** 42436  
**Reg. Ent. Reference No.** RN100896729  
**Media** Water Quality  
**Violation No.** 1

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

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

### Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$10,000	31-Jul-2010	28-May-2012	1.83	\$61	\$1,218	\$1,279
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** Estimated cost to evaluate the cause of the non-compliance and to implement corrective actions. Date required is the first date of non-compliance. Final date is the expected date of compliance.

### Avoided Costs

**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

<b>Approx. Cost of Compliance</b>	\$10,000	<b>TOTAL</b>	\$1,279
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Screening Date 1-Sep-2011

Docket No. 2011-1583-IWD-E

PCW

Respondent Texas Tile Manufacturing LLC

Policy Revision 2 (September 2002)

Case ID No. 42436

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100896729

Media [Statute] Water Quality

Enf. Coordinator JR Cao

Violation Number 2

Rule Cite(s) 30 Tex. Admin Code §§ 305.125(1) and (17) and 319.7(d), and TPDES Permit No. WQ0000785000, Monitoring and Reporting Requirements No. 1

Violation Description

Failed to timely submit the discharge monitoring reports ("DMRs") for the monitoring period ending May 31, 2011 for Outfall No. 001 and the monitoring periods ending January 31, 2011; February 28, 2011; March 31, 2011; April 30, 2011; and May 31, 2011 for Outfall No. 002, by the 20th day of the following month, as documented during a record review conducted on August 3, 2011.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes

At least 70% of the permit requirement was met.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 6

182 Number of violation days

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

Violation Base Penalty \$600

Six single events are recommended (one for each DMR).

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 \$600

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$4

Violation Final Penalty Total \$1,212

This violation Final Assessed Penalty (adjusted for limits) \$1,212

## Economic Benefit Worksheet

**Respondent** Texas Tile Manufacturing LLC  
**Case ID No.** 42436  
**Reg. Ent. Reference No.** RN100896729  
**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	\$150	20-Feb-2011	2-Sep-2011	0.53	\$4	n/a	\$4
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

The estimated cost to submit the DMRs. Date required is the date the first DMR was due. Final date is the date the DMRs were submitted. The cost for updating procedures and training Facility personnel for this violation is included with Violation No. 3.

### Avoided Costs

**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$150

**TOTAL**

\$4

**Screening Date** 1-Sep-2011  
**Respondent** Texas Tile Manufacturing LLC  
**Case ID No.** 42436  
**Reg. Ent. Reference No.** RN100896729  
**Media [Statute]** Water Quality  
**Enf. Coordinator** JR Cao

**Docket No.** 2011-1583-IWD-E

**PCW**

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

**Violation Number** 3

**Rule Cite(s)** 30 Tex. Admin. Code §§ 305.125(1) and (17) and 319.1, and TPDES Permit No. WO0000785000, Monitoring and Reporting Requirements No. 1

**Violation Description**

Failed to submit monitoring results at the intervals specified in the permit, as documented in a record review on August 3, 2011. Specifically, the Respondent failed to report the pH monthly minimum value for the monitoring period ending February 28, 2011 and April 30, 2011 for Outfall No. 001; the daily average and daily maximum values for flow for the monitoring periods ending January 31, 2011; February 28, 2011; March 31, 2011; and April 30, 2011 for Outfall No. 001; and the daily average and daily maximum values for flow for the monitoring periods ending June 30, 2010 and July 31, 2010 for Outfall No. 002.

**Base Penalty** \$10,000

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

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

**Percent** 0%

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor
			X

**Percent** 1%

Matrix Notes

At least 70% of the permit requirement was met.

**Adjustment** \$9,900

\$100

**Violation Events**

Number of Violation Events 6

212 Number of violation days

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

**Violation Base Penalty** \$600

Six single events are recommended (one for each DMR).

**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** \$600

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount** \$30

**Violation Final Penalty Total** \$1,212

**This violation Final Assessed Penalty (adjusted for limits)** \$1,212

## Economic Benefit Worksheet

**Respondent** Texas Tile Manufacturing LLC  
**Case ID No.** 42436  
**Reg. Ent. Reference No.** RN100896729  
**Media** Water Quality  
**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	\$150	20-Jul-2010	2-Sep-2011	1.12	\$8	n/a	\$8
Training/Sampling	\$250	20-Jul-2010	29-Mar-2012	1.69	\$21	n/a	\$21
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

The estimated cost to submit the revised DMRs, and the cost of updating procedures and training Facility personnel to ensure that all reports are submitted timely and complete. Date required is the date the first DMR was due. Final dates are the date the DMRs were submitted, and the date training is expected to be completed, respectively.

### 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 \$400

**TOTAL** \$30

## EFFLUENT VIOLATION TABLE

**Texas Tile Manufacturing LLC**  
**TPDES Permit No. WQ0000785000**  
**Docket No. 2011-1583-IWD-E**

	Months							
	July 2010	August 2010	September 2010	October 2010	December 2010	January 2011	February 2011	March 2011
<b>BOD<sub>5</sub> Daily Avg. Conc.</b> Limit = 10 mg/L	c	c	c	16.6	12	10.1	18.6	27.68
<b>BOD<sub>5</sub> Daily Max. Conc.</b> Limit = 29 mg/L	c	34	32	c	c	c	c	75.8
<b>NH<sub>3</sub>N Daily Max. Conc.</b> Limit = 3 mg/L	c	c	c	c	3.5	c	4.3	4.3
<b>Chromium Daily Avg. Conc.</b> Limit = 0.5 mg/L	c	c	1.4	c	c	c	c	c
<b>Chromium Daily Max. Conc.</b> Limit = 1 mg/L	c	c	2.7	c	c	c	c	c
<b>Oil &amp; Grease Daily Avg. Conc.</b> Limit = 10 mg/L	c	c	15	c	c	c	c	c
<b>Oil &amp; Grease Daily Max. Conc.</b> Limit = 20 mg/L	27.7	26	49.2	c	c	c	c	c
<b>COD Daily Max. Conc.</b> Limit = 125 mg/L	c	270	c	c	c	c	c	326
<b>TSS Daily Avg. Conc.</b> Limit = 30 mg/L	c	55	c	c	c	c	c	c
<b>TSS Daily Max. Conc.</b> Limit = 45 mg/L	c	193	c	c	c	c	c	c

BOD<sub>5</sub> = Biochemical Oxygen Demand (Five-Day)

NH<sub>3</sub>N = Ammonia as nitrogen

COD = Chemical oxygen demand

TSS = Total suspended solids

mg/L = milligrams per liter

Avg. = Average

Max. = Maximum

Conc. = Concentration

c= compliant



# Compliance History

Customer/Respondent/Owner-Operator: CN602924607 Texas Tile Manufacturing LLC Classification: AVERAGE Rating: 0.94  
 Regulated Entity: RN100896729 TEXAS TILE MANUFACTURING Classification: AVERAGE Site Rating: 0.94

ID Number(s):	INDUSTRIAL AND HAZARDOUS WASTE	EPA ID	TXD092483882
	INDUSTRIAL AND HAZARDOUS WASTE	SOLID WASTE REGISTRATION # (SWR)	31103
	AIR NEW SOURCE PERMITS	REGISTRATION	10369
	AIR NEW SOURCE PERMITS	PERMIT	36756
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HG0772C
	AIR NEW SOURCE PERMITS	AFS NUM	4820100256
	AIR NEW SOURCE PERMITS	REGISTRATION	91573
	WASTEWATER	PERMIT	WQ0000785000
	WASTEWATER	EPA ID	TX0007234
	USED OIL	ID NUMBER	HOU00057
	POLLUTION PREVENTION PLANNING	ID NUMBER	P02133
	AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	HG0772C

Location: 1705 NORTH OLIVER STREET, HOUSTON, HARRIS COUNTY, TEXAS

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: August 30, 2011

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: August 30, 2006 to August 30, 2011

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

Name: JR Cao Phone: (512) 239-2543

### 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.  
N/A
- B. Any criminal convictions of the state of Texas and the federal government.  
N/A
- C. Chronic excessive emissions events.  
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1 11/02/2006 (514563)

2 03/05/2007 (575681)  
3 04/04/2007 (575682)  
4 05/24/2007 (575683)  
5 05/24/2007 (575684)  
6 10/10/2006 (575685)  
7 10/10/2006 (575686)  
8 10/23/2006 (575687)  
9 12/07/2006 (575688)  
10 01/18/2007 (575689)  
11 02/12/2007 (575690)  
12 07/02/2007 (607593)  
13 09/25/2007 (607594)  
14 09/25/2007 (607595)  
15 09/24/2007 (607596)  
16 12/10/2007 (619654)  
17 01/22/2008 (672176)  
18 01/22/2008 (672177)  
19 03/11/2008 (690087)  
20 04/02/2008 (690088)  
21 05/12/2008 (690089)  
22 06/06/2008 (710871)  
23 06/30/2008 (710872)  
24 07/28/2008 (710873)  
25 08/27/2008 (710874)  
26 08/31/2008 (727580)  
27 10/10/2008 (727581)  
28 11/21/2008 (727582)  
29 12/04/2008 (727583)  
30 04/03/2009 (750391)

31 01/26/2009 (750392)  
32 01/26/2009 (750393)  
33 07/31/2009 (762290)  
34 03/04/2009 (768450)  
35 05/14/2009 (768451)  
36 05/21/2009 (768452)  
37 04/07/2010 (804977)  
38 07/01/2009 (804978)  
39 08/31/2009 (804979)  
40 09/16/2009 (804980)  
41 10/13/2009 (804981)  
42 02/01/2010 (804982)  
43 02/01/2010 (804983)  
44 02/01/2010 (804984)  
45 02/01/2010 (804985)  
46 05/21/2010 (827785)  
47 04/07/2010 (830996)  
48 06/01/2010 (845065)  
49 06/07/2010 (845066)  
50 07/19/2010 (860895)  
51 09/09/2010 (873940)  
52 09/09/2010 (873941)  
53 10/14/2010 (881538)  
54 02/24/2011 (902341)  
55 02/24/2011 (902342)  
56 02/24/2011 (902343)  
57 02/24/2011 (902344)  
58 08/19/2011 (944628)  
59 06/16/2011 (945432)

60 06/16/2011 (945433)

62 06/16/2011 (945435)

61 06/16/2011 (945434)

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

Date: 11/01/2006 (514563) CN602924607  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(4)  
30 TAC Chapter 305, SubChapter F 305.125(5)  
TWC Chapter 26 26.121  
TWC Chapter 26 26.121(a)  
TWC Chapter 26 26.121(a)(1)  
TWC Chapter 26 26.121(a)(2)  
TWC Chapter 26 26.121(a)(3)  
TWC Chapter 26 26.121(b)  
TWC Chapter 26 26.121(c)  
TWC Chapter 26 26.121(d)  
TWC Chapter 26 26.121(e)  
Description: Failure to prevent the discharge of raw materials and partially treated wastewater.

Date: 12/31/2006 (575690) CN602924607  
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: 03/31/2007 (575683) CN602924607  
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: 07/31/2007 (607595) CN602924607  
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 (607596) CN602924607  
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 (619654) CN602924607  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

Date: 12/31/2007 (672177) CN602924607  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

Date: 02/28/2009 (750391) CN602924607  
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: 04/30/2009 (768452) CN602924607  
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: 07/31/2009 (762290) CN602924607  
Self Report? NO Classification: Minor  
Citation: TWC Chapter 26 26.121(a)(2)  
Description: Failure to promptly remediate spills to prevent an unauthorized discharge.

Date: 11/30/2009 (804984) CN602924607  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

Date: 12/31/2009 (804985) CN602924607  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

Date: 01/31/2010 (804977) CN602924607  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

Date: 02/28/2010 (830996) CN602924607  
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: 05/21/2010 (827785) CN602924607  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE  
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 30 TAC Chapter 305, SubChapter F 305.125(17)  
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 05/31/2010 (860895) CN602924607  
 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: 07/31/2010 (873941) CN602924607  
 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: 08/31/2010 (881538) CN602924607  
 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: 09/30/2010 (902341) CN602924607  
 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: 10/31/2010 (902342) CN602924607  
 Self Report? YES Classification: Moderate  
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Description: Failure to meet the limit for one or more permit parameter

Date: 12/31/2010 (902344) CN602924607  
 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: 01/31/2011 (945432) CN602924607  
 Self Report? YES Classification: Moderate  
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Description: Failure to meet the limit for one or more permit parameter

Date: 02/28/2011 (945433) CN602924607  
 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: 03/31/2011 (945434) CN602924607  
 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

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  
TEXAS TILE MANUFACTURING  
LLC  
RN100896729**

§  
§  
§  
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§

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

**AGREED ORDER  
DOCKET NO. 2011-1583-IWD-E**

**I. JURISDICTION AND STIPULATIONS**

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

1. The Respondent owns and operates a floor tile manufacturing facility located at 1705 North Oliver Street in Houston, Harris County, Texas (the "Facility").
2. The Respondent has discharged industrial waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about August 23, 2011.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Eight Thousand Four Hundred Eighty-Four Dollars (\$8,484) is assessed by the Commission in settlement of the violations alleged in

Section II ("Allegations"). The Respondent has paid Six Thousand Seven Hundred Eighty-Eight Dollars (\$6,788) of the administrative penalty and One Thousand Six Hundred Ninety-Six Dollars (\$1,696) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that by September 2, 2011, the Respondent has submitted the following:
  - a. The discharge monitoring report ("DMR") for Outfall No. 001 for the monitoring period ending May 31, 2011;
  - b. The DMRs for Outfall No. 002 for the monitoring periods ending January 31, 2011; February 28, 2011; March 31, 2011; April 30, 2011; and May 31, 2011;
  - c. The revised DMRs for Outfall No. 001 for the monitoring periods ending January 31, 2011; February 28, 2011; March 31, 2011; and April 30, 2011; and
  - d. The revised DMRs for Outfall No. 002 for the monitoring periods ending June 30, 2010 and July 31, 2010.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have:

1. Failed to comply with permitted effluent limitations, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge

Elimination System ("TPDES") Permit No. WQ0000785000, Effluent Limitations and Monitoring Requirements No. 1, as documented during a record review conducted on August 3, 2011, and shown in the violation table below:

<b>EFFLUENT VIOLATION TABLE</b>								
	Months							
	July 2010	August 2010	September 2010	October 2010	December 2010	January 2011	February 2011	March 2011
<b>BOD<sub>5</sub> Daily Avg. Conc.</b> Limit = 10 mg/L	c	c	c	16.6	12	10.1	18.6	27.68
<b>BOD<sub>5</sub> Daily Max. Conc.</b> Limit = 29 mg/L	c	34	32	c	c	c	c	75.8
<b>NH<sub>3</sub>N Daily Max. Conc.</b> Limit = 3 mg/L	c	c	c	c	3.5	c	4.3	4.3
<b>Chromium Daily Avg. Conc.</b> Limit = 0.5 mg/L	c	c	1.4	c	c	c	c	c
<b>Chromium Daily Max. Conc.</b> Limit = 1 mg/L	c	c	2.7	c	c	c	c	c
<b>Oil &amp; Grease Daily Avg. Conc.</b> Limit = 10 mg/L	c	c	15	c	c	c	c	c
<b>Oil &amp; Grease Daily Max. Conc.</b> Limit = 20 mg/L	27.7	26	49.2	c	c	c	c	c
<b>COD Daily Max. Conc.</b> Limit = 125 mg/L	c	270	c	c	c	c	c	326
<b>TSS Daily Avg. Conc.</b> Limit = 30 mg/L	c	55	c	c	c	c	c	c
<b>TSS Daily Max. Conc.</b> Limit = 45 mg/L	c	193	c	c	c	c	c	c

BOD<sub>5</sub> = Biochemical Oxygen Demand (Five-Day)  
NH<sub>3</sub>N = Ammonia as nitrogen  
COD = Chemical oxygen demand  
TSS = Total suspended solids  
mg/L = milligrams per liter

Avg. = Average  
Max. = Maximum  
Conc. = Concentration  
c= compliant

2. Failed to timely submit the DMRs for the monitoring period ending May 31, 2011 for Outfall No. 001 and the monitoring periods ending January 31, 2011; February 28, 2011; March 31, 2011; April 30, 2011; and May 31, 2011 for Outfall No. 002, by the 20th day of the following month, in violation of 30 TEX. ADMIN CODE §§ 305.125(1) and (17) and 319.7(d), and TPDES Permit No. WQ0000785000, Monitoring and Reporting Requirements No. 1, as documented during a record review conducted on August 3, 2011.
3. Failed to submit monitoring results at the intervals specified in the permit, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and (17) and 319.1, and TPDES Permit No. WQ0000785000, Monitoring and Reporting Requirements No. 1. Specifically, the Respondent failed to report the pH monthly minimum value for the monitoring period ending February 28, 2011 and April 30, 2011 for Outfall No. 001; the daily average and daily maximum values for flow for the monitoring periods ending January 31, 2011; February 28, 2011; March 31, 2011; and April 30, 2011 for Outfall No. 001; and the daily average and daily maximum values for flow for the monitoring periods ending June 30, 2010 and July 31, 2010 for Outfall No. 002, as documented during a record review conducted on August 3, 2011.

### III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Texas Tile Manufacturing LLC, Docket No. 2011-1583-IWD-E" to:

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

2. It is further ordered that the Respondent shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Agreed Order, update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submittal of complete, signed, and certified monthly DMRs, in accordance with TPDES Permit No. WQ0000785000 Monitoring and Reporting Requirements No. 1;

- b. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision No. 2.a, in accordance with Ordering Provisions No. 2.d below;
- c. Within 90 days after the effective date of this Agreed Order, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0000785000, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported DMRs, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with the permitted effluent limitations, in accordance with Ordering Provision No. 2.d below;
- d. The certification required by Ordering Provisions Nos. 2.b and 2.c shall be notarized by a State of Texas Notary Public and include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

Water Section, Manager  
Houston Regional Office  
Texas Commission on Environmental Quality  
5425 Polk Avenue, Suite H  
Houston, Texas 77023-1486

- 3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God,

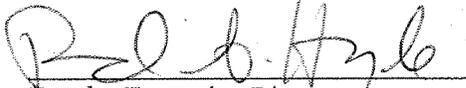
war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

  
\_\_\_\_\_  
For the Executive Director

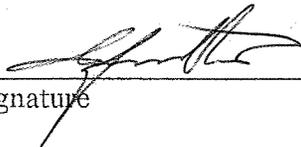
3/2/12  
\_\_\_\_\_  
Date

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

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

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

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

  
\_\_\_\_\_  
Signature

12/5/2011  
\_\_\_\_\_  
Date

ANTHONY MATTI  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
Texas Tile Manufacturing LLC

DIRECTOR OF MANUFACTURING  
\_\_\_\_\_  
Title

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