

**Executive Summary – Enforcement Matter – Case No. 42255**  
**MeadWestvaco Texas, L.P.**  
**RN102157609 and RN100611821**  
**Docket No. 2011-1402-MLM-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

MLM – WQ, IHW

**Small Business:**

No

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

MeadWestvaco Texas (Facility 1), located approximately one mile south of Farm-to-Market Road 2246 and one mile southeast of Evadale, Jasper County

MeadWestvaco Extrusion (Facility 2), located at 4594 Old Evadale Road, Hardin County

**Type of Operation:**

Wastewater treatment facility and a Packing paper and plastics film 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 6, 2012

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$7,966

**Amount Deferred for Expedited Settlement:** \$1,592

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

**Total Paid to General Revenue:** \$6,374

**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 (RN102157609):** Yes

**Major Source (RN100611821):** No

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** September 2002

**Executive Summary – Enforcement Matter – Case No. 42255**  
**MeadWestvaco Texas, L.P.**  
**RN102157609 and RN100611821**  
**Docket No. 2011-1402-MLM-E**

***Investigation Information***

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

**Complaint Information:** N/A

**Date(s) of Investigation:** May 2 and July 13, 2011

**Date(s) of NOE(s):** May 5 and July 18, 2011

***Violation Information***

1. Failed to comply with permitted effluent limits at Outfall 002 at Facility 1 for total organic carbon [Texas Pollutant Discharge Elimination System (“TPDES”) Permit No. WQ0000493000, Effluent Limitations and Monitoring Requirements No. 1, 30 TEX. ADMIN. CODE § 305.125(1) and TEX. WATER CODE § 26.121(a)].
2. Failed to submit complete effluent monitoring results at the intervals specified in the permit at Facility 1. Specifically, the daily maximum value for oil & grease at Outfall 002 was not included in the discharge monitoring report (“DMR”) submitted for the monitoring period ending March 31, 2011 [TPDES Permit No. WQ0000493000, Monitoring and Reporting Requirements No. 1 and 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.1].
3. Failed to prevent an unauthorized discharge of industrial solid waste at Facility 2. Specifically, during the investigation it was documented that industrial solid waste had been discharged into the City of Silsbee's sewer system. The waste appeared to be viscous with solids, and four spigots similar to the ones attached to the trench wastewater totes were retrieved from the lift station along with other solids [TEX. WATER CODE § 26.121(a) and 30 TEX. ADMIN. CODE § 335.4].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

The Respondent has implemented the following corrective measures at Facility 1:

- a. On April 30, 2011, pumped the stormwater from the ditch and discharged it to the mill's process sewer;
- b. On April 30, 2011, re-routed flow from the ditch on the bark pile's east side to the ditch on the west side to allow flow to be sent to a process sewer lift station and to have vacuum trucks pump storm water from the ditch; and
- c. By April 30, 2011 returned to compliance with permitted effluent limits.

**Technical Requirements:**

The Order will require the Respondent to:

**Executive Summary – Enforcement Matter – Case No. 42255**

**MeadWestvaco Texas, L.P.  
RN102157609 and RN100611821  
Docket No. 2011-1402-MLM-E**

- a. Immediately, cease all unauthorized discharges of industrial solid waste into the City of Silsbee's sewer system;
- b. Within 30 days:
  - i. Remove and properly dispose of all industrial waste from the Westvaco lift station at Facility 2;
  - ii. Submit a revised DMR for the monitoring period ending March 31, 2011 to include the missing values for oil and grease for Facility 1; and
- c. With 45 days, submit certification of compliance with Ordering Provisions a. through b.ii.

***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:** Cheryl Thompson, Enforcement Division, Enforcement Team 3, MC R-04, (817) 588-5886; Debra Barber, Enforcement Division, MC 219, (512) 239-0412  
**TCEQ SEP Coordinator:** N/A  
**Respondent:** James H. Gresham, Mill Manager and Vice President, MeadWestvaco Texas, L.P., P.O. Box 816, Silsbee, Texas 77656  
**Respondent's Attorney:** N/A



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

<b>TCEQ</b>			
<b>DATES</b>	<b>Assigned</b>	25-Jul-2011	
	<b>PCW</b>	19-Aug-2011	
	<b>Screening</b>	5-Aug-2011	
	<b>EPA Due</b>	5-Sep-2011	

<b>RESPONDENT/FACILITY INFORMATION</b>			
<b>Respondent</b>	MeadWestvaco Texas, L.P.		(Facility 1)
<b>Reg. Ent. Ref. No.</b>	RN102157609		
<b>Facility/Site Region</b>	10-Beaumont	<b>Major/Minor Source</b>	Major

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	42255	<b>No. of Violations</b>	2
<b>Docket No.</b>	2011-1402-MLM-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Water Quality	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>	Industrial and Hazardous Waste	<b>Enf. Coordinator</b>	Cheryl Thompson
		<b>EC's Team</b>	Enforcement Team 3
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$10,000

**Penalty Calculation Section**

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	<b>\$2,600</b>
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**ADJUSTMENTS (+/-) TO SUBTOTAL 1**

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

<b>Compliance History</b>	<b>89.0%</b> Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	<b>\$2,314</b>
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Notes: Enhancement for five self-reported violations, one NOV for same/similar violations, 13 NOVs for dissimilar violations and two agreed orders with denial of liability, and a reduction for three NOIs and two DOVs.

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

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	<b>\$625</b>
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<b>Economic Benefit</b>	<b>0.0%</b> Enhancement*	<b>Subtotal 6</b>	<b>\$0</b>
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Total EB Amounts: \$62  
 Approx. Cost of Compliance: \$5,025  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$4,289</b>
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	<b>0.0%</b>	<b>Adjustment</b>	<b>\$0</b>
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	<b>\$4,289</b>
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$4,289</b>
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<b>DEFERRAL</b>	<b>20.0%</b> Reduction	<b>Adjustment</b>	<b>-\$857</b>
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Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	<b>\$3,432</b>
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Screening Date 5-Aug-2011

Docket No. 2011-1402-MLM-E

PCW

Respondent MeadWestvaco Texas, L.P. (Facility 1)

Policy Revision 2 (September 2002)

Case ID No. 42255

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102157609

Media [Statute] Water Quality

Enf. Coordinator Cheryl Thompson

### 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> )	6	30%
	Other written NOVs	13	26%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	2	40%
	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> )	3	-3%
	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> )	2	-4%
<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)** 89%

>> 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 five self-reported violations, one NOV for same/similar violations, 13 NOVs for dissimilar violations and two agreed orders with denial of liability, and a reduction for three NOIs and two DOVs.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 89%

Screening Date 5-Aug-2011

Docket No. 2011-1402-MLM-E

PCW

Respondent MeadWestvaco Texas, L.P. (Facility 1)

Policy Revision 2 (September 2002)

Case ID No. 42255

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102157609

Media [Statute] Water Quality

Enf. Coordinator Cheryl Thompson

Violation Number 1

Rule Cite(s) TPDES Permit No. WQ0000493000, Effluent Limitations and Monitoring Requirements No. 1, 30 Tex. Admin. Code § 305.125(1) and Tex. Water Code § 26.121(a)

Violation Description Failed to comply with permitted effluent limits at Outfall 002, as documented during a record review conducted on July 13, 2011. See attached table.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

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

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

62 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$2,500

One quarterly event is recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$625

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

Notes The Respondent returned to compliance by April 30, 2011.

Violation Subtotal \$1,875

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$61

Violation Final Penalty Total \$4,100

This violation Final Assessed Penalty (adjusted for limits) \$4,100

## Economic Benefit Worksheet

**Respondent** MeadWestvaco Texas, L.P. (Facility 1)  
**Case ID No.** 42255  
**Reg. Ent. Reference No.** RN102157609  
**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
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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)	\$5,000	31-Jan-2011	30-Apr-2011	0.24	\$61	n/a	\$61

Notes for DELAYED costs

Estimated cost to re-route flow from the ditch on the bark pile's east side to the ditch on the west side to allow flow to be sent to a process sewer lift station and to have vacuum trucks pump stormwater from the ditch.

### 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

\$5,000

**TOTAL**

\$61

Screening Date 5-Aug-2011

Docket No. 2011-1402-MLM-E

PCW

Respondent MeadWestvaco Texas, L.P.

(Facility 1)

Policy Revision 2 (September 2002)

Case ID No. 42255

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102157609

Media [Statute] Water Quality

Enf. Coordinator Cheryl Thompson

Violation Number 2

Rule Cite(s) TPDES Permit No. WQ0000493000, Monitoring and Reporting and Requirements No. 1, and 30 Tex. Admin. Code §§ 305.125(1) and 319.1

Violation Description

Failed to submit complete effluent monitoring results at the intervals specified in the permit. Specifically, the daily maximum value for oil & grease at Outfall 002 was not included in the discharge monitoring report ("DMR") submitted for the monitoring period ending March 31, 2011.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
				X	1%
Less than 30% of the rule requirement was not met.					

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 1 Number of violation days 1

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

Violation Base Penalty \$100

One single event is 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 \$100

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$189

This violation Final Assessed Penalty (adjusted for limits) \$189

## Economic Benefit Worksheet

**Respondent** MeadWestvaco Texas, L.P.

(Facility 1)

**Case ID No.** 42255

**Rea. Ent. Reference No.** RN102157609

**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)	\$25	20-Apr-2011	30-Apr-2012	1.03	\$1	n/a	\$1

**Notes for DELAYED costs**

Estimated cost to submit a complete DMR. Date required is the date the DMR was due. Final date is the projected date of compliance.

### Avoided Costs

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

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

**Notes for AVOIDED costs**

**Approx. Cost of Compliance**

\$25

**TOTAL**

\$1





## Compliance History (Facility 1)

Customer/Respondent/Owner-Operator:	CN601549496 MeadWestvaco Texas, L.P.	Classification: AVERAGE	Rating: 2.39
Regulated Entity:	RN102157609 MEADWESTVACO TEXAS	Classification: AVERAGE	Site Rating: 0.39
ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	JC0003K
	AIR OPERATING PERMITS	PERMIT	1265
	INDUSTRIAL AND HAZARDOUS WASTE	EPA ID	TXD000821223
	INDUSTRIAL AND HAZARDOUS WASTE	SOLID WASTE REGISTRATION # (SWR)	30261
	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1210050
	WASTEWATER	PERMIT	WQ0000493000
	WASTEWATER	EPA ID	TX0003891
	PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	24829
	AIR NEW SOURCE PERMITS	PERMIT	7255
	AIR NEW SOURCE PERMITS	PERMIT	8738
	AIR NEW SOURCE PERMITS	PERMIT	20365
	AIR NEW SOURCE PERMITS	REGISTRATION	33941
	AIR NEW SOURCE PERMITS	REGISTRATION	49029
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	JC0003K
	AIR NEW SOURCE PERMITS	REGISTRATION	70534
	AIR NEW SOURCE PERMITS	REGISTRATION	70229
	AIR NEW SOURCE PERMITS	REGISTRATION	70297
	AIR NEW SOURCE PERMITS	AFS NUM	4824100001
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX785M5
	AIR NEW SOURCE PERMITS	REGISTRATION	50799
	AIR NEW SOURCE PERMITS	REGISTRATION	50800
	AIR NEW SOURCE PERMITS	REGISTRATION	50801
	AIR NEW SOURCE PERMITS	REGISTRATION	50802
	AIR NEW SOURCE PERMITS	REGISTRATION	50803
	AIR NEW SOURCE PERMITS	REGISTRATION	91894
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX785M2
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX785M7
	AIR NEW SOURCE PERMITS	REGISTRATION	94985
	AIR NEW SOURCE PERMITS	REGISTRATION	87267
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX785M6
	AIR NEW SOURCE PERMITS	REGISTRATION	97069
	AIR NEW SOURCE PERMITS	REGISTRATION	86620
	AIR NEW SOURCE PERMITS	REGISTRATION	92473
	WATER LICENSING	LICENSE	1210050
	POLLUTION PREVENTION PLANNING	ID NUMBER	P00675
	AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	JC0003K

Location: Approximately 1 mile south of FM 2246 and 1 mile southeast of Evadale, Jasper County, Texas

TCEQ Region: REGION 10 - BEAUMONT  
 Date Compliance History Prepared: August 23, 2011  
 Agency Decision Requiring Compliance History: Enforcement  
 Compliance Period: August 23, 2006 to August 23, 2011

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

Name: Cheryl Thompson Phone: (817) 588-5886

### 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? Yes
3. If Yes, who is the current owner/operator? OWNOPR MeadWestvaco Texas, L.P.
4. If Yes, who was/were the prior owner(s)/operator(s)? OWNOPR TIN INC.
5. When did the change(s) in owner or operator occur? 11/13/2007
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: 11/19/2007 ADMINORDER 2007-0332-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: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data.

Effective Date: 11/15/2010 ADMINORDER 2010-0617-IWD-E

Classification: Minor

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

30 TAC Chapter 305, SubChapter F 305.125(5)

Rqmt Prov: OpR 1 PERMIT

Description: Failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained. Specifically, it was noted that sludge was leaking onto the ground through breaks on the clarifier's sludge tap lines, solids were washing over the effluent weir and about one half of the clarifier surface was covered with solids and scum, the water level in the thickener was high and solids were spewing out into the decant collection box, a sludge conveyance line was leaking at the thic

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 319, SubChapter A 319.11(d)

Rqmt Prov: M&RR 2 PERMIT

Description: Failed to conform to the installation and flow measurement procedures prescribed in the Water Measurement Manual, United States Department of the Interior Bureau of Reclamation, Washington, D.C., or by methods that are equivalent as approved by the Executive Director. Specifically, the staff gauge at Outfall 01a was mounted along the rectangular weir instead of upstream from the weir.

Classification: Moderate

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

Rqmt Prov: Permit Conditions No. 2.d. PERMIT

Description: Failed to prevent the unauthorized discharge of wastewater into or adjacent to waters in the State. Specifically, during the period of August 2008 through April 2009 the Respondent reported two unauthorized discharges.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: M&RR 7 PERMIT

Description: Failed to timely submit noncompliance notification for any effluent violation which deviates from the permitted effluent limitation by greater than 40% in writing to the Regional Office and the Enforcement Division within five working days of becoming aware of the non-compliance.

Classification: Moderate

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

Rqmt Prov: EL&MR 1 PERMIT

Description: Failed to prevent the unauthorized discharge of wastewater that occurred on January 14, 2010 which also resulted in an exceedance of its permitted effluent limits. Specifically, black liquor soap leaked through a containment wall into a ditch leading to Outfall 002. A grab sample taken on January 14, 2010, the same date of the unauthorized discharge, indicated an O&G concentration of 56 milligrams per liter ("mg/L"). The permitted limit for O&G is 15 mg/L.

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. (CEEDS Inv. Track. No.)

1	08/31/2006	(486412)
2	09/20/2006	(510753)
3	09/21/2006	(510804)
4	09/21/2006	(510819)
5	09/21/2006	(510852)
6	10/30/2006	(511390)
7	11/14/2006	(515716)
8	11/18/2006	(516871)
9	11/27/2006	(518903)
10	11/27/2006	(518926)
11	04/02/2007	(519048)
12	09/25/2006	(520100)
13	01/19/2007	(531117)
14	01/18/2007	(534675)
15	01/18/2007	(534677)
16	02/28/2007	(539506)
17	02/27/2007	(539678)
18	02/28/2007	(540610)
19	05/16/2007	(555342)
20	05/17/2007	(555354)

21	05/16/2007	(555409)
22	05/16/2007	(555414)
23	05/31/2007	(556505)
24	05/21/2007	(558499)
25	06/14/2007	(560654)
26	07/06/2007	(563462)
27	08/23/2007	(565958)
28	08/23/2007	(566375)
29	10/12/2007	(573348)
30	10/12/2007	(573627)
31	10/15/2007	(573634)
32	10/15/2007	(573639)
33	10/15/2007	(573688)
34	02/20/2007	(575049)
35	03/23/2007	(575050)
36	04/24/2007	(575051)
37	03/23/2007	(575052)
38	06/21/2007	(575053)
39	06/21/2007	(575054)
40	06/21/2007	(575055)
41	10/24/2006	(575056)
42	11/21/2006	(575057)
43	12/27/2006	(575058)
44	12/27/2006	(575059)
45	01/23/2007	(575060)
46	10/24/2007	(593969)
47	11/26/2007	(596547)
48	11/26/2007	(596548)
49	11/29/2007	(598800)
50	11/26/2007	(598888)
51	11/08/2007	(598992)
52	09/19/2007	(607510)
53	10/18/2007	(607511)
54	09/19/2007	(607512)
55	09/19/2007	(607513)
56	12/19/2007	(610564)
57	02/04/2008	(611630)
58	12/13/2007	(611712)
59	02/22/2008	(616922)
60	12/18/2007	(619441)
61	12/18/2007	(619442)
62	03/26/2008	(636247)
63	03/26/2008	(636254)
64	03/26/2008	(636259)
65	03/26/2008	(636372)
66	03/26/2008	(636377)
67	04/09/2008	(638992)
68	04/29/2008	(639087)
69	05/07/2008	(641695)
70	06/18/2008	(654824)
71	06/18/2008	(655033)
72	05/15/2008	(669935)
73	03/18/2008	(671948)
74	02/19/2008	(671949)
75	03/18/2008	(671950)
76	06/20/2008	(682297)
77	07/30/2008	(682980)
78	07/30/2008	(682991)
79	07/30/2008	(684452)
80	08/20/2008	(684912)

81	10/23/2008	(688135)
82	06/11/2008	(689867)
83	05/15/2008	(689868)
84	06/11/2008	(689869)
85	07/18/2008	(689870)
86	10/07/2008	(699704)
87	10/08/2008	(699706)
88	03/24/2009	(702482)
89	01/05/2009	(709919)
90	01/05/2009	(709920)
91	01/05/2009	(709922)
92	01/05/2009	(709923)
93	09/17/2008	(710642)
94	10/14/2008	(710643)
95	09/17/2008	(710644)
96	02/03/2009	(722995)
97	02/03/2009	(723064)
98	02/17/2009	(723108)
99	03/23/2009	(737328)
100	03/30/2009	(737568)
101	05/14/2009	(742335)
102	05/14/2009	(742338)
103	05/14/2009	(742340)
104	06/03/2009	(743594)
105	06/19/2009	(745862)
106	06/19/2009	(745863)
107	06/19/2009	(745864)
108	06/19/2009	(745865)
109	05/28/2009	(745886)
110	07/08/2009	(746751)
111	07/08/2009	(747830)
112	07/08/2009	(747846)
113	09/22/2009	(747880)
114	07/16/2009	(749865)
115	02/17/2009	(750169)
116	03/10/2009	(750170)
117	04/16/2009	(750171)
118	03/10/2009	(750172)
119	04/16/2009	(750173)
120	12/16/2008	(750174)
121	04/16/2009	(750175)
122	03/11/2009	(758945)
123	08/28/2009	(761374)
124	06/11/2009	(768288)
125	06/11/2009	(768289)
126	10/26/2009	(776196)
127	11/11/2009	(776687)
128	03/23/2010	(778100)
129	11/12/2009	(782381)
130	02/16/2010	(790660)
131	02/16/2010	(790683)
132	02/16/2010	(790697)
133	04/13/2010	(790889)
134	03/16/2010	(791566)
135	04/16/2010	(794378)
136	04/28/2010	(797091)
137	05/21/2010	(799274)
138	05/26/2010	(801257)
139	06/29/2010	(803607)

140 02/10/2010 (804434)  
 141 09/17/2009 (804435)  
 142 10/20/2009 (804436)  
 143 11/18/2009 (804437)  
 144 12/16/2009 (804438)  
 145 06/22/2010 (826189)  
 146 08/06/2010 (829888)  
 147 08/03/2010 (830464)  
 148 03/10/2010 (830796)  
 149 02/10/2010 (830797)  
 150 03/10/2010 (830798)  
 151 09/19/2010 (842124)  
 152 09/20/2010 (844114)  
 153 06/18/2010 (846240)  
 154 07/19/2010 (860836)  
 155 08/20/2010 (866800)  
 156 11/19/2010 (870686)  
 157 10/27/2010 (871070)  
 158 09/20/2010 (873873)  
 159 11/16/2010 (876931)  
 160 10/16/2010 (881474)  
 161 01/03/2011 (886785)  
 162 01/24/2011 (887903)  
 163 11/12/2010 (888005)  
 164 01/19/2011 (890925)  
 165 12/19/2010 (896207)  
 166 04/28/2011 (901323)  
 167 07/22/2011 (901668)  
 168 03/22/2011 (902175)  
 169 01/18/2011 (902278)  
 170 05/12/2011 (907023)  
 171 04/26/2011 (907819)  
 172 02/14/2011 (909052)  
 173 04/28/2011 (914162)  
 174 06/05/2011 (914237)  
 175 03/14/2011 (916316)  
 176 04/18/2011 (924757)  
 177 07/18/2011 (937848)  
 178 05/11/2011 (937996)  
 179 08/11/2011 (942175)  
 180 08/22/2011 (942862)  
 181 06/15/2011 (945320)

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

N/A

Date: 10/31/2006 (575057) CN601549496  
 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: 11/30/2006 (575058) CN601549496  
 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: 06/01/2007 (556505) CN601549496  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 113, SubChapter C 113.490  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT QQ 63.964(b)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT S 63.453(f)(3)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 FOP O-01265 General Terms and Conditions OP  
 FOP O-01265 Special Condition 1A OP  
 Description: Failure to repair a leaking component within the required 15 days.

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 113, SubChapter C 113.490  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.9(e)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 FOP O-01265 General Terms and Conditions OP  
 FOP O-01265 Special Condition 7F OP  
 Description: Failure to provide notification of a test 60 days prior to conducting the test.  
 Date 10/25/2007 (593969) CN601549496

Self Report? NO Classification: Moderate  
 Citation: 20365, Special Condition 15 PERMIT  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 FOP O-01265, Special Condition 10 OP  
 Description: Failure to conduct the annual relative accuracy test audit for the number 4 Lime Kiln.

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 113, SubChapter C 113.240  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Part 63, Subpart S 63.453(k)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 FOP O-01265, Special Condition 1A OP  
 Description: Failure to perform the monthly leak detection and repair program at the power house in December, 2006, and January, 2007, and at the recovery boiler area in January 2007.  
 Date 11/08/2007 (598992) CN601549496

Self Report? NO Classification: Minor  
 Citation: OpR 1 PERMIT  
 Description: Failure by Mead Westvaco to properly operate and maintain all units of collection, treatment and disposal.

Self Report? NO Classification: Minor  
 Citation: M&RR 3c vi PERMIT  
 Description: Failure by Mead Westvaco to maintain complete records of monitoring activities.

Self Report? NO Classification: Minor  
 Citation: BMP c4 PERMIT  
 Description: Failure by Mead Westvaco to conduct annual refresher training on facility Best Management Practices (BMPs).

Self Report? NO Classification: Minor  
 Citation: OpR 1 PERMIT  
 Description: Failure by Mead Westvaco to properly maintain all units of collection, treatment and disposal.

Self Report? NO Classification: Moderate  
 Citation: PC 2g PERMIT  
 Description: Failure by Mead Westvaco to prevent unauthorized discharges into or adjacent to waters of the state.  
 Date 04/04/2008 (639652) CN601549496

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(i)(II)  
 Description: Failure to record the amount of each chemical used each day.

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(i)  
 Description: Failure to flush all dead-end mains at monthly intervals.

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(n)(2)  
 Description: Failure to have an accurate and up-to-date map of the distribution system.

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter D 290.44(h)(1)  
 Description: Failure to protect the water system from an actual or potential contamination hazard.

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 290, SubChapter D 290.45(d)(2)(B)(v)  
 Description: Failure to provide a minimum pressure tank capacity of 220 gallons.

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.121(a)  
 Description: Failure to have a monitoring plan.

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)  
 Description: Failure to conduct annual tank inspections.  
 Date 04/10/2008 (638407) CN601549496

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 113, SubChapter C 113.240  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT S 63.453(k)(1)  
 5C THSC Chapter 382 382.085(b)  
 FOP O-01265, General Terms and Condition OP  
 FOP O-01265, Special Condition 1(A) OP

Description: Failure to perform monthly leak detection and repair inspections at least 21 days apart.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
FOP O-01265, General Terms and Condition OP  
FOP O-01265, Special Condition 10 OP  
Permit 20365, Special Condition 19 PERMIT

Description: Failure to maintain records of actions to control dust emissions on plant roads.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 113, SubChapter C 113.240  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT S 63.453(j)  
5C THSC Chapter 382 382.085(b)  
FOP O-01265 General Terms and Conditions OP  
FOP O-01265 Special Condition 1(A) OP

Description: Failure to properly conduct the second quarter testing of the biological waste ponds.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
FOP O-01265 General Terms and Conditions OP  
FOP O-01265, Special Condition 3(B) OP

Description: Failure to perform an annual observation of visible emissions from the Number 5 Power Boiler, Number 1 Lime Kiln, and Number 3 Lime Kiln.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
FOP O-01265 General Terms and Conditions OP  
FOP O-01265 Special Condition 3(B) OP

Description: Failure to perform a Method 9 opacity test for sources with visible emissions, which included the bleach plant scrubbers, Number 2 Power Boiler, Number 6 Power Boiler, Number 3 Smelt Dissolving Tank, and the Number 5 Power Boiler.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 113, SubChapter C 113.240  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.10(d)(5)(ii)  
5C THSC Chapter 382 382.085(b)  
FOP O-01265 General Terms and Conditions OP  
FOP O-01265, Special Condition 1(A) OP

Description: Failure to submit reports to the EPA, within two working days, of non-condensable gas vents results from actions not specified in the company's startup, shutdown, and malfunction plan.

Date 10/24/2008 (688135) CN601549496

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)(1)  
5C THSC Chapter 382 382.085(b)

Description: Failure to comply with representations made in a permit application.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 113, SubChapter C 113.240  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT S 63.453(k)(1)  
5C THSC Chapter 382 382.085(b)  
FOP O-01265, General Terms and Condition OP  
FOP O-01265, Special Condition 1(A) OP

Description: Failure to perform monthly leak detection and repair inspections at least 21 days apart.

Date 03/11/2009 (758945) CN601549496

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 03/31/2009 (737568) CN601549496

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 3A(iii) OP

Description: Failure to perform the annual visual emissions determination on the lime kiln.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP  
Special Condition 10 OP  
Special Condition 13B(2) PERMIT

Description: Failure to conduct the quarterly cylinder gas audit for the NOx CEM during the second

quarter of 2008.

Date 11/12/2009 (776687) CN601549496  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 5C THSC Chapter 382 382.085(b)  
 PSD-TX-785M8, Special Condition 1 PERMIT  
 Special Condition 10 OP  
 Description: Failure to limit emissions from the Number 3 Lime Kiln to the authorized limit found in Permit  
 20365 and PSD-TX-785M8.

Date 01/31/2010 (804434) CN601549496  
 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 04/29/2010 (797091) CN601549496  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.116(a)(1)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 General Terms and Conditions OP  
 NSR Permit 20365 General Condition 1 PERMIT  
 Special Condition 14 OP  
 Description: Failure to comply with the representations for NSR Permit 20365/PSDTX785M7.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 113, SubChapter C 113.100  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.9(e)  
 5C THSC Chapter 382 382.085(b)  
 General Terms and Conditions OP  
 NSR Permit 20365 Special Condition 2 PERMIT  
 Special Condition 14 OP  
 Special Condition 8 OP  
 Description: Failure to submit written notification of an upcoming Leak Detection and Repair (LDAR)  
 inspection in a timely manner.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 General Terms and Conditions OP  
 NSR Permit 20365 Special Condition 2 PERMIT  
 Special Condition 14 OP  
 Special Condition 1A OP  
 Description: Failure to maintain maximum operating conditions at which compliance was demonstrated.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(a)  
 5C THSC Chapter 382 382.085(b)  
 General Terms and Conditions OP  
 NSR Permit 20365 Special Condition 2 PERMIT  
 Special Condition 14 OP  
 Special Condition 5E OP  
 Description: Failure to conduct the second quarter cylinder gas audit (CGA) in accordance with 40 CFR  
 Part 60, Appendix F.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(1)  
 30 TAC Chapter 122, SubChapter C 122.222(c)  
 5C THSC Chapter 382 382.085(b)  
 General Terms and Conditions OP  
 Description: Failure to submit an Off-Permit Notification in a timely manner.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 30 TAC Chapter 122, SubChapter B 122.145(2)  
 5C THSC Chapter 382 382.085(b)  
 General Terms and Conditions OP  
 Description: Failure to report all instances of deviations in the semiannual deviation report.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
 30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)  
 General Terms and Conditions OP  
 NSR Permit 20365 General Condition 8 PERMIT  
 Special Condition 14 OP  
 Description: Failure to prevent unauthorized emissions from the No. 4 Bleach Plant Scrubber.  
 Date 08/03/2010 (830464) CN601549496  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 General Terms and Conditions OP  
 PSD-TX-785M7, Special Condition 5 PERMIT  
 Special Condition 14 OP  
 Description: Failure to maintain opacity below permitted opacity limitations.  
 Date 08/06/2010 (829888) CN601549496  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Db 60.43b  
 5C THSC Chapter 382 382.085(b)  
 FOP O-01265, General Terms and Condition OP  
 FOP O-01265, Special Condition 14 OP  
 FOP O-01265, Special Condition 1A OP  
 NSR Permit 20365, Special Condition 9 PERMIT  
 Description: Failure to limit emissions from the Number 6 Power Boiler (Emission Point Number: 50) during the stack test conducted on March 31 and April 1, 2010. EIC B18 MOD 2,D  
 Date 10/13/2010 (865166) CN601549496  
 Self Report? NO Classification: Moderate  
 Citation: OpR PERMIT  
 Description: Failure by MeadWestvaco Texas, L.P. to properly operate and maintain units of treatment and collection.  
 Date 01/31/2011 (909052) CN601549496  
 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 (924757) CN601549496  
 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 06/08/2011 (914237) CN601549496  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 GENERAL TERMS AND CONDITIONS PERMIT  
 SPECIAL TERMS AND CONDITIONS 3B(i) PERMIT  
 SPECIAL TERMS AND CONDITIONS 5 PERMIT  
 Description: Failure to maintain opacity below the allowable limit.

F. Environmental audits.

Notice of Intent Date: 09/14/2006 (514610)  
 Disclosure Date: 10/24/2006  
 Viol. Classification: Major  
 Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13  
 Description: Failure to have permit authorization for modifications/changes to the Power Boiler No. 6.  
 Disclosure Date: 12/27/2006  
 Viol. Classification: Major  
 Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13  
 Description: Failure to have permit authorization for modifications/changes to the Power Boiler No. 6.  
 Disclosure Date: 02/20/2007  
 Viol. Classification: Major  
 Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13  
 Description: Failure to have permit authorization for modifications/changes to the Power Boiler No. 6.  
 Disclosure Date: 03/14/2007  
 Viol. Classification: Major  
 Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13  
 Description: Failure to have permit authorization for modifications/changes to the Power Boiler No. 6.

Notice of Intent Date: 04/22/2008 (671463)

Disclosure Date: 11/12/2008

Viol. Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.132

Description: Failure to include permit 44406, and PBRs 106.452, 106.433, 106.263 in the preconstruction authorization table for Title V permit 1265.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.122

Description: Failure to submit an operational flexibility or off permit notification.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter C 122.215

Description: Failure to include permit renewal applications for 2006 Standard Permit 75618, 49711, PBR 77134, PBR 78649, PBR 80814, and for Power Boiler No. 5 in the Title V permit.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.8(a)

Description: Failure to conduct performance testing for 2, 3, and 4 recovery boilers, EPNs 2, 3, &4 and 26) when operating on natural gas auxiliary fuel.

Notice of Intent Date: 07/16/2009 (795687)

No DOV Associated

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



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

<b>DATES</b>	Assigned	25-Jul-2011	Screening	22-Aug-2011	EPA Due	
	PCW	19-Aug-2011				

<b>RESPONDENT/FACILITY INFORMATION</b>			
Respondent	MeadWestvaco Texas, L.P. (Facility 2)		
Reg. Ent. Ref. No.	RN100611821		
Facility/Site Region	10-Beaumont	Major/Minor Source	Minor

<b>CASE INFORMATION</b>			
Enf./Case ID No.	42255	No. of Violations	1
Docket No.	2011-1402-MLM-E	Order Type	1660
Media Program(s)	Industrial and Hazardous Waste	Government/Non-Profit	No
Multi-Media	Water Quality	Enf. Coordinator	Cheryl Thompson
		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	<b>\$2,000</b>
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<b>ADJUSTMENTS (+/-) TO SUBTOTAL 1</b>		
<small>Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.</small>		
<b>Compliance History</b>	<b>2.0%</b> Enhancement	<b>Subtotals 2, 3, &amp; 7</b> <b>\$40</b>

Notes: Enhancement for one NOV with dissimilar violations.

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

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	<b>\$0</b>
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<b>Economic Benefit</b>	<b>0.0%</b> Enhancement*	<b>Subtotal 6</b>	<b>\$0</b>
Total EB Amounts	\$1,637		
Approx. Cost of Compliance	\$1,500		
<small>*Capped at the Total EB \$ Amount</small>			

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$2,040</b>
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	<b>80.2%</b>	<b>Adjustment</b>	<b>\$1,637</b>
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Recommended enhancement to recover the avoided cost associated with the violation.

**Final Penalty Amount** **\$3,677**

<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$3,677</b>
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<b>DEFERRAL</b>	<b>20.0%</b> Reduction	<b>Adjustment</b>	<b>-\$735</b>
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Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	<b>\$2,942</b>
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Screening Date 22-Aug-2011

Docket No. 2011-1402-MLM-E

PCW

Respondent MeadWestvaco Texas, L.P. (Facility 2)

Policy Revision 2 (September 2002)

Case ID No. 42255

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100611821

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Cheryl Thompson

### 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> )	0	0%
	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%
<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)**

>> Repeat Violator (Subtotal 3)

**Adjustment Percentage (Subtotal 3)**

>> Compliance History Person Classification (Subtotal 7)

**Adjustment Percentage (Subtotal 7)**

>> Compliance History Summary

Compliance History Notes

Enhancement for one NOV with dissimilar violations.

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

Screening Date 22-Aug-2011

Docket No. 2011-1402-MLM-E

PCW

Respondent MeadWestvaco Texas, L.P. (Facility 2)

Policy Revision 2 (September 2002)

Case ID No. 42255

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100611821

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Cheryl Thompson

Violation Number 1

Rule Cite(s) Tex. Water Code § 26.121(a) and 30 Tex. Admin. Code § 335.4

Violation Description Failed to prevent an unauthorized discharge of industrial solid waste. Specifically, during the investigation it was documented that industrial solid waste had been discharged into the City of Silsbee's sewer system. The waste appeared to be viscous with solids and four spigots similar to the ones attached to the trench wastewater totes were retrieved from the lift station along with other solids.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual			X	10%
Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
	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 the environment as a result of this violation.				

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 2 Number of violation days 109

mark only one with an x	daily		Violation Base Penalty \$2,000
	weekly		
	monthly		
	quarterly	X	
	semiannual		
	annual		
single event			

Two quarterly events are recommended from the period of May 2, 2011 (investigation date) to August 22, 2011 (screening date).

Good Faith Efforts to Comply

0.0% Reduction \$0

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

Notes The Respondent does not meet the good faith criteria.

Violation Subtotal \$2,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,637 Violation Final Penalty Total \$3,677

This violation Final Assessed Penalty (adjusted for limits) \$3,677

# Economic Benefit Worksheet

**Respondent** MeadWestvaco Texas, L.P. (Facility 2)  
**Case ID No.** 42255  
**Reg. Ent. Reference No.** RN100611821  
**Media** Industrial and Hazardous Waste  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

### Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$1,500	2-May-2011	31-Mar-2012	1.83	\$137	\$1,500	\$1,637
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated cost to properly dispose of the industrial solid waste at an authorized facility. Date required is the investigation date. Final date is the projected date of compliance.

Approx. Cost of Compliance

\$1,500

**TOTAL**

\$1,637

## Compliance History (Facility 2)

Customer/Respondent/Owner-Operator:	CN601549496 MeadWestvaco Texas, L.P.	Classification: AVERAGE	Rating: 2.39
Regulated Entity:	RN100611821 MEADWESTVACO EXTRUSION	Classification: AVERAGE	Site Rating: 1.33
ID Number(s):	INDUSTRIAL AND HAZARDOUS WASTE INDUSTRIAL AND HAZARDOUS WASTE  AIR NEW SOURCE PERMITS AIR NEW SOURCE PERMITS STORMWATER	EPA ID SOLID WASTE REGISTRATION # (SWR) PERMIT ACCOUNT NUMBER PERMIT	TXR000011460 84413  26489 HF0142G TXR05L411
Location:	4594 OLD EVADALE RD, SILSBEE, TX, 77656		
TCEQ Region:	REGION 10 - BEAUMONT		
Date Compliance History Prepared:	August 02, 2011		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	August 02, 2006 to August 02, 2011		
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History			
Name:	<u>Cheryl Thompson</u>	Phone:	<u>(817) 588-5886</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? Yes
3. If Yes, who is the current owner/operator? OWNOPR MeadWestvaco Texas, L.P.
4. If Yes, who was/were the prior owner(s)/operator(s)? OWNOPR MeadWestvaco Texas, L.P.
5. When did the change(s) in owner or operator occur? 11/19/2006
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 11/30/2007 (600822)
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)  
N/A
 

Date:	11/30/2007 (600822)	CN601549496
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 281, SubChapter A 281.25(a)(4) TXR05L411 Part III Sec A (3)(a) PERMIT	
Description:	Failure by Westvaco Extrusion to describe in the Storm Water Pollution Prevention Plan (SWP3) the discharge points and appropriate best management practices for non-storm water discharges.	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 281, SubChapter A 281.25(a)(4) TXR05L411 Part III Sec C (1)(c) PERMIT	
Description:	Failure by Westvaco Extrusion to monitor the rain gauge and keep records of the monitoring.	
- 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  
MEADWESTVACO TEXAS, L.P.  
RN102157609 AND RN100611821**

§  
§  
§  
§  
§

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

**AGREED ORDER  
DOCKET NO. 2011-1402-MLM-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 MeadWestvaco Texas, L.P. ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 361 and 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 wastewater treatment facility ("Facility 1") located approximately one mile south of Farm-to-Market Road 2246 and one mile southeast of Evadale in Jasper County, Texas and a packing paper and plastics film facility ("Facility 2") located at 4594 Old Evadale Road in Hardin County, Texas (the "Facilities").
2. The Respondent has caused, suffered, allowed or permitted the discharge of any waste or the performance of any activity in violation of TEX. WATER CODE ch. 26 or any rule, permit, or order of the Commission.
3. The Facility involves or involved the management of industrial solid waste as defined in TEX. HEALTH & SAFETY CODE ch. 361.
4. 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.
5. The Respondent received notices of the violations alleged in Section II ("Allegations") on or about May 10, 2011 and July 23, 2011.

6. 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.
7. An administrative penalty in the amount of Seven Thousand Nine Hundred Sixty-Six Dollars (\$7,966) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Six Thousand Three Hundred Seventy-Four Dollars (\$6,374) of the administrative penalty and One Thousand Five Hundred Ninety-Two Dollars (\$1,592) 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.
8. 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.
9. 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.
10. The Executive Director recognizes that the Respondent has implemented the following corrective measures at Facility 1:
  - a. On April 30, 2011, pumped the stormwater from the ditch and discharged it to the mill's process sewer;
  - b. On April 30, 2011, re-routed flow from the ditch on the bark pile's east side to the ditch on the west side to allow flow to be sent to a process sewer lift station and to have vacuum trucks pump storm water from the ditch; and
  - c. By April 30, 2011 returned to compliance with permitted effluent limits.
11. 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.
12. 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.

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 Facilities, the Respondent is alleged to have:

1. Failed to comply with permitted effluent limits at Outfall 002 at Facility 1, in violation of TPDES Permit No. WQ0000493000, Effluent Limitations and Monitoring Requirements No. 1, 30 TEX. ADMIN. CODE § 305.125(1) and TEX.WATER CODE § 26.121(a), as documented during a record review conducted on July 13, 2011 as shown in the table below:

	Total Organic Carbon Daily Maximum Concentration
<i>Month/Year</i>	70 mg/L
January 2011	207
March 2011	387.2

mg/L=milligrams per liter

2. Failed to submit complete effluent monitoring results at the intervals specified in the permit at Facility 1, in violation of TPDES Permit No. WQ0000493000, Monitoring and Reporting Requirements No. 1 and 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.1, as documented during an investigation conducted on July 13, 2011. Specifically, the daily maximum value for oil & grease at Outfall 002 was not included in the discharge monitoring report ("DMR") submitted for the monitoring period ending March 31, 2011;
3. Failed to prevent an unauthorized discharge of industrial solid waste at Facility 2, in violation of TEX. WATER CODE § 26.121(a) and 30 TEX. ADMIN. CODE § 335.4, as documented during an investigation conducted on May 2, 2011. Specifically, during the investigation it was documented that industrial solid waste had been discharged into the City of Silsbee's sewer system. The waste appeared to be viscous with solids, and four spigots similar to the ones attached to the trench wastewater totes were retrieved from the lift station along with other solids.

### 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 7 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: MeadWestvaco Texas, L.P., Docket No. 2011-1402-MLM-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. Immediately upon the effective date of this Agreed Order, cease all unauthorized discharges of industrial solid waste into the City of Silsbee's sewer system;
  - b. Within 30 days after the effective date of this Agreed Order:
    - i. Remove and properly dispose of all industrial waste from the Westvaco lift station at Facility 2; and
    - ii. Submit a revised DMR for the monitoring period ending March 31, 2011 to include the missing values for oil and grease for Facility 1.
  - c. With 45 days after the effective date of the Agreed Order, submit certification of compliance with Ordering Provisions Nos. 2.a. through 2.b.ii.. The certification shall include detailed supporting documentation including receipts, and/or other records to demonstrate compliance, 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  
Beaumont Regional Office  
Texas Commission on Environmental Quality  
3870 Eastex Freeway  
Beaumont, Texas 77703-1830

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. 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.
5. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. This Agreed Order 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

*Paul D. Azpe*  
For the Executive Director

3/29/12  
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.

*James H. Gresham*  
Signature

11/10/2011  
Date

James H. Gresham  
Name (Printed or typed)  
Authorized Representative of  
MeadWestvaco Texas, L.P.

Mill Manager and  
Title Vice President

**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.