

**Executive Summary – Enforcement Matter – Case No. 46241**  
**Alloy Polymers Orange, LLC**  
**RN100590207**  
**Docket No. 2013-0353-IHW-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

IHW

**Small Business:**

No

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

Alloy Polymers Orange, LLC, 6522 Interstate Highway 10 West, Orange, Orange County

**Type of Operation:**

Plastics resins processing facility

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** August 30, 2013

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$50,375

**Amount Deferred for Expedited Settlement:** \$10,075

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

**Total Paid to General Revenue:** \$40,300

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

Payment Plan: N/A

**SEP Conditional Offset:** \$0

Name of SEP: N/A

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - Satisfactory

**Major Source:** Yes

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** September 2011

**Executive Summary – Enforcement Matter – Case No. 46241**  
**Alloy Polymers Orange, LLC**  
**RN100590207**  
**Docket No. 2013-0353-IHW-E**

***Investigation Information***

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

**Complaint Information:** N/A

**Date(s) of Investigation:** November 12, 2012

**Date(s) of NOE(s):** February 4, 2013

***Violation Information***

1. Failed to conduct a hazardous waste determination and waste classification. Specifically, a hazardous waste determination was not conducted on damaged or off-specification plastic pellets, damaged or off-specification plastic film, laboratory-tested materials, floor sweepings, solid process filter waste, pre-treatment acetic acid and water mixture, post-treatment acetic acid and water mixture, process waste waters, and corrosive waste spilled into the secondary containment for the acetic acid elementary neutralization tank [30 TEX. ADMIN. CODE §§ 335.62, 335.503, and 335.504 and 40 CODE OF FEDERAL REGULATIONS (“CFR”) § 262.11].
2. Failed to maintain records of all hazardous and industrial solid waste activities. Specifically, Respondent did not maintain a record of the description, character, and classification of each waste; the quantity of each waste stream generated each month; the quantity held in on-site storage as of December 31 of each calendar year; the quantity processed or disposed of at each on-site facility during the calendar year; the method of storage, processing, or disposal; the quantity shipped off-site for storage, processing, or disposal each calendar year, including name, address, and location of each off-site facility and transporter receiving shipments; the location of all hazardous waste accumulation areas; and a complete and correct Annual Waste Summary detailing the management of each hazardous and Class 1 waste generated on-site during the reporting calendar year [30 TEX. ADMIN. CODE § 335.9(a)(1) and § 335.513(a)].
3. Failed to update the facility's notice of registration (“NOR”). Specifically, the NOR was not updated to include the acetic acid and water mixture, plastic pellets and film, plant trash, or waste or unused dry chemical additives waste streams and did not identify waste management units, such as the elementary neutralization tanks, and the dock area where scrap materials are stored [30 TEX. ADMIN. CODE § 335.6].
4. Failed to demonstrate that there is a known market or disposition for materials being recycled, and that they meet the terms of the exclusion or exemption from the definition of a solid waste. Specifically, Respondent did not provide appropriate documentation which demonstrates that materials generated at the facility are not solid wastes or are exempt from regulation [30 TEX. ADMIN. CODE § 335.1(138)(I) and 40 CFR § 261.2(f)].

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***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

The Respondent has implemented the following corrective measures:

- a. Provided documentation demonstrating that adequate hazardous waste determinations and waste classifications had been conducted on damaged or off-specification plastic pellets, damaged or off-specification plastic film, laboratory-tested materials, floor sweepings, solid process filter waste, pre-treatment acetic acid and water mixture, post-treatment acetic acid and water mixture, process waste waters, and corrosive waste spilled into the secondary containment for the acetic acid elementary neutralization tank by April 11, 2013;
- b. On March 27, 2013, provided documentation that records of all hazardous and industrial solid waste activities are being maintained;
- c. On March 27, 2013, provided documentation that the facility's NOR has been updated to include the acetic acid and water mixture, plastic pellets and film, plant trash, and unused dry chemical additive waste streams and the identification of waste management units on March 27, 2013; and
- d. On June 17, 2013, providing documentation demonstrating that recycled plastic materials generated at the facility are not solid wastes and are exempt from regulation as a solid waste.

**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:** Thomas Greimel, Enforcement Division, Enforcement Team 7, MC 128, (512) 239-5690; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456

**Executive Summary – Enforcement Matter – Case No. 46241**  
**Alloy Polymers Orange, LLC**  
**RN100590207**  
**Docket No. 2013-0353-IHW-E**

**TCEQ SEP Coordinator:** N/A

**Respondent:** Glenn Munshaw, Executive Vice President, Alloy Polymers Orange, LLC, 3310 Deepwater Terminal Road, Richmond, Virginia 23234

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



# Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

**TCEQ**  
**DATES**

Assigned	11-Feb-2013	Screening	12-Feb-2013	EPA Due	
PCW	21-Jun-2013				

## RESPONDENT/FACILITY INFORMATION

Respondent	Alloy Polymers Orange, LLC		
Reg. Ent. Ref. No.	RN100590207		
Facility/Site Region	10-Beaumont	Major/Minor Source	Minor

## CASE INFORMATION

Enf./Case ID No.	46241	No. of Violations	4
Docket No.	2013-0353-IHW-E	Order Type	1660
Media Program(s)	Industrial and Hazardous Waste	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Thomas Greimel
		EC's Team	Enforcement Team 7
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

## Penalty Calculation Section

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

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

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

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

Notes

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

Notes

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

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

Total EB Amounts    
 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 indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

**PAYABLE PENALTY**

Screening Date 12-Feb-2013

Docket No. 2013-0353-IHW-E

PCW

Respondent Alloy Polymers Orange, LLC

Policy Revision 3 (September 2011)

Case ID No. 46241

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100590207

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Thomas Greimel

### 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	2	4%
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> )	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)** 44%

#### >> Repeat Violator (Subtotal 3)

No

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

#### >> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

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

#### >> Compliance History Summary

Compliance History Notes

Enhancement for two orders with denial and two NOVs with dissimilar violations.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 44%

#### >> Final Compliance History Adjustment

**Final Adjustment Percentage \*capped at 100%** 44%

Screening Date 12-Feb-2013

Docket No. 2013-0353-IHW-E

PCW

Respondent Alloy Polymers Orange, LLC

Policy Revision 3 (September 2011)

Case ID No. 46241

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100590207

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Thomas Greimel

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 335.62, 335.503, and 335.504 and 40 Code of Federal Regulations ("CFR") § 262.11

Violation Description Failed to conduct a hazardous waste determination and waste classification. Specifically, a hazardous waste determination was not conducted on damaged or off-specification plastic pellets, damaged or off-specification plastic film, laboratory-tested materials, floor sweepings, solid process filter waste, pre-treatment acetic acid and water mixture, post-treatment acetic acid and water mixture, process waste waters, and corrosive waste spilled into the secondary containment for the acetic acid elementary neutralization tank.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), Percent (15.0%). Includes 'OR' label.

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, Percent (0.0%).

Matrix Notes Human health or the environment will or could be exposed to pollutants which may exceed levels that are protective of human health and environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 9 Number of violation days 92

Table for frequency: daily, weekly, monthly, quarterly, semiannual, annual, single event. Includes instruction 'mark only one with an x'.

Violation Base Penalty \$33,375

Nine single events are recommended (one per waste stream).

Good Faith Efforts to Comply

10.0% Reduction \$3,375

Table for Good Faith Efforts: Extraordinary, Ordinary, N/A. Columns: Before NOV, NOV to EDPRP/Settlement Offer.

Notes The Respondent came into compliance by April 11, 2013 after the Notice of Enforcement ("NOE") dated February 4, 2013.

Violation Subtotal \$30,375

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$175

Violation Final Penalty Total \$45,225

This violation Final Assessed Penalty (adjusted for limits) \$45,225

# Economic Benefit Worksheet

**Respondent** Alloy Polymers Orange, LLC  
**Case ID No.** 46241  
**Reg. Ent. Reference No.** RN100590207  
**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
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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)	\$8,500	12-Nov-2012	11-Apr-2013	0.41	\$175	n/a	\$175

Notes for DELAYED costs

Estimated cost to perform a waste determination and classification of nine waste streams. The Date Required is the investigation date. The Final Date is the 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	\$8,500	<b>TOTAL</b>	\$175
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Screening Date 12-Feb-2013

Docket No. 2013-0353-IHW-E

PCW

Respondent Alloy Polymers Orange, LLC

Policy Revision 3 (September 2011)

Case ID No. 46241

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100590207

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Thomas Greimel

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 335.9(a)(1) and 335.513(a)

Violation Description

Failed to maintain records of all hazardous and industrial solid waste activities. Specifically, the Respondent did not maintain a record of the description, character, and classification of each waste; the quantity of each waste stream generated each month; the quantity held in on-site storage as of December 31 of each calendar year; the quantity processed or disposed of at each on-site facility during the calendar year; the method of storage, processing, or disposal; the quantity shipped off-site for storage, processing, or disposal each calendar year, including name, address, and location of each off-site facility and transporter receiving shipments; the location of all hazardous waste accumulation areas; and a complete and correct Annual Waste Summary detailing the management of each hazardous and Class 1 waste generated on-site during the reporting calendar year.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 5.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1

92 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$1,250

One single event is recommended.

Good Faith Efforts to Comply

10.0% Reduction

\$125

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

Notes

The Respondent came into compliance by March 27, 2013 after the NOE dated February 4, 2013.

Violation Subtotal \$1,125

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$146

Violation Final Penalty Total \$1,675

This violation Final Assessed Penalty (adjusted for limits) \$1,675

# Economic Benefit Worksheet

**Respondent** Alloy Polymers Orange, LLC  
**Case ID No.** 46241  
**Reg. Ent. Reference No.** RN100590207  
**Media** Industrial and Hazardous Waste  
**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
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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	\$7,870	12-Nov-2012	27-Mar-2013	0.37	\$146	n/a	\$146
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to maintain records of all hazardous and industrial solid waste activities. The Date Required is the investigation date. The Final Date is the 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 \$7,870

**TOTAL** \$146

Screening Date 12-Feb-2013

Docket No. 2013-0353-IHW-E

PCW

Respondent Alloy Polymers Orange, LLC

Policy Revision 3 (September 2011)

Case ID No. 46241

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100590207

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Thomas Greimel

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 335.6

Violation Description Failed to update the Facility's notice of registration ("NOR"). Specifically, the NOR was not updated to include the acetic acid and water mixture, plastic pellets and film, plant trash, or waste or unused dry chemical additives waste streams and did not identify waste management units, such as the elementary neutralization tanks, and the dock area where scrap materials are stored.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor
	X		

Percent 5.0%

Matrix Notes 100% of the rule requirement was not met.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1

92 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

mark only one with an x

Violation Base Penalty \$1,250

One single event is recommended.

Good Faith Efforts to Comply

10.0% Reduction Before NOV NOV to EDPRP/Settlement Offer

\$125

Extraordinary	
Ordinary	X
N/A	(mark with x)

Notes The Respondent came into compliance by March 27, 2013 after the NOE dated February 4, 2013.

Violation Subtotal \$1,125

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$44

Violation Final Penalty Total \$1,675

This violation Final Assessed Penalty (adjusted for limits) \$1,675

# Economic Benefit Worksheet

**Respondent** Alloy Polymers Orange, LLC

**Case ID No.** 46241

**Reg. Ent. Reference No.** RN100590207

**Media** Industrial and Hazardous Waste

**Violation No.** 3

Percent Interest	Years of Depreciation
5.0	15

**Item Description** No commas or \$

Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
-----------	---------------	------------	-----	----------------	---------------	-----------

**Delayed Costs**

Equipment			0.00	\$0	\$0	\$0
Buildings			0.00	\$0	\$0	\$0
Other (as needed)			0.00	\$0	\$0	\$0
Engineering/construction			0.00	\$0	\$0	\$0
Land			0.00	\$0	n/a	\$0
Record Keeping System			0.00	\$0	n/a	\$0
Training/Sampling			0.00	\$0	n/a	\$0
Remediation/Disposal			0.00	\$0	n/a	\$0
Permit Costs			0.00	\$0	n/a	\$0
Other (as needed)	\$2,400	12-Nov-2012	27-Mar-2013	0.37	\$44	n/a

**Notes for DELAYED costs**

Estimated cost to update the Facility's NOR. The Date Required is the investigation date. The Final Date is the 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

\$2,400

**TOTAL**

\$44

Screening Date 12-Feb-2013

Docket No. 2013-0353-IHW-E

PCW

Respondent Alloy Polymers Orange, LLC

Policy Revision 3 (September 2011)

Case ID No. 46241

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100590207

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Thomas Greimel

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 335.1(138)(I) and 40 CFR § 261.2(f)

Violation Description Failed to demonstrate that there is a known market or disposition for materials being recycled, and that they meet the terms of the exclusion or exemption from the definition of a solid waste. Specifically, the Respondent did not provide appropriate documentation which demonstrates that materials generated at the Facility that are recycled are not solid wastes or are exempt from regulation.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), Percent (0.0%).

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, Percent (5.0%).

Matrix Notes 100% of the rule requirement was not met.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1 Number of violation days 92

Table for event frequency: daily, weekly, monthly, quarterly, semiannual, annual, single event (marked with x).

Violation Base Penalty \$1,250

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction \$0

Table for Good Faith Efforts: Extraordinary, Ordinary, N/A (marked with x).

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

Violation Subtotal \$1,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$3

Violation Final Penalty Total \$1,800

This violation Final Assessed Penalty (adjusted for limits) \$1,800

# Economic Benefit Worksheet

**Respondent** Alloy Polymers Orange, LLC

**Case ID No.** 46241

**Reg. Ent. Reference No.** RN100590207

**Media** Industrial and Hazardous Waste

**Violation No.** 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<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)	\$100	12-Nov-2012	17-Jun-2013	0.59	\$3	n/a	\$3

**Notes for DELAYED costs**

Estimated cost to provide appropriate documentation which demonstrate that materials generated at the Facility are not solid wastes or are exempt from regulation. The Date Required is the investigation date. The Final Date is the 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

\$100

**TOTAL**

\$3

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



# Compliance History Report

**PUBLISHED** Compliance History Report for CN603334343, RN100590207, Rating Year 2012 which includes Compliance History (CH) components from September 1, 2007, through August 31, 2012.

**Customer, Respondent, or Owner/Operator:** CN603334343, Alloy Polymers Orange LLC **Classification:** SATISFACTORY **Rating:** 6.05

**Regulated Entity:** RN100590207, Alloy Polymers **Classification:** SATISFACTORY **Rating:** 6.05

**Complexity Points:** 12 **Repeat Violator:** NO

**CH Group:** 14 - Other

**Location:** 6522 IH 10 W ORANGE, TX 77632-8349, ORANGE COUNTY

**TCEQ Region:** REGION 10 - BEAUMONT

**ID Number(s):**

**AIR NEW SOURCE PERMITS** REGISTRATION 14104

**AIR NEW SOURCE PERMITS** REGISTRATION 14840

**AIR NEW SOURCE PERMITS** REGISTRATION 23030

**AIR NEW SOURCE PERMITS** ACCOUNT NUMBER OC0056T

**AIR NEW SOURCE PERMITS** AFS NUM 4836100044

**PUBLIC WATER SYSTEM/SUPPLY** REGISTRATION 1810187

**WASTEWATER** PERMIT WQ0002835000

**WASTEWATER** EPA ID TX0104710

**AIR EMISSIONS INVENTORY** ACCOUNT NUMBER OC0056T

**Compliance History Period:** September 01, 2007 to August 31, 2012 **Rating Year:** 2012 **Rating Date:** 09/01/2012

**Date Compliance History Report Prepared:** February 12, 2013

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** February 12, 2008 to February 12, 2013

**TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.**

**Name:** Thomas Greimel

**Phone** (512) 239-5690

**Site and Owner/Operator History:**

- 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 for #2, who is the current owner/operator? Alloy Polymers Orange LLC, OPERATOR  
Allow Polymers, Inc., OWNER
- 4) If YES for #2, who was/were the prior owner(s)/operator(s)? Jim Huber Corp Polymer Services Division, OWNER, 1/31/2001 to 2/25/2009  
Texas Polymer Services, Inc., OWNER, 1/31/2001 to 3/17/2008  
A. Schulman, Inc., OWNER, 8/19/1993 to 2/18/2008
- 5) If YES, when did the change(s) in owner or operator occur? 2/25/2009

**Components (Multimedia) for the Site Are Listed in Sections A - J**

**A. Final Orders, court judgments, and consent decrees:**

- 1 Effective Date: 03/08/2010 ADMINORDER 2009-1325-IWD-E (1660 Order-Agreed Order With Denial)  
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.

2 Effective Date: 05/08/2011 ADMINORDER 2010-1645-IWD-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

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

Rqmt Prov: Effluent Limits PERMIT

Description: Failure to comply with permit effluent limits for total zinc, total suspended solids, and 5-day biochemical oxygen demand..

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

**D. The approval dates of investigations (CCEDS Inv. Track. No.):**

Item 1	March 07, 2008	(676484)
Item 2	April 10, 2008	(676485)
Item 3	May 14, 2008	(694951)
Item 4	May 23, 2008	(466607)
Item 5	June 19, 2008	(694952)
Item 6	December 18, 2008	(731919)
Item 7	February 09, 2009	(755306)
Item 8	June 04, 2009	(772399)
Item 9	August 18, 2009	(817221)
Item 10	September 18, 2009	(817222)
Item 11	October 02, 2009	(817220)
Item 12	November 20, 2009	(817224)
Item 13	March 31, 2010	(797000)
Item 14	October 20, 2011	(972868)
Item 15	November 18, 2011	(979005)
Item 16	February 17, 2012	(999507)
Item 17	April 11, 2012	(1011605)
Item 18	May 18, 2012	(1017982)
Item 19	June 19, 2012	(1025728)
Item 20	July 19, 2012	(1033077)
Item 21	September 14, 2012	(1048509)

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

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1 Date: 02/29/2012 (1005047) CN603334343  
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

2 Date: 01/24/2013 (1050787) CN603334343  
Self Report? NO Classification: Moderate  
Citation: ELMR 1 PERMIT  
Description: Failure by Alloy Polymers Orange, LLC to comply with effluent limitations for biochemical oxygen demand, total organic carbon, total suspended solids, and total zinc for Outfall 002.

Self Report?	NO	Classification:	Minor
Citation:	ELMR 2 PERMIT		
Description:	Failure by Alloy Polymer Orange, LLC to comply with the pH effluent limitations for Outfall 002.		
Self Report?	NO	Classification:	Minor
Citation:	OpR 1 PERMIT		
Description:	Failure by Alloy Polymers Orange, LLC to properly operate and maintain all units of collection, treatment, and disposal.		
Self Report?	NO	Classification:	Moderate
Citation:	MRR 2 PERMIT		
Description:	Failure by Alloy Polymers Orange, LLC to comply with test procedures specified in 30 TAC 319.11 - 319.12.		
Self Report?	NO	Classification:	Moderate
Citation:	MRR 2 PERMIT		
Description:	Failure by Alloy Polymers Orange, LLC to comply with test procedures specified in 30 TAC 319.11 - 319.12.		

**Published Compliance History Report for CN603334343, RN100590207, Rating Year 2012 which includes Compliance History (CH) components from February 12, 2008, through February 12, 2013.**

**F. Environmental audits:**

**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  
ALLOY POLYMERS ORANGE,  
LLC  
RN100590207

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

AGREED ORDER  
DOCKET NO. 2013-0353-IHW-E

I. JURISDICTION AND STIPULATIONS

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Alloy Polymers Orange, LLC ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 361 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a plastics resin processing facility at 6522 Interstate Highway 10 West in Orange, Orange County, Texas (the "Facility").
2. The Facility involves or involved the management of industrial solid waste as defined in TEX. HEALTH & SAFETY CODE ch. 361.
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about February 9, 2013.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Fifty Thousand Three Hundred Seventy-Five Dollars (\$50,375) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Forty Thousand Three Hundred

Dollars (\$40,300) of the administrative penalty and Ten Thousand Seventy-Five Dollars (\$10,075) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
  - a. Provided documentation demonstrating that adequate hazardous waste determinations and waste classifications had been conducted on damaged or off-specification plastic pellets, damaged or off-specification plastic film, laboratory-tested materials, floor sweepings, solid process filter waste, pre-treatment acetic acid and water mixture, post-treatment acetic acid and water mixture, process waste waters, and corrosive waste spilled into the secondary containment for the acetic acid elementary neutralization tank by April 11, 2013;
  - b. Provided documentation on March 27, 2013, that records of all hazardous and industrial solid waste activities are being maintained;
  - c. Provided documentation on March 27, 2013, that the Facility's notice of registration ("NOR") has been updated to include the acetic acid and water mixture, plastic pellets and film, plant trash, and unused dry chemical additive waste streams and the identification of waste management units on March 27, 2013; and
  - d. Provided documentation on June 17, 2013, demonstrating that recycled plastic materials generated at the Facility are not solid wastes and are exempt from regulation as a solid waste.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

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

1. Failed to conduct a hazardous waste determination and waste classification, in violation of 30 TEX. ADMIN. CODE §§ 335.62, 335.503, and 335.504 and 40 CODE OF FEDERAL REGULATIONS ("CFR") § 262.11, as documented during an investigation conducted on November 12, 2012. Specifically, a hazardous waste determination was not conducted on damaged or off-specification plastic pellets, damaged or off-specification plastic film, laboratory-tested materials, floor sweepings, solid process filter waste, pre-treatment acetic acid and water mixture, post-treatment acetic acid and water mixture, process waste waters, and corrosive waste spilled into the secondary containment for the acetic acid elementary neutralization tank.
2. Failed to maintain records of all hazardous and industrial solid waste activities, in violation of 30 TEX. ADMIN. CODE §§ 335.9(a)(1) and 335.513(a), as documented during an investigation conducted on November 12, 2012. Specifically, the Respondent did not maintain a record of the description, character, and classification of each waste; the quantity of each waste stream generated each month; the quantity held in on-site storage as of December 31 of each calendar year; the quantity processed or disposed of at each on-site facility during the calendar year; the method of storage, processing, or disposal; the quantity shipped off-site for storage, processing, or disposal each calendar year, including name, address, and location of each off-site facility and transporter receiving shipments; the location of all hazardous waste accumulation areas; and a complete and correct Annual Waste Summary detailing the management of each hazardous and Class 1 waste generated on-site during the reporting calendar year.
3. Failed to update the Facility's NOR, in violation of 30 TEX. ADMIN. CODE § 335.6, as documented during an investigation conducted on November 12, 2012. Specifically, the NOR was not updated to include the acetic acid and water mixture, plastic pellets and film, plant trash, or waste or unused dry chemical additives waste streams and did not identify waste management units, such as the elementary neutralization tanks, and the dock area where scrap materials are stored.
4. Failed to demonstrate that there is a known market or disposition for materials being recycled, and that they meet the terms of the exclusion or exemption from the definition of a solid waste, in violation of 30 TEX. ADMIN. CODE § 335.1(138)(I) and 40 CFR § 261.2(f), as documented during an investigation conducted on November 12, 2012. Specifically, the Respondent did not provide appropriate documentation which demonstrates that materials generated at the Facility are not solid wastes or are exempt from regulation.

## III. DENIALS

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

#### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Alloy Polymers Orange, LLC, Docket No. 2013-0353-IHW-E" to:

Financial Administration Division, Revenue Operations 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 Facility operations referenced in this Agreed Order.
3. 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.
4. 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.
5. 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.

## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

Penn D. Nowell J  
For the Executive Director

10/21/13  
Date

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

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

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

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

[Signature]  
Signature

6/28/13  
Date

GLENN S. MUNSHAW  
Name (Printed or typed)  
Authorized Representative of  
Alloy Polymers Orange, LLC

EVP- OPERATIONS  
Title

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