

Executive Summary – Enforcement Matter – Case No. 46858
Veolia ES Technical Solutions, L.L.C.
RN102599719
Docket No. 2013-0965-AIR-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:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Veolia ES Technical Solutions, 7665 Highway 73, Port Arthur, Jefferson County

Type of Operation:

Hazardous waste incinerator

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: November 1, 2013

Comments Received: No

Penalty Information

Total Penalty Assessed: \$13,050

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$13,050

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2011

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: February 20, 2013

Date(s) of NOE(s): April 24, 2013

**Executive Summary – Enforcement Matter – Case No. 46858
Veolia ES Technical Solutions, L.L.C.
RN102599719
Docket No. 2013-0965-AIR-E**

Violation Information

Failed to limit the carbon monoxide ("CO") emissions below the permitted hourly rolling average of 100 parts per million by volume and 17.1 pounds per hour [30 TEX. ADMIN. CODE §§ 101.20(2), 116.115(c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), 40 CODE OF FEDERAL REGULATIONS § 63.1203(a)(5)(i), New Source Review Permit No. 42450, Special Conditions Nos. 9 and 12(H), and Federal Operating Permit No. 01509, Special Terms and Conditions Nos. 1(A) and 15(A)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require Respondent to:

- a. Within 30 days, update operating procedures and implement training for all in-house control room staff for proper fuel to oxygen ratio for optimal combustion, correct feeding techniques of different waste streams, and precise combustion timing to limit CO emissions; and
- b. Within 45 days, submit written certification demonstrating compliance with Ordering Provision a.

Litigation Information

Date Petition(s) Filed: N/A

Date Answer(s) Filed: N/A

SOAH Referral Date: N/A

Hearing Date(s): N/A

Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Rajesh Acharya, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-0577; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456

TCEQ SEP Coordinator: N/A

Respondent: James M. Osborne, General Manager, Veolia ES Technical Solutions, L.L.C., P.O. Box 2563, Port Arthur, Texas 77643

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

ICEQ

DATES	Assigned	29-Apr-2013	Screening	15-May-2013	EPA Due	
	PCW	15-May-2013				

RESPONDENT/FACILITY INFORMATION

Respondent	Veolia ES Technical Solutions, L.L.C.		
Reg. Ent. Ref. No.	RN102599719		
Facility/Site Region	10-Beaumont	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	46858	No. of Violations	1
Docket No.	2013-0965-AIR-E	Order Type	Findings
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Rajesh Acharya
		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

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

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

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

Notes:

Culpability Enhancement **Subtotal 4**

Notes:

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

Economic Benefit Enhancement* **Subtotal 6**

Total EB Amounts
 Approx. Cost of Compliance *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal**

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL Reduction **Adjustment**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

PAYABLE PENALTY

Screening Date 15-May-2013

Docket No. 2013-0965-AIR-E

PCW

Respondent Veolia ES Technical Solutions, L.L.C.

Policy Revision 3 (September 2011)

Case ID No. 46858

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102599719

Media [Statute] Air

Enf. Coordinator Rajesh Acharya

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	4	80%
	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	Yes	-10%
	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)

>> Repeat Violator (Subtotal 3)

Adjustment Percentage (Subtotal 3)

>> Compliance History Person Classification (Subtotal 7)

Adjustment Percentage (Subtotal 7)

>> Compliance History Summary

Compliance History Notes

Enhancement for two NOVs with dissimilar violations and four agreed orders with a denial of liability. Reduction for one environmental management system.

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

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100%

Screening Date 15-May-2013

Docket No. 2013-0965-AIR-E

PCW

Respondent Veolla ES Technical Solutions, L.L.C.

Policy Revision 3 (September 2011)

Case ID No. 46858

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102599719

Media [Statute] Air

Enf. Coordinator Rajesh Acharya

Violation Number

1

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(2), 116.115(c) and 122.143(4), Tex. Health & Safety Code § 382.085(b), 40 Code of Federal Regulations § 63.1203(a)(5)(I), New Source Review Permit No. 42450, Special Conditions Nos. 9 and 12(H), and Federal Operating Permit No. O1509, Special Terms and Conditions Nos. 1(A) and 15(A)

Violation Description

Failed to limit the carbon monoxide ("CO") emissions below the permitted hourly rolling average of 100 parts per million by volume ("ppmv") and 17.1 pounds per hour ("lbs/hr"). Specifically, on 40 separate occasions, between November 27, 2011 through October 21, 2012, the CO emissions were between 102 ppmv and 337 ppmv and 17.14 lbs/hr and 58.7 lbs/hr from the hazardous waste incinerator (see attached Table).

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual			X	15.0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes

Approximately 381.6 lbs of unauthorized CO was released during the period of non-compliance. 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 2 329 Number of violation days

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

Violation Base Penalty \$7,500

Two semiannual events are recommended for the period, November 27, 2011 through October 21, 2012, during when the exceedances occurred.

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 \$7,500

Economic Benefit (EB) for this violation

Estimated EB Amount \$13,813

Statutory Limit Test

Violation Final Penalty Total \$13,050

This violation Final Assessed Penalty (adjusted for limits) \$13,050

Economic Benefit Worksheet

Respondent Veolia ES Technical Solutions, L.L.C.

Case ID No. 46858

Reg. Ent. Reference No. RN102599719

Media Air

Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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	\$2,500	27-Nov-2011	27-Dec-2013	2.08	\$261	n/a	\$261
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$130,000	27-Nov-2011	27-Dec-2013	2.08	\$13,552	n/a	\$13,552

Notes for DELAYED costs

Estimated cost to implement training and operating procedures (\$2,500) and engineering modifications of the site operations (\$130,000). Date Required is the date of the initial non-compliance. Final Date is the estimated compliance date.

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

\$132,500

TOTAL

\$13,813



Veolia ES Technical Solutions, L.L.C., RN102599719, Docket No. 2013-0965-AIR-E

Month(s)	Duration (hr.: min ¹)	CO		Month(s)	Duration (hr.: min)	CO	
		ppmv	lbs/hr			ppmv	lbs/hr
November 27, 2011	1457-1559 (1:02)	333	52.6	June 14, 2012	1101-1200 (0:59)	146	35.6
January 8, 2012	2040-2138 (0:58)	109	14.5	June 14, 2012	1410-1508(0:58)	109	11.9
January 9, 2012	0913-1017(1:04)	294	57	June 15, 2012	2113-2211(0:58)	169	12.4
January 10, 2012	1511-1610(0:59)	174	23	June 17, 2012	0806-0905(0:59)	304	47.7
February 18, 2012	1833-1933(1:00)	189	27.3	June 22, 2012	0806-0905(0:59)	121	14.6
March 4, 2012	0502-0601 (0:59)	120	15.9	June 23, 2012	2010-2050(0:40)	114	7.83
March 12, 2012	1140-1239 (0:59)	138	10.7	August 3, 2012	1320-1420(1:00)	208	29
March 13, 2012	0807-0906 (0:59)	106	19.4	August 6, 2012	1433-1531(0:58)	117	15.2
March 30, 2012	1356-1454 (0:58)	141	21	August 11, 2012	0229-0328(0:59)	154	13.5
April 10, 2012	1649-1745 (0:56)	103	13.5	August 18, 2012	1614-1714(1:00)	173	19.4
April 14, 2012	0517-0614 (0:57)	118	13.4	August 19, 2012	1344-1411(0:27)	127	5.45
April 18, 2012	1434-1529(0:55)	102	12.6	August 29, 2012	0026-0126(1:00)	172	27
April 18, 2012	1900-1914(0:14)	106	2.92	August 31, 2012	0941-1041(1:00)	179	17.6
April 29, 2012	0754-0855(1:01)	191	32.03	September 18, 2012	1710-1809(0:59)	142	15.9
May 5, 2012	1502-1604(1:00)	242	35.3	September 27, 2012	0850-0950(1:00)	177	28.3
May 6, 2012	0217-0316(0:59)	140	20.4	September 27, 2012	1005-1105(1:00)	176	28.7
May 20, 2012	2018-2122(1:04)	337	58.7	October 1, 2012	0917-1015(0:58)	103	10.7
June 2, 2012	1007-1107(1:00)	237	34.1	October 9, 2012	1439-1536(0:57)	115	13.7
June 5, 2012	2016-2017(0:01)	111	0.17	October 14, 2012	1100-1200(1:00)	168	29.4
June 6, 2012	0017-0117(1:00)	143	17.14	October 21, 2012	2120-2146(0:26)	102	3.97

Abbreviation:

min¹- minute



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TCEQ Compliance History Report

PUBLISHED Compliance History Report for CN603069626, RN102599719, Rating Year 2012 which includes Compliance History (CH) components from September 1, 2007, through August 31, 2012.

Customer, Respondent, or Owner/Operator: CN603069626, Veolia ES Technical Solutions, L.L.C. **Classification:** SATISFACTORY **Rating:** 5.18

Regulated Entity: RN102599719, VEOLIA ES TECHNICAL SOLUTIONS **Classification:** SATISFACTORY **Rating:** 9.18

Complexity Points: 27 **Repeat Violator:** NO

CH Group: 11 - Waste Management (Excluding Landfills)

Location: 7665 HWY 73 PORT ARTHUR, TX 77640-2563, JEFFERSON COUNTY

TCEQ Region: REGION 10 - BEAUMONT

ID Number(s):

AIR OPERATING PERMITS PERMIT 1509	AIR OPERATING PERMITS ACCOUNT NUMBER JE0024D
AIR OPERATING PERMITS ACCOUNT NUMBER JE0024D	AIR OPERATING PERMITS PERMIT 1509
INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD000838896	INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 50212
INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 33905	INDUSTRIAL AND HAZARDOUS WASTE PERMIT 39012
INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50212	POLLUTION PREVENTION PLANNING ID NUMBER P00133
UNDERGROUND INJECTION CONTROL PERMIT WDW160	UNDERGROUND INJECTION CONTROL PERMIT WDW358
AIR NEW SOURCE PERMITS REGISTRATION 12785	AIR NEW SOURCE PERMITS PERMIT 42450
AIR NEW SOURCE PERMITS REGISTRATION 44590	AIR NEW SOURCE PERMITS ACCOUNT NUMBER JE0024D
AIR NEW SOURCE PERMITS REGISTRATION 50998	AIR NEW SOURCE PERMITS REGISTRATION 73331
AIR NEW SOURCE PERMITS AFS NUM 4824500118	AIR NEW SOURCE PERMITS REGISTRATION 100760
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1230082	WATER LICENSING LICENSE 1230082
IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION # (SWR) 50212	AIR EMISSIONS INVENTORY ACCOUNT NUMBER JE0024D

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

Date Compliance History Report Prepared: May 08, 2013

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: May 08, 2008 to May 08, 2013

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

Name: Rajesh Acharya

Phone: (512) 239-0577

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If YES for #2, who is the current owner/operator? N/A
- 4) If YES for #2, 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

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

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

- 1 Effective Date: 05/18/2009 ADMINORDER 2008-0270-IHW-E (1660 Order-Agreed Order With Denial)

Classification: Major
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 335, SubChapter A 335.2(a)
30 TAC Chapter 335, SubChapter A 335.2(b)
40 CFR Chapter 264, SubChapter I, PT 264, SubPT O 264.344(a)

Rqmt Prov:P.P. IV.B.3.c. PERMIT

Description: Failure to obtain authorization for the incineration and/or processing of haardous waste not specified in their permit.

Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter A 335.2(a)

Description: Failure to prevent the unauthorized discharge of industrial solid waste.

2 Effective Date: 07/09/2009 ADMINORDER 2006-0455-IHW-E (1660 Order-Agreed Order With Denial)

Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(1)
40 CFR Chapter 264, SubChapter I, PT 264, SubPT B 264.13(b)

Rqmt Prov:Permit 50212, Provision IV.A. PERMIT

Description: Failure to develop an adequate Waste Analysis Plan.

Classification: Major

Citation: 30 TAC Chapter 335, SubChapter A 335.2(a)
30 TAC Chapter 335, SubChapter A 335.2(b)
40 CFR Chapter 264, SubChapter I, PT 264, SubPT O 264.344(a)

Rqmt Prov:Permit 50212, Provision IV.B.3.b. PERMIT

Description: Failure to ship Industrial mixed waste to an authorized facility for disposal and failure to prevent the acceptance of unauthorized waste that resulted in the onsite waste management activities including storage and treatment.

3 Effective Date: 12/04/2010 ADMINORDER 2010-0811-AIR-E (1660 Order-Agreed Order With Denial)

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)

Rqmt Prov:Special Condition 12(H) PERMIT
Special Condition 15 OP

Description: Failed to limit the carbon monoxide ("CO") concentration emission below the permitted rolling hourly average of 100 parts per million ("ppm").

4 Effective Date: 06/20/2011 ADMINORDER 2010-0272-MLM-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(3)
40 CFR Chapter 264, SubChapter I, PT 264, SubPT C 264.16(a)(3)(iv)

Rqmt Prov:IHW 50212, Provision (II)(A)(2) PERMIT

Provision (II)(C)(1)(k) PERMIT

Provision (II)(C)(2)(c) PERMIT

Provision (III)(E)(1) PERMIT

Description: Failed to implement required procedures in a response plan during an emergency. Specifically, on July 1, 2008, a fire erupted near a Distributed Control System ("DCS") cable tray south of the tank farm, an area outside of the automatic ultraviolet detection and activation fire control system. Personnel were delayed in their attempts to extinguish that fire, because they failed to be aware that the fire protection system had to be manually activated for a fire occurring outside of the

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.620
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 264, SubChapter I, PT 264, SubPT O 264.347(a)
40 CFR Chapter 264, SubChapter I, PT 264, SubPT O 264.347(d)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1206(c)(3)(iii)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:IHW 50212, Provision (II)(A)(2) PERMIT
IHW 50212, Provision (V)(H)(7)(a) PERMIT
IHW 50212, Provision (V)(H)(7)(e) PERMIT
NSR 42450, SC (26)(F) PERMIT
NSR 42450, SC 9 PERMIT
Provision (V)(H)(7)(f) PERMIT

Description: Failed to continuously monitor and record incinerator operating parameters. Specifically, due to a fire that occurred on July 1, 2008, a section of the DCS wiring was damaged and for a twelve minute period, the incinerator's

operating parameters were not being monitored and recorded.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.620
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 305, SubChapter G 305.142
40 CFR Chapter 264, SubChapter I, PT 264, SubPT O 264.345(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1209(j)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:FOP O-1509, General Conditions PERMIT
FOP O-1509, SC (1)(G) PERMIT
FOP O-1509, SC (15)(A) PERMIT
IHW 50212, Provision (II)(A)(2) PERMIT
IHW 50212, Provision (V)(H)(3)(d) PERMIT
NSR 42450, SC 12(H) PERMIT
NSR 42450, SC 13 PERMIT

Description: Failed to maintain minimum operating conditions. Specifically, on July 1, 2008, a fire caused an incinerator shutdown while it was actively incinerating wastes. During the shutdown of the incinerator, no new wastes were fed into the incinerator. However, when the DCS restarted twelve minutes later (while previously-introduced wastes remained in the incinerator), the rotary kiln and secondary combustion chamber ("SCC") temperatures were determined to be below the required 1,391 .

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	May 16, 2008	(669931)
Item 2	May 23, 2008	(680243)
Item 3	May 31, 2008	(481070)
Item 4	July 07, 2008	(680231)
Item 5	August 27, 2008	(689503)
Item 6	September 06, 2008	(686816)
Item 7	October 31, 2008	(705180)
Item 8	November 17, 2008	(705723)
Item 9	May 05, 2009	(742966)
Item 10	June 16, 2009	(746860)
Item 11	June 29, 2009	(759620)
Item 12	August 31, 2009	(767786)
Item 13	September 15, 2009	(775962)
Item 14	September 21, 2009	(763136)
Item 15	October 01, 2009	(765178)
Item 16	October 13, 2009	(777271)
Item 17	October 26, 2009	(775731)
Item 18	November 08, 2009	(777011)
Item 19	December 22, 2009	(785347)
Item 20	February 15, 2010	(788942)
Item 21	March 23, 2010	(793435)
Item 22	May 17, 2010	(801577)
Item 23	June 22, 2010	(826353)
Item 24	July 31, 2010	(829187)
Item 25	August 18, 2010	(841971)
Item 26	January 18, 2011	(885144)
Item 27	February 01, 2011	(892899)
Item 28	March 01, 2011	(900693)
Item 29	May 17, 2011	(912875)
Item 30	July 01, 2011	(935111)
Item 31	July 11, 2011	(934072)
Item 32	January 18, 2012	(980569)
Item 33	March 26, 2012	(983309)

Item 34	May 31, 2012	(1008498)
Item 35	August 07, 2012	(1023020)
Item 36	December 13, 2012	(1051154)
Item 37	January 18, 2013	(1043516)
Item 38	January 25, 2013	(1054198)

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

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

- 1 Date: 12/17/2012 (1037104) CN603069626
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 335, SubChapter A 335.4
 P.P.II.C.1.i. PERMIT
 Description: Failure to implement preventive measures for an oil leak from the compressor located at the Nitrogen System area.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(7)
 40 CFR Chapter 264, SubChapter I, PT 264, SubPT I 264.171
 P.P.II.C.1.k. PERMIT
 P.P.II.C.2.g. PERMIT
 Description: Failure to manage one 55-gallon drum of hazardous waste (F003, F005, D001) located at the Container Storage Building, storage area E24 in a good container.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(8)
 40 CFR Chapter 264, SubChapter I, PT 264, SubPT J 264.193(e)(1)(iii)
 Description: Failure for the secondary containment liner at hazardous waste tank 502 (Permit No.: 25) to meet the state and federal requirements.
- 2 Date: 04/24/2013 (1073716) CN603069626
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 SC 14 OP
 Description: Failure to maintain a minimum power of 15 Kilovolt Amps (KVA) to the Wet Electrostatic Precipitator (WESP) (EPN INCINSTK). B19
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(a)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 SC 15 OP
 SC 26(B) PERMIT
 Description: Failure to conduct the 4th quarter Cylinder Gas Audits on the Hydrogen Chloride (HCl) and Sulfur Dioxide (SO2) CEMS. B3

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

- 1 ENVIRONMENTAL MANAGEMENT SYSTEM NON 30 TAC CH 90 CERTIFIED

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

Component Appendices

Appendix A

All NOV's Issued During Component Period 5/8/2008 and 5/8/2013

- 1 Date: 05/29/2009 (746873) CN603069626
Classification: Moderate
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 331, SubChapter D 331.64(e)(2)
Description: Failure to conduct a temperature log, noise log, oxygen activation log, or other approved log at least once every five years to test for fluid movement along the borehole.
- 2 Date: 07/31/2009 (762709) CN603069626
Classification: Moderate
Self Report? NO For Informational Purposes Only
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 15 OP
Special Condition 17(A) PERMIT
Description: Failure to maintain minimum kiln temperature of 1391 degrees Fahrenheit.
Classification: Moderate
Self Report? NO For Informational Purposes Only
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 12(H) PERMIT
Special Condition 15 OP
Description: Failed to limit the carbon monoxide ("CO") concentration emission below the permitted rolling hourly average of 100 parts per million ("ppm").
Classification: Moderate
Self Report? NO For Informational Purposes Only
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 13 PERMIT
Special Condition 15 OP
Description: Failure to operate the incinerator train in accordance with all applicable conditions of Industrial Solid Waste Management Permit No. HW-5021-001.
- 3 Date: 08/24/2010 (829853) CN603069626
Classification: Minor
Self Report? NO For Informational Purposes Only
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 15(A) OP
SC 4 PERMIT
Description: Failure to maintain equipment, buildings, and area signs with the FINS or the EPNs identifying the EPNs listed in the MAERT.
Classification: Minor
Self Report? NO For Informational Purposes Only
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 15(A) OP
SC 36 PERMIT
Description: Failure to keep all rollofs, vacuum boxes, drums, and other small containers covered at all times except during sampling, inspection, or to add or remove waste.
Classification: Minor
Self Report? NO For Informational Purposes Only
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 15(A) OP
SC 44 PERMIT
Description: Failure to provide a torodial (donut) hood to collect emissions while sampling in the tanker truck sampling area.

Classification: Minor

Self Report? NO For Informational Purposes Only

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 15(A) OP
SC 35 PERMIT

Description: Failure to maintain the quantity of waste stored in the Stabilization Container Storage Building below the maximum volumetric equivalent limit.

Classification: Moderate

Self Report? NO For Informational Purposes Only

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 15(A) OP
SC 17(A) PERMIT

Description: Failure to maintain a minimum Kiln temperature of 1391 degrees Fahrenheit.

Classification: Minor

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
30 TAC Chapter 122, SubChapter B 122.145(2)(C)
30 TAC Chapter 122, SubChapter B 122.146(2)
30 TAC Chapter 122, SubChapter B 122.146(5)(D)
5C THSC Chapter 382 382.085(b)
GC H PERMIT
General Terms and Conditions OP

Description: Failure to submit an accurate Title V Semiannual Devlation Report (SDR) and an accurate Annual Compliance Certification (ACC) within 30 days after the end of the reporting periods.

4 Date: 12/28/2010 (881066) CN603069626

Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
GC 8 PERMIT
SC 15(A) OP

Description: Failure to maintain the Incinerator's Carbon Monoxide (CO) emissions below the permitted limit of 17.1 pounds per hour.

Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1209(g)(2)
5C THSC Chapter 382 382.085(b)
SC 15(A) OP
SC 17(A) PERMIT

Description: Failure to maintain the pumpable arsenic feed rate to the Incinerator below the maximum operating parameter.

Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1209(j)(1)
5C THSC Chapter 382 382.085(b)
SC 15(A) OP
SC 17(A) PERMIT

Description: Failure to maintain a minimum Kiln temperature of 1316 degrees Fahrenheit and a minimum Secondary Combustion Chamber (SCC) temperature of 1906 degrees Fahrenheit.

5

Date: 03/01/2011 (858248) CN603069626
Classification: Moderate

Self Report? NO For Informational Purposes Only

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 13 PERMIT
SC 15(A) OP

Description: Failure to maintain a minimum hourly rolling average (HRA) Kiln temperature of 1391 degrees Fahrenheit.

Classification: Minor

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
30 TAC Chapter 122, SubChapter B 122.145(2)(C)
30 TAC Chapter 122, SubChapter B 122.146(2)
30 TAC Chapter 122, SubChapter B 122.146(5)(D)
5C THSC Chapter 382 382.085(b)
GC 10 PERMIT
General Terms and Conditions OP

Description: Failure to submit an accurate Title V Semiannual Deviation Report (SDR) and an accurate Annual Compliance Certification (ACC) within 30 days after the end of the reporting periods.

6*

Date: 11/30/2011 (964705) CN603069626
Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(a)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 26(B) PERMIT

Description: Failure to provide proper calibration gases for quarterly continuous emissions monitoring systems (CEMS) audits.

Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 113, SubChapter C 113.130
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.165(b)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 27(H) PERMIT

Description: Failure to repair a leaking pressure relief valve (PRV) within 5 days of detecting the leak.

Classification: Moderate

Self Report? NO For Informational Purposes Only

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)
General Terms and Conditions OP
Special Condition 27(F) PERMIT

Description: Failure to remonitor a repaired pump within 15 days of the pump being placed back into volatile organic compounds (VOC) service.

7*

Date: 01/10/2012 (970208) CN603069626
Classification: Minor

Self Report? NO For Informational Purposes Only

Citation: 1509, Special Condition 15A OP
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
42450, Special Condition 26B PERMIT
5C THSC Chapter 382 382.085(b)

Description: Failure to submit data assessment reports on a quarterly basis to the Texas Commission of Environmental Quality (TCEQ) Beaumont Regional Office.

8* Date: 02/22/2012 (976822) CN603069626
Classification: Moderate

Self Report? NO For Informational Purposes Only

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 15(A) OP
SC 17(A) PERMIT

Description: Failure to maintain a minimum Kiln temperature of 1316 degrees Fahrenheit (F) and a minimum Secondary Combustion Chamber (SCC) temperature of 1906 degrees F.

Classification: Moderate

Self Report? NO For Informational Purposes Only

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 13 PERMIT
SC 14 OP

Description: Failure to maintain a minimum voltage to the Ionizing Water Scrubbers (IWSs) of 10 Kilovolts Direct Current (DC) and a minimum power to the Wet Electrostatic Precipitator (WESP) of 15 Kilovolt Amps (KVA).

Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)
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)
GC 8 PERMIT
SC 12(H) PERMIT
SC 15(A) OP

Description: Failure to maintain the Incinerator's Carbon Monoxide (CO) emissions below the permitted limits of 100 Parts Per Million by Volume (PPMV) and 17.1 Pounds Per Hour (LBS/HR).

9* Date: 04/25/2012 (989837) CN603069626
Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)
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)
GC 8 PERMIT
SC 12(H) PERMIT
SC 15(A) OP

Description: Failure to maintain the Incinerator's Carbon Monoxide (CO) emissions below the permitted limits of 100 Parts Per Million by Volume (PPMV) and 17.1 Pounds Per Hour (LBS/HR).

Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 113, SubChapter C 113.620
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1209(j)(1)
5C THSC Chapter 382 382.085(b)
SC 15(A) OP
SC 17(A) PERMIT

Description: Failure to maintain a minimum Kiln temperature of 1316 degrees Fahrenheit (F) and a minimum Secondary Combustion Chamber (SCC) temperature of 1906 degrees F.

Classification: Moderate

Self Report? NO For Informational Purposes Only

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 13 PERMIT
SC 14 OP

Description: Failure to maintain a minimum voltage to the Ionizing Water Scrubbers (IWSs) of

10 Kilovolts (KV) Direct Current (DC) and a minimum power to the Wet Electrostatic Precipitator (WESP) of 15 Kilovolt Amps (KVA).

- 10 Date: 12/17/2012 (1037104) CN603069626
Classification: Minor
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 335, SubChapter A 335.4
P.P.II.C.1.i. PERMIT
Description: Failure to implement preventive measures for an oil leak from the compressor located at the Nitrogen System area.
Classification: Moderate
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(7)
40 CFR Chapter 264, SubChapter I, PT 264, SubPT I 264.171
P.P.II.C.1.k. PERMIT
P.P.II.C.2.g. PERMIT
Description: Failure to manage one 55-gallon drum of hazardous waste (F003, F005, D001) located at the Container Storage Building, storage area E24 in a good container.
Classification: Moderate
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(8)
40 CFR Chapter 264, SubChapter I, PT 264, SubPT J 264.193(e)(1)(iii)
Description: Failure for the secondary containment liner at hazardous waste tank 502 (Permit No.: 25) to meet the state and federal requirements.
- 11 Date: 04/24/2013 (1073716) CN603069626
Classification: Moderate
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
SC 14 OP
Description: Failure to maintain a minimum power of 15 Kilovolt Amps (KVA) to the Wet Electrostatic Precipitator (WESP) (EPN INCINSTK). B19
Classification: Moderate
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(a)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
SC 15 OP
SC 26(B) PERMIT
Description: Failure to conduct the 4th quarter Cylinder Gas Audits on the Hydrogen Chloride (HCl) and Sulfur Dioxide (SO2) CEMS. B3

* NOVs applicable for the Compliance History rating period 9/1/2007 to 8/31/2012

Appendix B

All Investigations Conducted During Component Period May 08, 2008 and May 08, 2013

- (669931)
Item 1* May 16, 2008** For Informational Purposes Only
- (680243)
Item 2* May 23, 2008** For Informational Purposes Only
- (481070)
Item 3* May 31, 2008** For Informational Purposes Only
- (671688)
Item 4 June 09, 2008** For Informational Purposes Only
- (680231)
Item 5* July 07, 2008** For Informational Purposes Only

(689503)
Item 6* August 27, 2008** For Informational Purposes Only

(686816)
Item 7* September 06, 2008** For Informational Purposes Only

(705180)
Item 8* October 31, 2008** For Informational Purposes Only

(705723)
Item 9* November 17, 2008** For Informational Purposes Only

(742966)
Item 10* May 05, 2009** For Informational Purposes Only

(746873)
Item 11 May 29, 2009** For Informational Purposes Only

(746860)
Item 12* June 16, 2009** For Informational Purposes Only

(759620)
Item 13* June 29, 2009** For Informational Purposes Only

(762709)
Item 14 July 31, 2009** For Informational Purposes Only

(767786)
Item 15* August 31, 2009** For Informational Purposes Only

(775404)
Item 16 September 10, 2009** For Informational Purposes Only

(775962)
Item 17* September 15, 2009** For Informational Purposes Only

(763136)
Item 18* September 21, 2009** For Informational Purposes Only

(765178)
Item 19* October 01, 2009** For Informational Purposes Only

(777271)
Item 20* October 13, 2009** For Informational Purposes Only

(768092)
Item 21 October 21, 2009** For Informational Purposes Only

(775731)
Item 22* October 26, 2009** For Informational Purposes Only

(777011)
Item 23* November 08, 2009** For Informational Purposes Only

(785347)
Item 24* December 22, 2009** For Informational Purposes Only

(767968)
Item 25 February 09, 2010** For Informational Purposes Only

(788942)
Item 26* February 15, 2010** For Informational Purposes Only

(793435)

Item 27*	March 23, 2010**	For Informational Purposes Only (794343)
Item 28	April 28, 2010**	For Informational Purposes Only (801577)
Item 29*	May 17, 2010**	For Informational Purposes Only (826353)
Item 30*	June 22, 2010**	For Informational Purposes Only (829187)
Item 31*	July 31, 2010**	For Informational Purposes Only (841971)
Item 32*	August 18, 2010**	For Informational Purposes Only (829853)
Item 33	August 20, 2010**	For Informational Purposes Only (877439)
Item 34	November 23, 2010**	For Informational Purposes Only (881066)
Item 35	January 03, 2011**	For Informational Purposes Only (885144)
Item 36*	January 18, 2011**	For Informational Purposes Only (892899)
Item 37*	February 01, 2011**	For Informational Purposes Only (858248)
Item 38	February 28, 2011**	For Informational Purposes Only (900693)
Item 39*	March 01, 2011**	For Informational Purposes Only (907757)
Item 40	March 29, 2011**	For Informational Purposes Only (912875)
Item 41*	May 17, 2011**	For Informational Purposes Only (935111)
Item 42*	July 01, 2011**	For Informational Purposes Only (934072)
Item 43*	July 11, 2011**	For Informational Purposes Only (943021)
Item 44	July 27, 2011**	For Informational Purposes Only (964705)
Item 45	November 29, 2011**	For Informational Purposes Only (970208)
Item 46	January 09, 2012**	For Informational Purposes Only (980569)
Item 47*	January 18, 2012**	For Informational Purposes Only (976822)

Item 48	February 19, 2012**	For Informational Purposes Only (983252)
Item 49	February 21, 2012**	For Informational Purposes Only (983309)
Item 50*	March 26, 2012**	For Informational Purposes Only (989837)
Item 51	April 24, 2012**	For Informational Purposes Only (1008498)
Item 52*	May 31, 2012**	For Informational Purposes Only (1022572)
Item 53	August 07, 2012**	For Informational Purposes Only (1051154)
Item 54*	December 13, 2012	For Informational Purposes Only (1037104)
Item 55	December 14, 2012	For Informational Purposes Only (1043516)
Item 56*	January 18, 2013	For Informational Purposes Only (1054198)
Item 57*	January 25, 2013	For Informational Purposes Only (1073716)
Item 58	April 24, 2013	For Informational Purposes Only

* No violations documented during this investigation

**Investigation applicable for the Compliance History Rating period between 09/01/2007 and 08/31/2012.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
VEOLIA ES TECHNICAL
SOLUTIONS, L.L.C.
RN102599719**

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**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2013-0965-AIR-E**

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Veolia ES Technical Solutions, L.L.C. ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that 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 hazardous waste incinerator at 7665 Highway 73 in Port Arthur, Jefferson County, Texas (the "Site").

2. The Site consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. During an investigation conducted on February 20, 2013, TCEQ staff documented that the Respondent failed to limit the carbon monoxide ("CO") emissions below the permitted hourly rolling average of 100 parts per million by volume ("ppmv") and 17.1 pounds per hour ("lbs/hr"). Specifically, on 40 separate occasions, between November 27, 2011 through October 21, 2012, the CO emissions were between 102 ppmv and 337 ppmv and 17.14 lbs/hr and 58.7 lbs/hr from the hazardous waste incinerator, as shown in the table below.

Month(s)	Duration (hr: min)	CO		Month(s)	Duration (hr: min)	CO	
		ppmv	lbs/hr			ppmv	lbs/hr
November 27, 2011	1457-1559 (1:02)	333	52.6	June 14, 2012	1101-1200 (0:59)	146	35.6
January 8, 2012	2040-2138 (0:58)	109	14.5	June 14, 2012	1410-1508(0:58)	109	11.9
January 9, 2012	0913-1017(1:04)	294	57	June 15, 2012	2113-2211(0:58)	169	12.4
January 10, 2012	1511-1610(0:59)	174	23	June 17, 2012	0806-0905(0:59)	304	47.7
February 18, 2012	1833-1933(1:00)	189	27.3	June 22, 2012	0806-0905(0:59)	121	14.6
March 4, 2012	0502-0601 (0:59)	120	15.9	June 23, 2012	2010-2050(0:40)	114	7.83
March 12, 2012	1140-1239 (0:59)	138	10.7	August 3, 2012	1320-1420(1:00)	208	29
March 13, 2012	0807-0906 (0:59)	106	19.4	August 6, 2012	1433-1531(0:58)	117	15.2
March 30, 2012	1356-1454 (0:58)	141	21	August 11, 2012	0229-0328(0:59)	154	13.5
April 10, 2012	1649-1745 (0:56)	103	13.5	August 18, 2012	1614-1714(1:00)	173	19.4
April 14, 2012	0517-0614 (0:57)	118	13.4	August 19, 2012	1344-1411(0:27)	127	5.45
April 18, 2012	1434-1529(0:55)	102	12.6	August 29, 2012	0026-0126(1:00)	172	27
April 18, 2012	1900-1914(0:14)	106	2.92	August 31, 2012	0941-1041(1:00)	179	17.6
April 29, 2012	0754-0855(1:01)	191	32.03	September 18, 2012	1710-1809(0:59)	142	15.9
May 5, 2012	1502-1604(1:00)	242	35.3	September 27, 2012	0850-0950(1:00)	177	28.3
May 6, 2012	0217-0316(0:59)	140	20.4	September 27, 2012	1005-1105(1:00)	176	28.7
May 20, 2012	2018-2122(1:04)	337	58.7	October 1, 2012	0917-1015(0:58)	103	10.7
June 2, 2012	1007-1107(1:00)	237	34.1	October 9, 2012	1439-1536(0:57)	115	13.7
June 5, 2012	2016-2017(0:01)	111	0.17	October 14, 2012	1100-1200(1:00)	168	29.4
June 6, 2012	0017-0117(1:00)	143	17.14	October 21, 2012	2120-2146(0:26)	102	3.97

Abbreviation:
 min¹- minute

4. The Respondent received notice of the violations on April 29, 2013.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the Respondent failed to limit the CO emissions below the permitted hourly rolling average of 100 ppmv and 17.1 lbs/hr, in violation of 30 TEX. ADMIN. CODE §§ 101.20(2), 116.115(c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), 40 CODE OF FEDERAL REGULATIONS § 63.1203(a)(5)(i), New Source Review Permit No. 42450, Special Conditions Nos. 9 and 12(H), and Federal Operating Permit No. O1509, Special Terms and Conditions Nos. 1(A) and 15(A).
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 Thirteen Thousand Fifty Dollars (\$13,050) 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 Thirteen Thousand Fifty Dollar (\$13,050) 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 Thirteen Thousand Fifty Dollars (\$13,050) 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: Veolia ES Technical Solutions, L.L.C., Docket No. 2013-0965-AIR-E" to:

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

2. The Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, update operating procedures and implement training for all in-house control room staff for proper fuel to oxygen ratio for optimal combustion, correct feeding techniques of different waste streams, and precise combustion timing to limit CO emissions; and
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. 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:

Air Section Manager
Beaumont Regional Office
Texas Commission on Environmental Quality
3870 Eastex Freeway
Beaumont, Texas 77703-1892

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 Site 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 Dovic
For the Executive Director

12/6/13
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Veolia ES Technical Solutions, L.L.C. I am authorized to agree to the attached Agreed Order on behalf of Veolia ES Technical Solutions, L.L.C., 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, Veolia ES Technical Solutions, L.L.C. 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.

Kim M. Osborne
Signature

9-16-13
Date

James M. Osborne
Name (Printed or typed)
Authorized Representative of
Veolia ES Technical Solutions, L.L.C.

General Manager
Title

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