

Executive Summary – Enforcement Matter – Case No. 44558
Gulf Marine Fabricators, L.P.
RN101513406
Docket No. 2012-1415-MWD-E

Order Type:

Findings Agreed Order

Findings Order Justification:

Three or more enforcement actions (NOVs, orders, etc.) over the prior five year period for the same violation(s).

Media:

MWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

Gulf Marine Fabricators North, located at 1982 Farm-to-Market Road ("FM") 2725, on the east side of FM Road 2725 approximately one-half mile southeast of the intersection of State Highway 361 and FM Road 2725, San Patricio 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: November 16, 2012

Comments Received: No

Penalty Information

Total Penalty Assessed: \$2,462

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$2,462

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 2011

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: June 2, 2012

Date(s) of NOE(s): July 10, 2012

Executive Summary – Enforcement Matter – Case No. 44558
Gulf Marine Fabricators, L.P.
RN101513406
Docket No. 2012-1415-MWD-E

Violation Information

Failed to comply with permitted effluent limits for total suspended solids and 5-day biochemical 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. WQ0012064001, Effluent Limitations and Monitoring Requirements No. 1].

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 effluent limits of TPDES Permit No. WQ0012064001, 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: Nick Nevid, Enforcement Division, Enforcement Team 3, MC 169, (512) 239-2612; Debra Barber, Enforcement Division, MC 219, (512) 239-0412

TCEQ SEP Coordinator: N/A

Respondent: Jack Johnson, HSE Coordinator, Gulf Marine Fabricators, L.P., P.O. Box 3000, Aransas Pass, Texas 78335
Frank Smith, President, Gulf Marine Fabricators, L.P., P.O. Box 3000, Aransas Pass, Texas 78335

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

| | | | | | | |
|--------------|-----------------|-------------|------------------|-------------|----------------|--|
| DATES | Assigned | 16-Jul-2012 | Screening | 17-Jul-2012 | EPA Due | |
| | PCW | 17-Jul-2012 | | | | |

| | |
|--|-------------------------------|
| RESPONDENT/FACILITY INFORMATION | |
| Respondent | Gulf Marine Fabricators, L.P. |
| Reg. Ent. Ref. No. | RN101513406 |
| Facility/Site Region | 14-Corpus Christi |
| Major/Minor Source | Minor |

| | | | |
|--|-----------------|------------------------------|--------------------|
| CASE INFORMATION | | No. of Violations | 1 |
| Enf./Case ID No. | 44558 | Order Type | Findings |
| Docket No. | 2012-1415-MWD-E | Government/Non-Profit | No |
| Media Program(s) | Water Quality | Enf. Coordinator | Nick Nevid |
| Multi-Media | | EC's Team | Enforcement Team 3 |
| Admin. Penalty \$ Limit Minimum | \$0 | Maximum | \$25,000 |

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$1,250**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **100.0%** Enhancement **Subtotals 2, 3, & 7** **\$1,250**

Notes: Enhancement for 14 months of self-reported effluent violations, three NOV's with same/similar violations, and one order with denial language.

Culpability **No** **0.0%** Enhancement **Subtotal 4** **\$0**

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** **\$0**

Economic Benefit **0.0%** Enhancement* **Subtotal 6** **\$0**

Total EB Amounts \$600
Approx. Cost of Compliance \$10,000
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$2,500**

OTHER FACTORS AS JUSTICE MAY REQUIRE **-1.5%** **Adjustment** **-\$38**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Recommended reduction to prevent double enhancement for violations that were self-reported.

Final Penalty Amount **\$2,462**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$2,462**

DEFERRAL **0.0%** Reduction **Adjustment** **\$0**

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 **\$2,462**

Screening Date 17-Jul-2012

Docket No. 2012-1415-MWD-E

PCW

Respondent Gulf Marine Fabricators, L.P.

Policy Revision 3 (September 2011)

Case ID No. 44558

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101513406

Media [Statute] Water Quality

Enf. Coordinator Nick Nevid

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>) | 17 | 85% |
| | Other written NOVs | 0 | 0% |
| 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% |
| <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) 105%

>> 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 14 months of self-reported effluent violations, three NOVs with same/similar violations, and one order with denial language.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 105%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 100%

Screening Date 17-Jul-2012

Docket No. 2012-1415-MWD-E

PCW

Respondent Gulf Marine Fabricators, L.P.

Policy Revision 3 (September 2011)

Case ID No. 44558

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101513406

Media [Statute] Water Quality

Enf. Coordinator Nick Nevid

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. WQ0012064001, Effluent Limitations and Monitoring Requirements No. 1

Violation Description

Failed to comply with permitted effluent limits, as documented during a record review conducted on June 2, 2012, and as shown in the attached violation table.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

| Release | Harm | | |
|-----------|-------|----------|-------|
| | Major | Moderate | Minor |
| Actual | | | X |
| Potential | | | |

Percent 5.0%

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor |
|---------------|-------|----------|-------|
| | | | |

Percent 0.0%

Matrix Notes

A simplified model was used to evaluate biochemical oxygen demand to determine whether the discharged amount of pollutants exceeded levels protective of human health or the environment. In addition, total suspended solids were considered. 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 \$23,750

\$1,250

Violation Events

Number of Violation Events 1

60 Number of violation days

| | |
|--------------|---|
| daily | |
| weekly | |
| monthly | |
| quarterly | X |
| semiannual | |
| annual | |
| single event | |

mark only one with an x

Violation Base Penalty \$1,250

One quarterly event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

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

Violation Subtotal \$1,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$600

Violation Final Penalty Total \$2,463

This violation Final Assessed Penalty (adjusted for limits) \$2,463

Economic Benefit Worksheet

Respondent Gulf Marine Fabricators, L.P.
Case ID No. 44558
Reg. Ent. Reference No. RN101513406
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-Jan-2012 | 13-Apr-2013 | 1.20 | \$600 | n/a | \$600 |

Notes for DELAYED costs

Estimated cost to determine the cause of noncompliance and to make any necessary repairs/adjustments to the Facility. Date required is the initial date of noncompliance. Final date is the expected 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

\$600

Gulf Marine Fabricators, L.P.
TPDES Permit No. WQ0012064001
Docket No. 2012-1415-MWD-E

| Effluent Violation Table | | |
|---|-------------------|---------------|
| Permitted Effluent Limits | Monitoring Period | |
| | January 2012 | February 2012 |
| BOD ₅ Daily Average Concentration (Limit = 20 mg/l) | 27.25 | 20.75 |
| TSS Daily Average Concentration (Limit = 20 mg/l) | 53.5 | 28.5 |
| TSS Single Grab Concentration (Limit = 65 mg/l) | 66 | c |
| TSS Daily Average Loading (Limit = 2.0 lbs/day) | 2.92 | c |

BOD₅ = Biochemical Oxygen Demand (5-day)

TSS = Total Suspended Solids

mg/l = milligrams per liter

lbs/day = pounds per day

c = compliant

Compliance History Report

| | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|--|-------------------------|-------------------|-------------------------------------|-----------|---------|------------|--------|--------------|------------|--------|-----------|------------------------|--------------|-------|--------------|--|--|--------------------------------|--------|--------------|--------------------------------|----------------------------------|-------|------------------------|--------|-------|------------------------|----------------|---------|------------------------|---------|------------|------------|--------|-----------|--------|--------------|-------|-------------------------|----------------|---------|
| Customer/Respondent/Owner-Operator: | CN603692716 Gulf Marine Fabricators, L.P. | Classification: AVERAGE | Rating: 1.45 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Regulated Entity: | RN101513406 GULF MARINE FABRICATORS NORTH | Classification: AVERAGE | Site Rating: 1.45 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| ID Number(s): | <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">MUNICIPAL SOLID WASTE NON PERMITTED</td> <td style="width: 25%;">ID NUMBER</td> <td style="width: 25%;">COU0052</td> </tr> <tr> <td>WASTEWATER</td> <td>PERMIT</td> <td>WQ0012064001</td> </tr> <tr> <td>WASTEWATER</td> <td>EPA ID</td> <td>TX0078743</td> </tr> <tr> <td>PETROLEUM STORAGE TANK</td> <td>REGISTRATION</td> <td>52284</td> </tr> <tr> <td>REGISTRATION</td> <td></td> <td></td> </tr> <tr> <td>INDUSTRIAL AND HAZARDOUS WASTE</td> <td>EPA ID</td> <td>TXD121488902</td> </tr> <tr> <td>INDUSTRIAL AND HAZARDOUS WASTE</td> <td>SOLID WASTE REGISTRATION # (SWR)</td> <td>37946</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>PERMIT</td> <td>6364A</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>ACCOUNT NUMBER</td> <td>SD0014C</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>AFS NUM</td> <td>4840900040</td> </tr> <tr> <td>STORMWATER</td> <td>PERMIT</td> <td>TXR05AA95</td> </tr> <tr> <td>SLUDGE</td> <td>REGISTRATION</td> <td>21285</td> </tr> <tr> <td>AIR EMISSIONS INVENTORY</td> <td>ACCOUNT NUMBER</td> <td>SD0014C</td> </tr> </table> | | | MUNICIPAL SOLID WASTE NON PERMITTED | ID NUMBER | COU0052 | WASTEWATER | PERMIT | WQ0012064001 | WASTEWATER | EPA ID | TX0078743 | PETROLEUM STORAGE TANK | REGISTRATION | 52284 | REGISTRATION | | | INDUSTRIAL AND HAZARDOUS WASTE | EPA ID | TXD121488902 | INDUSTRIAL AND HAZARDOUS WASTE | SOLID WASTE REGISTRATION # (SWR) | 37946 | AIR NEW SOURCE PERMITS | PERMIT | 6364A | AIR NEW SOURCE PERMITS | ACCOUNT NUMBER | SD0014C | AIR NEW SOURCE PERMITS | AFS NUM | 4840900040 | STORMWATER | PERMIT | TXR05AA95 | SLUDGE | REGISTRATION | 21285 | AIR EMISSIONS INVENTORY | ACCOUNT NUMBER | SD0014C |
| MUNICIPAL SOLID WASTE NON PERMITTED | ID NUMBER | COU0052 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| WASTEWATER | PERMIT | WQ0012064001 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| WASTEWATER | EPA ID | TX0078743 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| PETROLEUM STORAGE TANK | REGISTRATION | 52284 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| REGISTRATION | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| INDUSTRIAL AND HAZARDOUS WASTE | EPA ID | TXD121488902 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| INDUSTRIAL AND HAZARDOUS WASTE | SOLID WASTE REGISTRATION # (SWR) | 37946 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| AIR NEW SOURCE PERMITS | PERMIT | 6364A | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| AIR NEW SOURCE PERMITS | ACCOUNT NUMBER | SD0014C | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| AIR NEW SOURCE PERMITS | AFS NUM | 4840900040 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| STORMWATER | PERMIT | TXR05AA95 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| SLUDGE | REGISTRATION | 21285 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| AIR EMISSIONS INVENTORY | ACCOUNT NUMBER | SD0014C | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Location: | Located at 1982 Farm-to-Market Road 2725, on the east side of Farm-to-Market Road 2725 approximately one-half mile southeast of the intersection of State Highway 361 and Farm-to-Market Road 2725 in San Patricio County, Texas 78336 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| TCEQ Region: | REGION 14 - CORPUS CHRISTI | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Date Compliance History Prepared: | July 16, 2012 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Agency Decision Requiring Compliance History: | Enforcement | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Compliance Period: | July 16, 2007 to July 16, 2012 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

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

Name: Nick Nevid Phone: (512) 239 - 2612

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: 12/25/2010 ADMINORDER 2010-1064-MWD-E
 - Classification: Moderate
 - Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
 - Rqmt Prov: Effluent Limits PERMIT
 - Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data.
- 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 03/13/2012 (1004542)
 - 2 07/11/2012 (1009257)

| | | |
|----|------------|-----------|
| 3 | 04/11/2012 | (1011122) |
| 4 | 05/09/2012 | (1017478) |
| 5 | 01/07/2008 | (623788) |
| 6 | 01/07/2008 | (623789) |
| 7 | 01/07/2008 | (623790) |
| 8 | 01/07/2008 | (623791) |
| 9 | 01/07/2008 | (623792) |
| 10 | 01/07/2008 | (623793) |
| 11 | 01/07/2008 | (623794) |
| 12 | 01/07/2008 | (623795) |
| 13 | 01/07/2008 | (623796) |
| 14 | 01/07/2008 | (623797) |
| 15 | 01/07/2008 | (623798) |
| 16 | 01/07/2008 | (623799) |
| 17 | 01/07/2008 | (623800) |
| 18 | 01/24/2009 | (730547) |
| 19 | 12/16/2008 | (753751) |
| 20 | 02/25/2009 | (753752) |
| 21 | 04/14/2009 | (753753) |
| 22 | 12/16/2008 | (753754) |
| 23 | 12/16/2008 | (753755) |
| 24 | 04/14/2009 | (753756) |
| 25 | 12/16/2008 | (753757) |
| 26 | 12/16/2008 | (753758) |
| 27 | 12/16/2008 | (753759) |
| 28 | 12/16/2008 | (753760) |
| 29 | 12/16/2008 | (753761) |
| 30 | 12/16/2008 | (753762) |
| 31 | 12/16/2008 | (753763) |
| 32 | 12/16/2008 | (753764) |
| 33 | 05/19/2009 | (771154) |
| 34 | 06/12/2009 | (771155) |
| 35 | 11/10/2009 | (780578) |
| 36 | 06/25/2010 | (802726) |
| 37 | 02/19/2010 | (813390) |
| 38 | 08/31/2009 | (813391) |
| 39 | 03/26/2010 | (813392) |
| 40 | 09/11/2009 | (813393) |
| 41 | 10/20/2009 | (813394) |
| 42 | 11/19/2009 | (813395) |
| 43 | 12/21/2009 | (813396) |
| 44 | 01/19/2010 | (813397) |
| 45 | 06/10/2010 | (825778) |
| 46 | 03/18/2010 | (833939) |
| 47 | 04/21/2010 | (833940) |
| 48 | 05/18/2010 | (833941) |
| 49 | 06/18/2010 | (847210) |
| 50 | 07/17/2010 | (861666) |

51 08/20/2010 (868022)
 52 12/31/2010 (881387)
 53 12/14/2010 (897363)
 54 01/17/2011 (903254)
 55 02/08/2011 (910173)
 56 03/08/2011 (917384)
 57 04/12/2011 (928172)
 58 09/18/2010 (928173)
 59 10/07/2010 (928174)
 60 11/09/2010 (928175)
 61 05/10/2011 (939080)
 62 06/14/2011 (946463)
 63 07/12/2011 (953741)
 64 08/02/2011 (960353)
 65 09/13/2011 (966408)
 66 10/10/2011 (972420)
 67 11/08/2011 (978571)
 68 03/28/2012 (982685)
 69 12/13/2011 (985390)
 70 01/10/2012 (991672)
 71 02/14/2012 (999019)

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

Date: 01/31/2008 (753751) CN603692716
 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: 02/29/2008 (753754) CN603692716
 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: 03/31/2008 (753755) CN603692716
 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: 08/31/2008 (753761) CN603692716
 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: 01/31/2009 (753752) CN603692716
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 02/28/2009 (753753) CN603692716
 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: 03/31/2009 (753756) CN603692716
 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: 09/30/2009 (813394) CN603692716
 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: 11/11/2009 (780578) CN603692716
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
 Operational Requirements; No. 1, Pg. 9 PERMIT

Description: Failure to ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 319, SubChapter A 319.5(b)
 Eff. Limit. & Monitor Req.; No. 2, Pg. 2 PERMIT

Description: Failure to ensure that the effluent does not exceed a chlorine residual of 4.0 mg/l after a detention time of 20 minutes (based on peak flow), and monitor five times per week by grab sample.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 319, SubChapter A 319.11(d)

Description: Failure to conform to the flow measurements, equipment, installation, and procedures prescribed in the Water Measurement Manual, United States Department of the Interior Bureau of Reclamation, Washington, D.C., or methods that are equivalent as approved by the executive director.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Effluent Limitations; No. 1, Pg. 2 PERMIT

Description: Failure to comply with the effluent limitations (TSS) as specified in the permit.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 319, SubChapter A 319.7(a)
 Monitoring Requirements No. 3(c), Pg. 5 PERMIT

Description: Failure to maintain complete records of monitoring activities.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 319, SubChapter A 319.7(e)
 Monitoring & Report. Req.; No. 2, Pg. 4 PERMIT

Description: Failure to accurately report information on the Discharge Monitoring Reports (DMRs).
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Reporting Requirement; No. 7.c., Pg. 6 PERMIT

Description: Failure to report any effluent violation which deviates from the permitted effluent limitation by more than 40% in writing to the Regional Office and the Enforcement Division (MC 224) within 5 working days of becoming aware of the noncompliance.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 319, SubChapter A 319.6
 30 TAC Chapter 319, SubChapter A 319.9(c)
 Reporting Requirement, No. 1, Pg. 4 PERMIT

Description: Failure to conduct quality assurance requirements for wastewater analyses.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 319, SubChapter A 319.11(a)
 Reporting Requirements; No. 1, Pg. 4 PERMIT

Description: Failure to conduct effluent sampling and reporting in accordance with 30 TAC 319.4-319.12.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 30, SubChapter J 30.350(j)
 Other Requirements; No. 1, Pg. 23 PERMIT

Description: Failure to employ or contract with one or more licensed wastewater treatment facility operators or wastewater system operations companies holding a valid license in accordance with 30 TAC 30, Subchapter J. This Category D facility must be operated by a chief operator or an operator holding a Category D license or higher. The facility must be operated a minimum of five days per week by the licensed chief operator or an operator holding the required level of license or higher.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 319, SubChapter A 319.7(d)
 Reporting Requirement; No. 1, Pg. 4 PERMIT
 Description: Failure to submit the monthly effluent reports by the 20th day of the following month.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Other Requirements; No. 4, Pg. 23 PERMIT
 Description: Failure to report annually to the TCEQ Regional Office (MC Region 14) and Water Quality Compliance Monitoring Team (MC 224) of the Enforcement Division by September 1 of each year the following information: a. The volume and percent solids of sludge hauled; b. The date(s) that sludge was hauled; c. The identity of haulers; and d. The permittee, TCEQ permit number, and location of the wastewater treatment plant to which the sludge is hauled.

Date: 02/28/2010 (833939) CN603692716
 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 (833940) CN603692716

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: 06/10/2010 (825778) CN603692716

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Effluent Limitations; No. 1, Pg. 2 PERMIT
 Description: Failure to comply with the effluent limitations (TSS) as specified in the permit.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Reporting Requirement; No. 7.c., Pg. 6 PERMIT
 Description: Failure to report any effluent violation which deviates from the permitted effluent limitation by more than 40% in writing to the Regional Office and the Enforcement Division (MC 224) within 5 working days of becoming aware of the noncompliance.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 319, SubChapter A 319.7(d)
 Reporting Requirement; No. 1, Pg. 4 PERMIT
 Description: Failure to submit the monthly effluent reports by the 20th day of the following month.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Other Requirements; No. 4, Pg. 23 PERMIT
 Description: Failure to report annually to the TCEQ Regional Office (MC Region 14) and Water Quality Compliance Monitoring Team (MC 224) of the Enforcement Division by September 1 of each year the following information: a. The volume and percent solids of sludge hauled; b. The date(s) that sludge was hauled; c. The identity of haulers; and d. The permittee, TCEQ permit number, and location of the wastewater treatment plant to which the sludge is hauled.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Effluent Limitations; No. 3, Pg. 2 PERMIT
 Description: Failure to maintain a pH of not less than 6.0 standard units nor greater than 9.0 standard units.

Date: 01/31/2012 (999019) CN603692716
 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 (1004542) CN603692716

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: 03/28/2012 (982685) CN603692716
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Effluent Limits & Monitoring Req. 1. PERMIT
Description: Failed to discharge effluent meeting the TSS limit of 65 mg/L. Specifically, during an investigation conducted on February 1, 2012, a grab sample of effluent was collected by Environmental Investigator Kelsey Holmes and analyzed for TSS by the NELAP accredited TCEQ Houston Laboratory. The grab result for TSS was 110 mg/L.

Date: 03/31/2012 (1011122) CN603692716
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: 04/30/2012 (1017478) CN603692716
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 | § | BEFORE THE |
| ENFORCEMENT ACTION | § | |
| CONCERNING | § | TEXAS COMMISSION ON |
| GULF MARINE FABRICATORS, L.P. | § | |
| RN101513406 | § | ENVIRONMENTAL QUALITY |

AGREED ORDER
DOCKET NO. 2012-1415-MWD-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 Gulf Marine Fabricators, L.P. (“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 presented this agreement to the Commission.

The Respondent understands that it has 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 wastewater treatment facility located at 1982 Farm-to-Market Road 2725, on the east side of Farm-to-Market Road 2725 approximately one-half mile southeast of the intersection of State Highway 361 and Farm-to-Market Road 2725 in San Patricio County, Texas (the “Facility”).

2. The Respondent has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. During a record review on June 2, 2012, TCEQ staff documented the following from self-reported discharge monitoring reports ("DMRs"):

| Effluent Violation Table | | |
|---|-------------------|---------------|
| Permitted Effluent Limits | Monitoring Period | |
| | January 2012 | February 2012 |
| BOD ₅ Daily Average Concentration (Limit = 20 mg/l) | 27.25 | 20.75 |
| TSS Daily Average Concentration (Limit = 20 mg/l) | 53.5 | 28.5 |
| TSS Single Grab Concentration (Limit = 65 mg/l) | 66 | c |
| TSS Daily Average Loading (Limit = 2.0 lbs/day) | 2.92 | c |

BOD₅ = Biochemical Oxygen Demand (5-day)
 TSS = Total Suspended Solids
 mg/l = milligrams per liter
 lbs/day = pounds per day
 c = compliant

4. The Respondent received notice of the violations on July 13, 2012.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7 and 26 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the Respondent failed to comply with permitted effluent limits, 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. WQ0012064001, Effluent Limitations and Monitoring Requirements No. 1.

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 Two Thousand Four Hundred Sixty-Two Dollars (\$2,462) 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 Two Thousand Four Hundred Sixty-Two Dollar (\$2,462) 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 Two Thousand Four Hundred Sixty-Two Dollars (\$2,462) 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: Gulf Marine Fabricators, L.P., Docket No. 2012-1415-MWD-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, within 90 days after the effective date of this Agreed Order, the Respondent shall submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0012064001, 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 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
Corpus Christi Regional Office
Texas Commission on Environmental Quality
6300 Ocean Drive, Suite 1200
Corpus Christi, Texas 78412-5503

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. 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.

7. 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.
8. 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.
9. 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.
10. 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

Pam Darcin Jr.
For the Executive Director

1/18/13
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Gulf Marine Fabricators, L.P. I am authorized to agree to the attached Agreed Order on behalf of Gulf Marine Fabricators, L.P., 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, Gulf Marine Fabricators, L.P. 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.

Jackie Johnson
Signature

9-7-12
Date

Jackie Johnson
Name (Printed or typed)
Authorized Representative of
Gulf Marine Fabricators, L.P.

HSE Coordinator
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.