

**Executive Summary – Enforcement Matter – Case No. 44154
Wyman-Gordon Forgings, Inc.
RN100217413
Docket No. 2012-1056-IWD-E**

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

IWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

Wyman Gordon Forgings, located at 10825 Telge Road, on the southwest corner of the intersection of U.S. Highway 290 and Telge Road, south of Cypress, Harris County

Type of Operation:

Wastewater treatment facility

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: October 26, 2012

Comments Received: No

Penalty Information

Total Penalty Assessed: \$22,687

Amount Deferred for Expedited Settlement: \$4,537

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$18,150

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: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002 and September 2011

**Executive Summary – Enforcement Matter – Case No. 44154
Wyman-Gordon Forgings, Inc.
RN100217413
Docket No. 2012-1056-IWD-E**

Investigation Information

Complaint Date(s): N/A
Complaint Information: N/A
Date(s) of Investigation: March 22, 2012
Date(s) of NOE(s): April 10, 2012

Violation Information

Failed to comply with permitted effluent limitations for dissolved oxygen, 5-day biochemical oxygen demand, and chemical oxygen demand [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System (“TPDES”) Permit No. WQ0001402000 Effluent Limitations and Monitoring Requirements No. 1, Outfalls Nos. 001 and 002].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require Respondent to, within 90 days, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0001402000, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations.

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: Jacquelyn Green, Enforcement Division, Enforcement Team 1, MC 169, (512) 239-2587; Debra Barber, Enforcement Division, MC 219, (512) 239-0412
TCEQ SEP Coordinator: N/A

Executive Summary – Enforcement Matter – Case No. 44154
Wyman-Gordon Forgings, Inc.
RN100217413
Docket No. 2012-1056-IWD-E

Respondent: John McKnight, Vice President & General Manager, Wyman-Gordon Forgings, Inc., P.O. Box 40456, Houston, Texas 77240-0456
Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	16-Apr-2012	Screening	26-Apr-2012	EPA Due	5-Jun-2012
	PCW	11-May-2012				

RESPONDENT/FACILITY INFORMATION	
Respondent	Wyman-Gordon Forgings, Inc.
Reg. Ent. Ref. No.	RN100217413
Facility/Site Region	12-Houston
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	44154	No. of Violations	1
Docket No.	2012-1056-IWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Jacquelyn Green
		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$2,500
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	65.0% Enhancement	Subtotals 2, 3, & 7	\$1,625
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Notes: Enhancement for seven months of self-reported effluent violations, five NOV's with dissimilar violations, and one order with denial of liability.

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

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

SUM OF SUBTOTALS 1-7	Final Subtotal	\$4,125
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$4,125
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$4,125
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DEFERRAL	20.0% Reduction	Adjustment	-\$825
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$3,300
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Screening Date 26-Apr-2012

Docket No. 2012-1056-IWD-E

PCW

Respondent Wyman-Gordon Forgings, Inc.

Policy Revision 2 (September 2002)

Case ID No. 44154

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100217413

Media [Statute] Water Quality

Enf. Coordinator Jacquelyn Green

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>)	7	35%
	Other written NOVs	5	10%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%

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) 65%

>> 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 seven months of self-reported effluent violations, five NOVs with dissimilar violations, and one order with denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 65%

Screening Date 26-Apr-2012

Docket No. 2012-1056-IWD-E

PCW

Respondent Wyman-Gordon Forgings, Inc.

Policy Revision 2 (September 2002)

Case ID No. 44154

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100217413

Media [Statute] Water Quality

Enf. Coordinator Jacquelyn Green

Violation Number 1

Rule Cite(s)

Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0001402000, Effluent Limitations and Monitoring Requirements No. 1, Outfall No. 002

Violation Description

Failed to comply with permitted effluent limitations, as documented in a record review conducted on March 22, 2012, and shown in the attached violation table.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 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 environmental receptors as a result of the violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

31 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$2,500

One quarterly event is recommended for the quarter containing the month of March 2011.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDRP/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 \$2,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$4,125

This violation Final Assessed Penalty (adjusted for limits) \$4,125

Economic Benefit Worksheet

Respondent Wyman-Gordon Forgings, Inc.

Case ID No. 44154

Reg. Ent. Reference No. RN100217413

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
<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

Economic benefit is included on the accompanying PCW.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES	Assigned	16-Apr-2012	Screening	26-Apr-2012	EPA Due	5-Jun-2012
	PCW	11-May-2012				

RESPONDENT/FACILITY INFORMATION

Respondent	Wyman-Gordon Forgings, Inc.		
Reg. Ent. Ref. No.	RN100217413		
Facility/Site Region	12-Houston	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	44154	No. of Violations	1
Docket No.	2012-1056-IWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Jacquelyn Green
		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$11,250
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	65.0% Enhancement	Subtotals 2, 3, & 7	\$7,312
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Notes: Enhancement for seven months of self-reported effluent violations, five NOV's with dissimilar violations, and one order with denial of liability.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$927
 Approx. Cost of Compliance: \$10,000
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$18,562
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$18,562
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$18,562
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DEFERRAL	20.0% Reduction	Adjustment	-\$3,712
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$14,850
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Screening Date 26-Apr-2012

Docket No. 2012-1056-IWD-E

PCW

Respondent Wyman-Gordon Forgings, Inc.

Policy Revision 3 (September 2011)

Case ID No. 44154

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100217413

Media [Statute] Water Quality

Enf. Coordinator Jacquelyn Green

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>)	7	35%
	Other written NOVs	5	10%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%

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) 65%

>> 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 seven months of self-reported effluent violations, five NOVs with dissimilar violations, and one order with denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 65%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 65%

Screening Date 26-Apr-2012

Docket No. 2012-1056-IWD-E

PCW

Respondent Wyman-Gordon Forgings, Inc.

Policy Revision 3 (September 2011)

Case ID No. 44154

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100217413

Media [Statute] Water Quality

Enf. Coordinator Jacquelyn Green

Violation Number 1

Rule Cite(s) Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0001402000, Effluent Limitations and Monitoring Requirements No. 1, Outfall Nos. 001 and 002

Violation Description Failed to comply with permitted effluent limitations, as documented in a record review conducted on March 22, 2012, and shown in the attached violation table.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual			X	15.0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

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

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 3 92 Number of violation days

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

Violation Base Penalty \$11,250

Three quarterly events are recommended, two quarters for Outfall No. 001 for the months of September 2011, October 2011, and December 2011, and one quarter for Outfall No. 002 for the month of September 2011.

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 \$11,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$927

Violation Final Penalty Total \$18,563

This violation Final Assessed Penalty (adjusted for limits) \$18,563

Economic Benefit Worksheet

Respondent Wyman-Gordon Forgings, Inc.
Case ID No. 44154
Reg. Ent. Reference No. RN100217413
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
<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)	\$10,000	31-Mar-2011	5-Feb-2013	1.85	\$927	n/a	\$927

Notes for DELAYED costs

Estimated cost to evaluate the cause of the non-compliance and to implement corrective actions. Date required is the first date of non-compliance. Final date is the anticipated 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

\$10,000

TOTAL

\$927

Wyman-Gordon Forgings, Inc.
TPDES Permit No. WQ0001402000
Docket No. 2012-1056-IWD-E

	BOD₅ Daily Average Concentration	BOD₅ Daily Maximum Concentration	Chemical Oxygen Demand Daily Maximum Concentration	Dissolved Oxygen Monthly Minimum Concentration
Months:	Limit = 15 (mg/L)	Limit = 20 (mg/L)	Limit = 150 (mg/L)	Limit = 5 (mg/L)
<i>Outfall No. 001</i>				
September 2011	c	22	c	N/A
October 2011	28.3	83.2	c	N/A
December 2011	19.3	83.2	198	N/A
<i>Outfall No. 002</i>				
March 2011	N/A	N/A	N/A	4.1
September 2011	N/A	N/A	N/A	1.96

mg/L = milligrams per liter

c = compliant

BOD₅ = biochemical oxygen demand (five-day)

N/A = not applicable

Compliance History Report

Customer/Respondent/Owner-Operator:	CN600129167	Wyman-Gordon Forgings, Inc.	Classification: AVERAGE	Rating: 2.12
Regulated Entity:	RN100217413	WYMAN GORDON FORGINGS	Classification: AVERAGE	Site Rating: 1.24
ID Number(s):	WASTE WATER GENERAL PERMIT	PERMIT		2E0000008
	AIR OPERATING PERMITS	ACCOUNT NUMBER		HG0114A
	AIR OPERATING PERMITS	PERMIT		1031
	INDUSTRIAL AND HAZARDOUS WASTE	EPA ID		TXD008085763
	INDUSTRIAL AND HAZARDOUS WASTE	SOLID WASTE REGISTRATION # (SWR)		31270
	WASTEWATER	PERMIT		WQ0001402000
	WASTEWATER	EPA ID		TX0042129
	PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION		363
	AIR NEW SOURCE PERMITS	REGISTRATION		11579
	AIR NEW SOURCE PERMITS	REGISTRATION		11859
	AIR NEW SOURCE PERMITS	REGISTRATION		12714
	AIR NEW SOURCE PERMITS	REGISTRATION		13587
	AIR NEW SOURCE PERMITS	REGISTRATION		10647
	AIR NEW SOURCE PERMITS	REGISTRATION		11195
	AIR NEW SOURCE PERMITS	REGISTRATION		11423
	AIR NEW SOURCE PERMITS	REGISTRATION		13463
	AIR NEW SOURCE PERMITS	REGISTRATION		14143
	AIR NEW SOURCE PERMITS	REGISTRATION		14522
	AIR NEW SOURCE PERMITS	REGISTRATION		34274
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER		HG0114A
	AIR NEW SOURCE PERMITS	REGISTRATION		11258
	AIR NEW SOURCE PERMITS	PERMIT		3456A
	AIR NEW SOURCE PERMITS	PERMIT		6688
	AIR NEW SOURCE PERMITS	PERMIT		7417
	AIR NEW SOURCE PERMITS	PERMIT		8040
	AIR NEW SOURCE PERMITS	PERMIT		8126
	AIR NEW SOURCE PERMITS	PERMIT		8445
	AIR NEW SOURCE PERMITS	REGISTRATION		11111
	AIR NEW SOURCE PERMITS	AFS NUM		4820100002
	AIR NEW SOURCE PERMITS	REGISTRATION		98495
	WASTEWATER LICENSING	LICENSE		WQ0001402000
	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION		1010911
	POLLUTION PREVENTION PLANNING	ID NUMBER		P00938
	AIR EMISSIONS INVENTORY	ACCOUNT NUMBER		HG0114A

Location: 10825 Telge Road, on the southwest corner of the intersection of United States Highway 290 and Telge Road, south of the Town of Cypress, Harris County, Texas

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: May 14, 2012

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: May 14, 2007 to May 14, 2012

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

Name: Jacquelyn Green Phone: (512) 239 - 2587

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: 02/22/2009

ADMINORDER 2008-1351-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(C)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: O-01031 General Terms and Conditions OP

Description: Failure to submit the semiannual deviation report with in 30 days of the end of the deviation reporting period.

See addendum for information regarding federal actions.

- 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	03/19/2012	(1004023)	9	11/20/2007	(621491)
2	05/18/2007	(580206)	10	12/17/2007	(621492)
3	06/20/2007	(580207)	11	01/18/2008	(621493)
4	07/20/2007	(580208)	12	02/19/2008	(673463)
5	08/20/2007	(608009)	13	03/20/2008	(673464)
6	09/20/2007	(608010)	14	04/20/2008	(673465)
7	10/19/2007	(608011)	15	07/30/2008	(681562)
8	10/03/2007	(608627)	16	06/14/2008	(682000)

17	05/20/2008	(691693)	45	04/23/2010	(832373)
18	06/20/2008	(691694)	46	05/20/2010	(832374)
19	07/18/2008	(691695)	47	06/18/2010	(846728)
20	08/20/2008	(712657)	48	07/20/2010	(861256)
21	09/10/2008	(712658)	49	08/20/2010	(867401)
22	10/17/2008	(712659)	50	03/23/2011	(870022)
23	11/19/2008	(728874)	51	09/20/2010	(874427)
24	12/22/2008	(728875)	52	10/19/2010	(882007)
25	01/06/2009	(728876)	53	11/09/2010	(888485)
26	04/20/2009	(743010)	54	12/28/2010	(896810)
27	09/03/2009	(747000)	55	01/18/2011	(902777)
28	06/15/2009	(749280)	56	04/15/2011	(908657)
29	02/18/2009	(752001)	57	02/17/2011	(909612)
30	03/09/2009	(752002)	58	03/16/2011	(916836)
31	04/17/2009	(752003)	59	06/09/2011	(922129)
32	03/09/2009	(752004)	60	06/30/2011	(922559)
33	05/20/2009	(769757)	61	04/12/2011	(926471)
34	10/28/2009	(778778)	62	05/17/2011	(938548)
35	05/17/2010	(800482)	63	08/17/2011	(944362)
36	02/22/2010	(808771)	64	06/01/2011	(945918)
37	07/09/2009	(808772)	65	07/01/2011	(953175)
38	08/07/2009	(808773)	66	08/02/2011	(959816)
39	08/07/2009	(808774)	67	09/01/2011	(965857)
40	10/20/2009	(808775)	68	11/02/2011	(971899)
41	11/20/2009	(808776)	69	11/03/2011	(978066)
42	12/21/2009	(808777)	70	12/02/2011	(984835)
43	01/20/2010	(808778)	71	01/17/2012	(991125)
44	03/20/2010	(832372)	72	04/11/2012	(995175)
			73	02/20/2012	(998488)

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

Date: 10/03/2007 (608627) CN600129167
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: 06/16/2009 (749280) CN600129167
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 317 317.4(g)(2)
Description: Failure to provide the required freeboard.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
WQ0001402000 PERMIT

Description: Failure to maintain the domestic wastewater treatment package plants.
Self Report? NO Classification: Major
Citation: 30 TAC Chapter 317 317.6(b)(3)(B)
Description: Failure to maintain adequate detention time for disinfection.

Date: 07/31/2010 (867401) CN600129167
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: 03/23/2011 (870022) CN600129167
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)
Description: Failure to update the Notice of Registration (NOR) as required.
Self Report? NO Classification: Major
Citation: 30 TAC Chapter 335, SubChapter C 335.69(f)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(d)
Description: Failure to have a permit or interim status to store hazardous waste for more than 180 days.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter Q 335.474
Description: Failure to prepare a new 5-year Source Reduction and Waste Minimization Plan.

Date: 03/31/2011 (926471) CN600129167
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: 04/15/2011 (908657) CN600129167
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
Description: Failure to maintain the required 2 feet of freeboard in the wastewater ponds.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 319, SubChapter A 319.7(c)
Description: Failed to submit discharge monitoring reports for biomonitoring and semi-annual effluent parameters.

Date: 06/30/2011 (922559) CN600129167
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
General Terms & Conditions OP

Description: Failure to report all instances of deviations beginning March 31, 2007. (Category C7 Violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.146(1)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP

Description: Failure to include January 3, 2009 in the permit certification period for 2009. (Category C7 Violation)

Date: 09/30/2011 (971899) CN600129167

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 (978066) CN600129167

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: 12/31/2011 (991125) CN600129167

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: 01/31/2012 (998488) CN600129167

Self Report? YES Classification: Moderate

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

Description: Failure to meet the limit for one or more permit parameter

Date: 02/29/2012 (1004023) CN600129167

Self Report? YES Classification: Moderate

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

Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
WYMAN-GORDON FORGINGS,
INC.
RN100217413**

§
§
§
§
§

**BEFORE THE

TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2012-1056-IWD-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 Wyman-Gordon Forgings, Inc. ("Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a wastewater treatment facility located at 10825 Telge Road, on the southwest corner of the intersection of United States Highway 290 and Telge Road, south of Cypress, Harris County, Texas (the "Facility").
2. The Respondent has discharged industrial waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The 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 April 15, 2012.
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 Twenty-Two Thousand Six Hundred Eighty-Seven Dollars (\$22,687) is assessed by the Commission in settlement of the violations

alleged in Section II ("Allegations"). The Respondent has paid Eighteen Thousand One Hundred Fifty Dollars (\$18,150) of the administrative penalty and Four Thousand Five Hundred Thirty-Seven Dollars (\$4,537) 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 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.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have failed to comply with permitted effluent limitations, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0001402000 Effluent Limitations and Monitoring Requirements No. 1, Outfall Nos. 001 and 002, as documented in a record review conducted on March 22, 2012, and shown in the table below:

	BOD₅ Daily Average Concentration	BOD₅ Daily Maximum Concentration	Chemical Oxygen Demand Daily Maximum Concentration	Dissolved Oxygen Monthly Minimum Concentration
Months:	Limit = 15 (mg/L)	Limit = 20 (mg/L)	Limit = 150 (mg/L)	Limit = 5 (mg/L)
Outfall No. 001				
September 2011	c	22	c	N/A
October 2011	28.3	83.2	c	N/A
December 2011	19.3	83.2	198	N/A
Outfall No. 002				
March 2011	N/A	N/A	N/A	4.1
September 2011	N/A	N/A	N/A	1.96

mg/L = milligrams per liter
c = compliant
BOD₅ = biochemical oxygen demand (five-day)
N/A = not applicable

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: Wyman-Gordon Forgings, Inc., Docket No. 2012-1056-IWD-E" to:

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

2. It is further ordered that the Respondent shall, within 90 days after the effective date of this Agreed Order, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0001402000, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with the permitted effluent limitations. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

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

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent

shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

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

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Pam Dawkins
For the Executive Director

12/21/12
Date

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

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

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

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

[Signature]
Signature

8/16/12
Date

JOHN MCKENIGHT
Name (Printed or typed)
Authorized Representative of
Wyman-Gordon Forgings, Inc.

VP; GM
Title

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