

Executive Summary – Enforcement Matter – Case No. 44409
GEO SPECIALTY CHEMICALS, INC.
RN100219070
Docket No. 2012-1268-IWD-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

IWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

Geo Specialty Chemicals, located on the west side of State Highway 134 (Battleground Road), approximately one mile north of the intersection of State Highway 134 and State Highway 225 (Pasadena Highway) in Deer Park, Harris County

Type of Operation:

Organic chemicals manufacturing plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: December 21, 2012

Comments Received: No

Penalty Information

Total Penalty Assessed: \$10,725

Amount Deferred for Expedited Settlement: \$2,145

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$4,290

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$4,290

Name of SEP: City of Pasadena, Capture Gate on Preston

Compliance History Classifications:

Person/CN - Average

Site/RN - Average

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2011

**Executive Summary – Enforcement Matter – Case No. 44409
GEO SPECIALTY CHEMICALS, INC.
RN100219070
Docket No. 2012-1268-IWD-E**

Investigation Information

Complaint Date(s): N/A
Complaint Information: N/A
Date(s) of Investigation: May 25, 2012
Date(s) of NOE(s): June 20, 2012

Violation Information

Failed to comply with permitted effluent limits for total aluminum [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0002558000 Effluent Limitations and Monitoring Requirements No. 1 for Outfall No. 002].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

1. The Order will require the Respondent to implement and complete a Supplemental Environmental Project ("SEP"). (See SEP Attachment A)
2. The Order will also require the Respondent to, within 330 days, submit written certification of compliance with the permitted effluent limits of TPDES Permit No. WQ0002558000, 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 limits.

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: Steve Villatoro, Enforcement Division, Enforcement Team 1, MC 169, (512) 239-4930; Debra Barber, Enforcement Division, MC 219, (512) 239-0412
TCEQ SEP Coordinator: Stuart Beckley, SEP Coordinator, Enforcement Division, MC 219, (512) 239-3565

Executive Summary – Enforcement Matter – Case No. 44409
GEO SPECIALTY CHEMICALS, INC.
RN100219070
Docket No. 2012-1268-IWD-E

Respondent: Kenneth Ghazey, President, GEO SPECIALTY CHEMICALS, INC., 401 South Earl Avenue, Suite 3A, Lafayette, Indiana 47904
Thomas J. Longstaff, Vice President of Purchasing, Logistics & Regulatory, 401 South Earl Avenue, Suite 3A, Lafayette, Indiana 47904
Respondent's Attorney: N/A

Attachment A
Docket Number: 2012-1268-IWD-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	GEO SPECIALTY CHEMICALS, INC.
Penalty Amount:	Eight Thousand Five Hundred Eighty Dollars (\$8,580)
SEP Offset Amount:	Four Thousand Two Hundred Ninety Dollars (\$4,290)
Type of SEP:	Contribution to a Pre-approved Third-Party SEP
Third-Party Recipient:	City of Pasadena
Project Name:	<i>Capture Gate on Preston</i>
Location of SEP:	Harris County

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for Respondent to contribute to a Supplemental Environmental Project (“SEP”). The SEP Offset Amount is set forth above and such offset is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

a. Project

Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient named above. The contribution will be to the **City of Pasadena** for the *Capture Gate on Preston* SEP. The contribution will be used in accordance with the SEP between the Third-Party Recipient and the TCEQ (the “Project”). Specifically, the SEP Offset Amount will be used to design and install a gate (“the Gate”) to trap floatable debris, trash, and oil that will be removed from the stream before flowing into Armand Bayou and Galveston Bay. The Third-Party Recipient shall use the SEP Offset Amount to pay a contractor to design, fabricate, install and maintain the Gate which will be located in the Preston Avenue median ditch between Fairmont Parkway and Crenshaw Road in Pasadena, Texas. The Gate will be designed to remove debris, but not cause flooding.

All dollars contributed will be used solely for the direct cost of the Project and no portion will be spent on administrative costs. The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations.

Respondent’s signature affixed to this Agreed Order certifies that it has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action.

b. Environmental Benefit

This project will benefit water quality by preventing and reducing the amount of pollution reaching Armand Bayou and Galveston Bay.

c. Minimum Expenditure

Respondent shall contribute at least the SEP Offset Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient. Respondent shall make the check payable to the **City of Pasadena SEP** and shall mail the contribution with a copy of the Agreed Order to:

City of Pasadena
Daya Dayananda, Assistant Director of Public Works
1114 Davis Street
Pasadena, Texas 77506

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, Respondent shall provide the Enforcement Division SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount due to the Third-Party Recipient. Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality
Enforcement Division
Attention: SEP Coordinator, MC 219
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If Respondent does not perform its obligations under this Attachment A in any way, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the Executive Director ("ED") may require immediate payment of all or part of the SEP Offset Amount.

GEO SPECIALTY CHEMICALS, INC.
Agreed Order - Attachment A

In the event the ED determines that Respondent failed to complete the project, Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and shall include on the check the docket number of this Agreed Order and note that it is for reimbursement of a SEP. Respondent shall make the check payable to "Texas Commission on Environmental Quality" and shall mail it to:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP made by or on behalf of Respondent, must include a clear statement that the Project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Agreed Order has not been, and shall not be, included as a SEP for Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES	Assigned	18-Jun-2012	Screening	19-Jun-2012	EPA Due	5-Sep-2012
	PCW	20-Jun-2012				

RESPONDENT/FACILITY INFORMATION	
Respondent	GEO SPECIALTY CHEMICALS, INC.
Reg. Ent. Ref. No.	RN100219070
Facility/Site Region	12-Houston
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	44409	No. of Violations	1
Docket No.	2012-1268-IWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Steve Villatoro
		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	\$7,500
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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	43.0% Enhancement	Subtotals 2, 3, & 7	\$3,225
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Notes

Enhancement for six months of self-reported effluent violations, one NOV with same/similar violations, and four NOVs with dissimilar violations.

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	\$1,044
Approx. Cost of Compliance	\$10,000

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$10,725
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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	\$10,725
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$10,725
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DEFERRAL	20.0% Reduction	Adjustment	-\$2,145
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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	\$8,580
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Screening Date 19-Jun-2012

Docket No. 2012-1268-IWD-E

PCW

Respondent GEO SPECIALTY CHEMICALS, INC.

Policy Revision 3 (September 2011)

Case ID No. 44409

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100219070

Media [Statute] Water Quality

Enf. Coordinator Steve Villatoro

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	4	8%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 43%

>> **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 six months of self-reported effluent violations, one NOV with same/similar violations, and four NOVs with dissimilar violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 43%

>> **Final Compliance History Adjustment**

Final Adjustment Percentage *capped at 100% 43%

Screening Date 19-Jun-2012

Docket No. 2012-1268-IWD-E

PCW

Respondent GEO SPECIALTY CHEMICALS, INC.

Policy Revision 3 (September 2011)

Case ID No. 44409

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100219070

Media [Statute] Water Quality

Enf. Coordinator Steve Villatoro

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. WQ0002558000 Effluent Limitations and Monitoring Requirements No. 1 for Outfall No. 002

Violation Description Failed to comply with permitted effluent limits, as documented during a record review conducted on May 25, 2012 and shown in the attached 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 2 Number of violation days 120

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

Violation Base Penalty \$7,500

Two quarterly events are recommended.

Good Faith Efforts to Comply

0.0% Reduction \$0

	Reduction	
	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 \$7,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,044

Violation Final Penalty Total \$10,725

This violation Final Assessed Penalty (adjusted for limits) \$10,725

Economic Benefit Worksheet

Respondent GEO SPECIALTY CHEMICALS, INC.

Case ID No. 44409

Reg. Ent. Reference No. RN100219070

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
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)	\$10,000	30-Nov-2011	31-Dec-2013	2.09	\$1,044	n/a	\$1,044

Notes for DELAYED costs

Estimated costs to determine the cause of non-compliance and to implement corrective actions. Date required is the first date of non-compliance. 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

\$1,044

EFFLUENT VIOLATION TABLE		
GEO SPECIALTY CHEMICALS, INC.		
TPDES Permit No. WQ0002558000		
Docket No. 2012-1268-IWD-E		
Months	Total Aluminum Daily Average Concentration	Total Aluminum Daily Maximum Concentration
	Limit = 0.835 mg/L	Limit = 1.77 mg/L
November 2011	2.33	2.88
December 2011	0.94	c
January 2012	3.83	3.85
February 2012	1.4	c

mg/L = milligram per liter

c = compliant

Compliance History Report

Customer/Respondent/Owner-Operator:	CN602953598 GEO SPECIALTY CHEMICALS, INC.	Classification: AVERAGE	Rating: 0.35
Regulated Entity:	RN100219070 GEO SPECIALTY CHEMICALS	Classification: AVERAGE	Site Rating: 0.35
ID Number(s):	AIR OPERATING PERMITS AIR OPERATING PERMITS POLLUTION PREVENTION PLANNING INDUSTRIAL AND HAZARDOUS WASTE INDUSTRIAL AND HAZARDOUS WASTE UNDERGROUND INJECTION CONTROL UNDERGROUND INJECTION CONTROL WASTEWATER WASTEWATER AIR NEW SOURCE PERMITS AIR EMISSIONS INVENTORY	ACCOUNT NUMBER PERMIT ID NUMBER SOLID WASTE REGISTRATION # (SWR) EPA ID PERMIT PERMIT PERMIT EPA ID PERMIT ACCOUNT NUMBER REGISTRATION REGISTRATION AFS NUM ACCOUNT NUMBER	HG4998P 1595 P00296 81932 TX0000187823 WDW222 WDW223 WQ0002558000 TX0089567 8052 HG4998P 78486 100906 4820101384 HG4998P

Location: located on the west side of State Highway 134 (Battleground Road), approximately one mile north of the intersection of State Highway 134 and State highway 225 (Pasadena Highway) in Deer Park, Harris County, Texas

TCEQ Region: REGION 12 - HOUSTON
 Date Compliance History Prepared: June 19, 2012
 Agency Decision Requiring Compliance History: Enforcement
 Compliance Period: June 19, 2007 to June 19, 2012

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

Name: Steve Villatoro Phone: (512) 239-4930

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.
N/A
- B. Any criminal convictions of the state of Texas and the federal government.
N/A
- C. Chronic excessive emissions events.
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	03/14/2012	(1004731)
2	06/11/2012	(1008349)
3	04/17/2012	(1011316)
4	06/20/2007	(560687)
5	08/13/2007	(571047)
6	07/10/2007	(586926)
7	11/01/2007	(594998)
8	11/01/2007	(598341)
9	09/25/2007	(608558)
10	08/16/2007	(608559)

11	09/19/2007	(608560)
12	10/11/2007	(608561)
13	10/11/2007	(608562)
14	12/17/2007	(610268)
15	02/13/2008	(617006)
16	02/13/2008	(617648)
17	11/15/2007	(625258)
18	12/14/2007	(625259)
19	06/20/2008	(636612)
20	03/25/2008	(638919)
21	04/28/2008	(640861)
22	04/28/2008	(640867)
23	04/28/2008	(640868)
24	02/13/2008	(675641)
25	03/13/2008	(675642)
26	04/10/2008	(675643)
27	07/07/2008	(684036)
28	08/12/2008	(684370)
29	07/22/2008	(685445)
30	08/12/2008	(687801)
31	05/15/2008	(693955)
32	06/13/2008	(693956)
33	10/06/2008	(702645)
34	10/14/2008	(703525)
35	09/19/2008	(715294)
36	08/15/2008	(715295)
37	09/17/2008	(715296)
38	10/03/2008	(715297)
39	10/03/2008	(715298)
40	02/16/2009	(722952)
41	02/17/2009	(725932)
42	02/17/2009	(725935)
43	11/14/2008	(731097)
44	12/10/2008	(731098)
45	05/04/2009	(737094)
46	05/18/2009	(743672)
47	02/13/2009	(754383)
48	03/10/2009	(754384)
49	04/21/2009	(754385)
50	07/14/2009	(760481)
51	08/11/2009	(760908)
52	07/29/2009	(760987)
53	08/28/2009	(767525)
54	05/19/2009	(771656)
55	11/09/2009	(776193)
56	08/12/2010	(794122)
57	06/25/2010	(803326)
58	02/16/2010	(815015)
59	06/26/2009	(815016)
60	08/20/2009	(815017)
61	09/22/2009	(815018)
62	10/23/2009	(815019)
63	11/19/2009	(815020)

64	12/21/2009	(815021)
65	01/25/2010	(815022)
66	07/08/2010	(827381)
67	07/08/2010	(827387)
68	06/29/2010	(827559)
69	07/08/2010	(827711)
70	08/11/2010	(829982)
71	03/09/2010	(834463)
72	04/14/2010	(834464)
73	05/11/2010	(834465)
74	06/17/2010	(847373)
75	07/13/2010	(868232)
76	08/17/2010	(868233)
77	12/08/2010	(879793)
78	09/13/2010	(882759)
79	11/22/2010	(882760)
80	02/22/2011	(892299)
81	02/22/2011	(892301)
82	03/14/2011	(892446)
83	11/23/2010	(897541)
84	12/13/2010	(897542)
85	02/22/2011	(910347)
86	01/25/2011	(910348)
87	03/15/2011	(917560)
88	04/20/2011	(928676)
89	05/19/2011	(939270)
90	06/15/2011	(946676)
91	09/01/2011	(948590)
92	07/19/2011	(953934)
93	10/19/2011	(956742)
94	08/19/2011	(960527)
95	09/21/2011	(966586)
96	12/09/2011	(970467)
97	10/14/2011	(972597)
98	01/17/2012	(977351)
99	11/16/2011	(978741)
100	02/21/2012	(983856)
101	02/21/2012	(983861)
102	12/19/2011	(985578)
103	06/01/2012	(989851)
104	01/23/2012	(991858)
105	02/24/2012	(999223)

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

Date:	06/20/2008 (636612)	CN602953598
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) FOP O-1595 STC 14 OP NSR Permit 8052 Standard Condition #5 PA	
Description:	Failed to conduct weekly samples of formaldehyde tank scrubber.	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) FOP O-1595 STC #14 OP	

NSR Permit 8052 SC 20F PA

Description: Failed to monitor components in VOC service.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
FOP O-1595 General Terms and Conditions OP

Description: Failed to report deviations on Deviation Report.

Date: 02/28/2009 (754384) CN602953598

Self Report? YES Classification: Moderate

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

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

Date: 05/06/2009 (737094) CN602953598

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 5 PERMIT
Special Term and Condition 14 OP

Description: Failure to maintain weekly sampling data for the formaldehyde scrubber.
(CATEGORY C3 VIOLATION)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 4 PERMIT
Special Term and Condition 14 OP

Description: Failure to maintain the ammonia solution concentration within the ammonia
cleanup scrubber below 8%. (CATEGORY B18 VIOLATION)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.112(a)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term and Condition 13 PERMIT

Description: Failure to maintain continuous flow rate data on the Hydrogen Cyanide
scrubber. (CATEGORY C3 VIOLATION)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 15A OP
Special Term and Condition 14 PERMIT

Description: Failure to maintain continuous temperature data for the thermal oxidizer.
(CATEGORY C3 VIOLATION)

Date: 01/31/2010 (815015) CN602953598

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: 08/12/2010 (794122) CN602953598

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
SC 14 OP
SC 5 PERMIT

Description: Failure to analyze a formaldehyde scrubbing liquid weekly sample (C1)

Date: 03/14/2011 (892446) CN602953598

Self Report? NO Classification: Moderate

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

Other Requirements #7 PERMIT

Description: Failure to maintain chlorine residual within permitted limits.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.5(a)

Description: Failure to collect chlorine residual sample at the proper location.

Self Report? NO Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
 2D TWC Chapter 26, SubChapter A 26.121(a)(3)
 2D TWC Chapter 26, SubChapter A 26.121(b)
 2D TWC Chapter 26, SubChapter A 26.121(c)
 2D TWC Chapter 26, SubChapter A 26.121(d)
 2D TWC Chapter 26, SubChapter A 26.121(e)
 30 TAC Chapter 305, SubChapter F 305.125(4)
 30 TAC Chapter 305, SubChapter F 305.125(5)
 TWC Chapter 26 26.121
 TWC Chapter 26 26.121(a)(2)

Description: Failure to prevent unauthorized discharge from the equalization tank.
 Date 11/30/2011 (985578) CN602953598
 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 (991858) CN602953598
 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 (999223) CN602953598
 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 (1004731) CN602953598
 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 06/01/2012 (989851) CN602953598
 Self Report? NO Classification: Minor

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)
 General Terms and Conditions OP
 Description: Failure to submit the deviation report dated May 27, 2011 within 30 days of the end of the reporting period. (Category B3 violation)
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 4 PERMIT
 Special Term and Condition 10 OP
 Description: Failure to continuously monitor the temperature of the ammonia scrubber (EPN 151). (Category B1 violation)

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
GEO SPECIALTY CHEMICALS,
INC.
RN100219070**

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§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2012-1268-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 GEO SPECIALTY CHEMICALS, 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 an organic chemicals manufacturing plant located on the west side of State Highway 134 (Battleground Road), approximately one mile north of the intersection of State Highway 134 and State Highway 225 (Pasadena Highway) in Deer Park, 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 June 25, 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 Ten Thousand Seven Hundred Twenty-Five Dollars (\$10,725) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Four Thousand Two Hundred Ninety Dollars (\$4,290) of the administrative penalty and Two Thousand One Hundred Forty-Five Dollars (\$2,145) 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. Four Thousand Two Hundred Ninety Dollars (\$4,290) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP")."
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 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. WQ0002558000 Effluent Limitations and Monitoring Requirements No. 1 for Outfall No. 002, as documented during a record review conducted on May 25, 2012 and shown in the table below:

EFFLUENT VIOLATION TABLE		
Months	Total Aluminum Daily Average Concentration	Total Aluminum Daily Maximum Concentration
	Limit = 0.835 mg/L	Limit = 1.77 mg/L
November 2011	2.33	2.88
December 2011	0.94	c
January 2012	3.83	3.85
February 2012	1.4	c

mg/L = milligram per liter

c = compliant

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. 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: GEO SPECIALTY CHEMICALS, INC., Docket No. 2012-1268-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. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6, above, Four Thousand Two Hundred Ninety Dollars (\$4,290) of the assessed administrative penalty shall be offset with the condition that the Respondent implements the SEP defined in Attachment A,

incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.

3. It is further ordered that, within 330 days after the effective date of this Agreed Order, the Respondent shall submit written certification of compliance with the permitted effluent limits of TPDES Permit No. WQ0002558000, 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 limits. The certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with this Ordering Provision. 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 fine 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

4. 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.
5. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes

aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. This Agreed Order, 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.
8. 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.
9. 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



For the Executive Director

2/18/13

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

November 7, 2012

Date

Thomas J. Longstaff

Name (Printed or typed)
Authorized Representative of
GEO SPECIALTY CHEMICALS, INC.

V.P. Purchasing, Logistics & Regulatory

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.

Attachment A
Docket Number: 2012-1268-IWD-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	GEO SPECIALTY CHEMICALS, INC.
Penalty Amount:	Eight Thousand Five Hundred Eighty Dollars (\$8,580)
SEP Offset Amount:	Four Thousand Two Hundred Ninety Dollars (\$4,290)
Type of SEP:	Contribution to a Pre-approved Third-Party SEP
Third-Party Recipient:	City of Pasadena
Project Name:	<i>Capture Gate on Preston</i>
Location of SEP:	Harris County

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for Respondent to contribute to a Supplemental Environmental Project (“SEP”). The SEP Offset Amount is set forth above and such offset is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

a. Project

Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient named above. The contribution will be to the **City of Pasadena** for the *Capture Gate on Preston* SEP. The contribution will be used in accordance with the SEP between the Third-Party Recipient and the TCEQ (the “Project”). Specifically, the SEP Offset Amount will be used to design and install a gate (“the Gate”) to trap floatable debris, trash, and oil that will be removed from the stream before flowing into Armand Bayou and Galveston Bay. The Third-Party Recipient shall use the SEP Offset Amount to pay a contractor to design, fabricate, install and maintain the Gate which will be located in the Preston Avenue median ditch between Fairmont Parkway and Crenshaw Road in Pasadena, Texas. The Gate will be designed to remove debris, but not cause flooding.

All dollars contributed will be used solely for the direct cost of the Project and no portion will be spent on administrative costs. The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations.

Respondent’s signature affixed to this Agreed Order certifies that it has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action.

b. Environmental Benefit

This project will benefit water quality by preventing and reducing the amount of pollution reaching Armand Bayou and Galveston Bay.

c. Minimum Expenditure

Respondent shall contribute at least the SEP Offset Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient. Respondent shall make the check payable to the **City of Pasadena SEP** and shall mail the contribution with a copy of the Agreed Order to:

City of Pasadena
Daya Dayananda, Assistant Director of Public Works
1114 Davis Street
Pasadena, Texas 77506

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, Respondent shall provide the Enforcement Division SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount due to the Third-Party Recipient. Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality
Enforcement Division
Attention: SEP Coordinator, MC 219
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If Respondent does not perform its obligations under this Attachment A in any way, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the Executive Director ("ED") may require immediate payment of all or part of the SEP Offset Amount.

GEO SPECIALTY CHEMICALS, INC.
Agreed Order - Attachment A

In the event the ED determines that Respondent failed to complete the project, Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and shall include on the check the docket number of this Agreed Order and note that it is for reimbursement of a SEP. Respondent shall make the check payable to "Texas Commission on Environmental Quality" and shall mail it to:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP made by or on behalf of Respondent, must include a clear statement that the Project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Agreed Order has not been, and shall not be, included as a SEP for Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.