

Executive Summary – Enforcement Matter – Case No. 43436
Champion Technologies, Inc.
RN101618882
Docket No. 2012-0252-AIR-E

Order Type:

Findings Agreed Order

Findings Order Justification:

People or environmental receptors have been exposed to pollutants which exceed levels that are protective.

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Champion Technologies Fresno, 3130 Farm-to-Market (“FM”) Road 521, Fresno, Fort Bend County

Type of Operation:

Chemical manufacturing plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: June 1, 2012

Comments Received: No

Penalty Information

Total Penalty Assessed: \$7,700

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$7,700

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. 43436
Champion Technologies, Inc.
RN101618882
Docket No. 2012-0252-AIR-E**

Investigation Information

Complaint Date(s): N/A
Complaint Information: N/A
Date(s) of Investigation: September 1, 2011
Date(s) of NOE(s): January 11, 2012

Violation Information

Failed to prevent unauthorized emissions. Since this emissions event could have been avoided through better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE § 116.115(b)(2)(F), TEX. HEALTH & SAFETY CODE § 382.085(b), and Permit No. 4005, Maximum Allowable Emission Rates Table].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

By September 30, 2011, the Respondent instituted a policy that does not allow for any mobile equipment in the vicinity of Ammonia Tank T-4127. If maintenance must be done in the surrounding area, scaffolding must be erected to avoid the recurrence of an emissions event due to the same causes as Incident No. 158648.

Technical Requirements:

N/A

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: Rebecca Johnson, Enforcement Division, Enforcement Team 5, MC R-14, (361) 825-3423; Debra Barber, Enforcement Division, MC 219, (512) 239-0412
TCEQ SEP Coordinator: N/A
Respondent: Chris Gonzales, Plant Manager, Champion Technologies, Inc., 3130 FM Road 521, Fresno, Texas 77545
Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	17-Jan-2012			
	PCW	26-Jan-2012	Screening	26-Jan-2012	EPA Due

RESPONDENT/FACILITY INFORMATION

Respondent	Champion Technologies, Inc.				
Reg. Ent. Ref. No.	RN101618882				
Facility/Site Region	12-Houston	Major/Minor Source	Minor		

CASE INFORMATION

Enf./Case ID No.	43436	No. of Violations	1
Docket No.	2012-0252-AIR-E	Order Type	Findings
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	John Muennink
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$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: Enhancement for one NOV with same/similar violations, 25 NOVs with dissimilar violations, and one order without denial of liability. Reduction for one notice of intent to conduct an audit submitted.

Culpability Enhancement **Subtotal 4**

Notes: The Respondent does not meet the culpability criteria.

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

Economic Benefit Enhancement* **Subtotal 6**

Total EB Amounts
 Approx. Cost of Compliance *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

No deferral is recommended for Findings Orders.

PAYABLE PENALTY

Screening Date 26-Jan-2012

Docket No. 2012-0252-AIR-E

PCW

Respondent Champion Technologies, Inc.

Policy Revision 2 (September 2002)

Case ID No. 43436

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101618882

Media [Statute] Air

Enf. Coordinator John Muennink

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>)	1	5%
	Other written NOVs	25	50%
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	1	25%
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>)	1	-1%
	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) 79%

>> 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 one NOV with same/similar violations, 25 NOVs with dissimilar violations, and one order without denial of liability. Reduction for one notice of intent to conduct an audit submitted.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 79%

Screening Date 26-Jan-2012

Docket No. 2012-0252-AIR-E

PCW

Respondent Champion Technologies, Inc.

Policy Revision 2 (September 2002)

Case ID No. 43436

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101618882

Media [Statute] Air

Enf. Coordinator John Muennink

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 116.115(b)(2)(F), Tex. Health & Safety Code § 382.085(b), and Permit No. 4005, Maximum Allowable Emission Rates Table

Violation Description Failed to prevent unauthorized emissions, as documented during an investigation conducted on September 1, 2011. Specifically, the Respondent released 12,727 pounds of ammonia from Ammonia Tank T-4127 during an avoidable emissions event (Incident No. 158648) that began August 30, 2011 and lasted seven hours and 30 minutes. The event occurred when a lift basket being used in an unrelated maintenance activity struck and broke off a pressure safety valve on the tank, releasing emissions to the atmosphere. Since this emissions event could have been avoided through better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual	x		
Potential			

Percent 50%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to pollutants that exceed levels protective of human health or environmental receptors.

Adjustment \$5,000

\$5,000

Violation Events

Number of Violation Events 1

1 Number of violation days

daily	x
weekly	
monthly	
quarterly	
semilannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$5,000

One daily event is recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$1,250

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

Notes

The Respondent completed corrective measures by September 30, 2011, prior to the January 11, 2012 NOE.

Violation Subtotal \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$7,700

This violation Final Assessed Penalty (adjusted for limits) \$7,700

Economic Benefit Worksheet

Respondent Champion Technologies, Inc.
Case ID No. 43436
Reg. Ent. Reference No. RN101618882
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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)				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)	\$250	30-Aug-2011	30-Sep-2011	0.08	\$1	n/a	\$1

Notes for DELAYED costs

Estimated expense to revise maintenance policies to prevent the recurrence of emissions events due to the same causes as that of Incident No. 158648. The Date Required is the date of the emissions event. The Final Date is the date that corrective measures were completed.

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

Approx. Cost of Compliance

\$250

TOTAL

\$1

Compliance History Report

Customer/Respondent/Owner-Operator: CN600361869 Champion Technologies, Inc. Classification: AVERAGE Rating: 2.39

Regulated Entity: RN101618882 CHAMPION TECHNOLOGIES Classification: AVERAGE Site Rating: 1.79
FRESNO

0790119

ID Number(s): PUBLIC WATER SYSTEM/SUPPLY INDUSTRIAL AND HAZARDOUS WASTE REGISTRATION EPA ID TXD000356816
INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # 31502
(SWR)
AIR NEW SOURCE PERMITS PERMIT 4005
AIR NEW SOURCE PERMITS REGISTRATION 24713
AIR NEW SOURCE PERMITS REGISTRATION 25343
AIR NEW SOURCE PERMITS REGISTRATION 29340
AIR NEW SOURCE PERMITS REGISTRATION 33992
AIR NEW SOURCE PERMITS ACCOUNT NUMBER FG0053G
AIR NEW SOURCE PERMITS REGISTRATION 55037
AIR NEW SOURCE PERMITS AFS NUM 4815700067
AIR NEW SOURCE PERMITS REGISTRATION 70773
AIR NEW SOURCE PERMITS REGISTRATION 74858
AIR NEW SOURCE PERMITS REGISTRATION 76945
AIR NEW SOURCE PERMITS REGISTRATION 88068
AIR NEW SOURCE PERMITS AFS NUM 4815700219
WATER QUALITY NON PERMITTED ID NUMBER R12SW0008
WATER LICENSING LICENSE 0790119
WASTEWATER PERMIT WQ0004306000
WASTEWATER EPA ID TX0112461
STORMWATER PERMIT TXR05T916
POLLUTION PREVENTION PLANNING ID NUMBER P00123
AIR EMISSIONS INVENTORY ACCOUNT NUMBER FG0053G
AIR EMISSIONS INVENTORY ACCOUNT NUMBER FG0359C

Location: 3130 FM 521, FRESNO, FORT BEND CO., TX

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: January 26, 2012

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: January 26, 2007 to January 26, 2012

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

Name: John Muennink Phone: (713) 422-8970

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. If YES, when did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2011 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: 10/25/2010

ADMINORDER 2010-0570-IWD-E

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)

30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: Effluent Lim. and Monit. Req. No. 1 PERMIT

Description: Failure to comply with permitted effluent limits, as documented during a record review on February 25, 2010.

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	02/20/2007	(588367)
2	03/14/2007	(588368)
3	04/20/2007	(588369)
4	05/18/2007	(588370)
5	06/08/2007	(588371)
6	07/12/2007	(605416)
7	08/17/2007	(605417)
8	09/07/2007	(605418)
9	10/03/2007	(605419)
10	11/08/2007	(629632)
11	12/07/2007	(629633)
12	01/11/2008	(629634)
13	02/07/2008	(676772)
14	03/05/2008	(676773)
15	04/08/2008	(676774)
16	06/23/2008	(682532)
17	08/21/2008	(687929)
18	05/07/2008	(695335)
19	06/10/2008	(695336)
20	07/15/2008	(695337)
21	08/12/2008	(716863)
22	09/10/2008	(716864)
23	10/13/2008	(716865)
24	03/04/2009	(724409)
25	11/11/2008	(732288)
26	12/10/2008	(732289)
27	01/12/2009	(732290)
28	06/09/2009	(746102)
29	02/09/2009	(755605)
30	03/09/2009	(755606)
31	04/09/2009	(755607)
32	05/12/2009	(772650)
33	06/12/2009	(772651)
34	03/25/2010	(793623)
35	02/18/2010	(818028)
36	12/11/2009	(818029)
37	01/20/2010	(818030)
38	03/19/2010	(835554)
39	04/19/2010	(835555)
40	05/20/2010	(835556)
41	06/18/2010	(847705)
42	07/15/2010	(862103)
43	12/03/2010	(865904)
44	08/12/2010	(868699)
45	09/20/2010	(875582)
46	10/20/2010	(883130)
47	12/20/2010	(889542)
48	12/20/2010	(897905)
49	04/01/2011	(900620)
50	01/20/2011	(903809)
51	02/21/2011	(910700)
52	05/10/2011	(914268)
53	03/18/2011	(917949)
54	04/20/2011	(929880)
55	07/15/2009	(929881)
56	08/12/2009	(929882)
57	09/15/2009	(929883)
58	10/15/2009	(929884)
59	11/10/2009	(929885)
60	05/20/2011	(939657)
61	08/15/2011	(944945)
62	06/17/2011	(947068)
63	01/11/2012	(948457)
64	07/18/2011	(954331)
65	08/19/2011	(960909)
66	12/16/2011	(964064)
67	09/16/2011	(967005)
68	10/18/2011	(972970)
69	11/18/2011	(979104)

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

Date: 11/30/2009 (818029) CN600361869
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 (818030) CN600361869
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 (818028) CN600361869
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 (835554) CN600361869
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 03/31/2010 (835555) CN600361869
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 04/30/2010 (835556) CN600361869
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: 05/31/2010 (847705) CN600361869
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: 06/30/2010 (862103) CN600361869
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 (868699) CN600361869
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 (875582) CN600361869
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 (883130) CN600361869
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 (889542) CN600361869
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 11/30/2010 (897905) CN600361869
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 (903809) CN600361869
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 (910700) CN600361869
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 (917949) CN600361869
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 (929880) CN600361869
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: 04/05/2011 (900620) CN600361869
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(b)(2)(H)(i)
5C THSC Chapter 382 382.085(b)
General Condition 10 PERMIT

Description: Failure to maintain the Plant Boiler's stack opacity within the regulatory limit of 20% due to improper connection of a process pump's condensate return line. [B13]

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(e)(8)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(H)(i)
5C THSC Chapter 382 382.085(b)
Description: Champion reported a materially incorrect opacity limit on its initial/final incident report. [C3]

Date: 04/30/2011 (939657) CN600361869
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: 05/31/2011 (947068) CN600361869
 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: 06/30/2011 (954331) CN600361869
 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: 07/31/2011 (960909) CN600361869
 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: 08/31/2011 (967005) CN600361869
 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: 09/30/2011 (972970) CN600361869
 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: 10/31/2011 (979104) CN600361869
 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: 12/16/2011 (964064) CN600361869
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 335, SubChapter A 335.13(k)
 40 CFR Chapter 262, SubChapter I, PT 262, SubPT D 262.42(a)(2)
 Description: Failure to obtain manifest signed by the disposal facility.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 335, SubChapter A 335.9(a)(1)(G)
 Description: Failure to incidate the location of all Satellite Accumulation Areas.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 335, SubChapter O 335.431(c)
 40 CFR Chapter 266, SubChapter I, PT 266, SubPT O 268.7(a)
 Description: Failure to all EPA hazardous waste codes on LDR documentation.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 335, SubChapter E 335.112(a)(9)
 40 CFR Chapter 265, SubChapter I, PT 265, SubPT J 265.195(b)
 Description: Failure to conduct daily hazardous waste tank inspections.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 335, SubChapter E 335.112(a)(8)
 40 CFR Chapter 265, SubChapter I, PT 265, SubPT I 265.174
 Description: Failure to conduct weekly inspections of hazardous waste container storage areas.

Notice of Intent Date: 01/28/2010 (901367)

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

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN § **BEFORE THE**
ENFORCEMENT ACTION §
CONCERNING § **TEXAS COMMISSION ON**
CHAMPION TECHNOLOGIES, INC. §
RN101618882 § **ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2012-0252-AIR-E

At its _____ agenda, the Texas Commission on Environmental Quality (“the Commission” or “TCEQ”) considered this agreement of the parties, resolving an enforcement action regarding Champion Technologies, Inc. (“the Respondent”) under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

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

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

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

I. FINDINGS OF FACT

1. The Respondent owns and operates a chemical manufacturing plant at 3130 Farm-to-Market Road 521 in Fresno, Fort Bend County, Texas (the “Plant”).

2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. During an investigation conducted on September 1, 2011, TCEQ staff documented the release of 12,727 pounds of ammonia from Ammonia Tank T-4127 during an avoidable emissions event (Incident No. 158648) that began August 30, 2011 and lasted seven hours and 30 minutes. The event occurred when a lift basket being used in an unrelated maintenance activity struck and broke off a pressure safety valve on the tank, releasing emissions to the atmosphere. The TCEQ determined that the emissions event could have been avoided through better design and operational practices.
4. The Respondent received notice of the violations on January 16, 2012.
5. The Executive Director recognizes that by September 30, 2011, the Respondent instituted a policy that does not allow for any mobile equipment in the vicinity of Ammonia Tank T-4127. If maintenance must be done in the surrounding area, scaffolding must be erected to avoid the recurrence of an emissions event due to the same causes as Incident No. 158648.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 116.115(b)(2)(F), TEX. HEALTH & SAFETY CODE § 382.085(b), and Permit No. 4005, Maximum Allowable Emission Rates Table, as documented during an investigation conducted on September 1, 2011. Since this emissions event could have been avoided through better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
3. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
4. An administrative penalty in the amount of Seven Thousand Seven Hundred Dollars (\$7,700) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent has paid the Seven Thousand Seven Hundred Dollar (\$7,700) administrative penalty.

III. ORDERING PROVISIONS

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

1. The Respondent is assessed an administrative penalty in the amount of Seven Thousand Seven Hundred Dollars (\$7,700) as set forth in Section II, Paragraph 4 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Champion Technologies, Inc., Docket No. 2012-0252-AIR-E" to:

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

2. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
3. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
4. 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.
5. 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.
6. 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.

7. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Ramon Davila Jr.
For the Executive Director

7/31/12
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Champion Technologies, Inc. I am authorized to agree to the attached Agreed Order on behalf of Champion Technologies, Inc., and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, Champion Technologies, Inc. waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

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]
Signature

4/4/12
Date

Chris Gonzales
Name (Printed or typed)
Authorized Representative of
Champion Technologies, Inc.

Plant Manager
Title

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