

**Executive Summary – Enforcement Matter – Case No. 46804
BELCO MANUFACTURING COMPANY, INC.
RN100215524
Docket No. 2013-0913-MLM-E**

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

MLM – WQ, IHW

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Belco Manufacturing, 2303 Taylors Valley Road, Belton, Bell County

Type of Operation:

Fiberglass tank and other fiberglass structures manufacturing facility

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: September 6, 2013

Comments Received: No

Penalty Information

Total Penalty Assessed: \$21,750

Amount Deferred for Expedited Settlement: \$4,350

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$17,400

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2011

Executive Summary – Enforcement Matter – Case No. 46804
BELCO MANUFACTURING COMPANY, INC.
RN100215524
Docket No. 2013-0913-MLM-E

Investigation Information

Complaint Date(s): N/A
Complaint Information: N/A
Date(s) of Investigation: February 27, 2013
Date(s) of NOE(s): April 26, 2013

Violation Information

1. Failed to transfer accumulated hazardous waste at a satellite accumulation area within the allotted accumulation time of 90 days without a permit or interim status. Specifically, one drum of hazardous waste in the tank shop was marked with an accumulation date of 11-5-12, which exceeded the 90-day accumulation time limit [30 TEX. ADMIN. CODE § 335.69(a) and 40 CODE OF FEDERAL REGULATIONS ("CFR") § 262.34(a)].
2. Failed to prevent the unauthorized disposal of universal waste. Specifically, universal waste was being disposed of in a trash dumpster at the Facility [30 TEX. ADMIN. CODE § 335.261(a) and 40 CFR § 273.11(a)].
3. Failed to obtain authorization for storm water discharges under the Multi-Sector General Permit associated with an industrial facility. Specifically, the Respondent was storing outside roll-off containers containing a resin and roofing paper waste stream, a Class 2 waste, with no lids, without a permit [30 TEX. ADMIN. CODE § 281.25(a)(4) and 40 CFR § 122.26].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

Respondent submitted a Notice of Intent and obtained a Multi-Sector General Permit on May 20, 2013.

Technical Requirements:

Respondent shall undertake the following:

- a. Immediately;
 - i. Cease disposing of any additional universal waste in the trash dumpster located at the Facility; and
 - ii. Remove the drum of hazardous waste with an accumulation date of 11-5-12 and dispose of it at an authorized facility.
- b. Within 30 days:

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- i. Develop and implement procedures to ensure that all containers storing hazardous waste are removed within the allotted accumulation time limit and transported to a facility authorized to accept the waste; and
- ii. Develop and implement procedures to ensure that universal waste is disposed of properly and at a facility authorized to accept the waste.
- c.. Within 45 days, submit written certification demonstrating compliance with Ordering Provisions.a.i. through b.ii.

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: Danielle Porras, Enforcement Division,
Enforcement Team 7, MC R-12, (713) 767-3682; Candy Garrett, Enforcement Division,
MC 219, (512) 239-1456
TCEQ SEP Coordinator: N/A
Respondent: Steven Macy, President, BELCO MANUFACTURING COMPANY, INC.,
P.O. Box 210, Belton, Texas 76513
Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES	Assigned	6-May-2013
	PCW	4-Jun-2013
	Screening	8-May-2013
	EPA Due	

RESPONDENT/FACILITY INFORMATION

Respondent	BELCO MANUFACTURING COMPANY, INC.		
Reg. Ent. Ref. No.	RN100215524		
Facility/Site Region	9-Waco	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	46804	No. of Violations	3	
Docket No.	2013-0913-MLM-E	Order Type	1660	
Media Program(s)	Industrial and Hazardous Waste	Government/Non-Profit	No	
Multi-Media	Water Quality	Enf. Coordinator	Danielle Porras	
		EC's Team	Enforcement Team 7	
Admin. Penalty \$	Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$18,750**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **22.0%** Enhancement **Subtotals 2, 3, & 7** **\$4,125**

Notes: Enhancement due to one NOV with dissimilar violations and one agreed order containing a denial of liability.

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

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** **\$1,125**

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

Total EB Amounts: \$120
Approx. Cost of Compliance: \$4,100

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$21,750**

OTHER FACTORS AS JUSTICE MAY REQUIRE **0.0%** **Adjustment** **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount **\$21,750**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$21,750**

DEFERRAL **20.0%** Reduction **Adjustment** **-\$4,350**

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 **\$17,400**

Screening Date 8-May-2013

Docket No. 2013-0913-MLM-E

PCW

Respondent BELCO MANUFACTURING COMPANY, INC.

Policy Revision 3 (September 2011)

Case ID No. 46804

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100215524

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Danielle Porras

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	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%

Please Enter Yes or No

Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2)

>> 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 due to one NOV with dissimilar violations and one agreed order containing a denial of liability.

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

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100%

Screening Date 8-May-2013

Docket No. 2013-0913-MLM-E

PCW

Respondent BELCO MANUFACTURING COMPANY, INC.

Policy Revision 3 (September 2011)

Case ID No. 46804

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100215524

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Danielle Porras

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 335.69(a) and 40 Code of Federal Regulations ("CFR") § 262.34(a)

Violation Description Failed to transfer accumulated hazardous waste at a satellite accumulation area within the allotted accumulation time of 90 days without a permit or interim status. Specifically, one drum of hazardous waste in the tank shop was marked with an accumulation date of 11-5-12, which exceeded the 90-day accumulation time limit.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment will or could be exposed to significant amounts of pollutants which would 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 1

70 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$3,750

One quarterly event is recommended from the February 27, 2013 investigation to the May 8, 2013 screening date.

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 \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$51

Violation Final Penalty Total \$4,575

This violation Final Assessed Penalty (adjusted for limits) \$4,575

Economic Benefit Worksheet

Respondent BELCO MANUFACTURING COMPANY, INC.

Case ID No. 46804

Reg. Ent. Reference No. RN100215524

Media Industrial and Hazardous Waste

Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

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	\$1,000	27-Feb-2013	31-Jan-2014	0.93	\$46	n/a	\$46
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$100	27-Feb-2013	31-Jan-2014	0.93	\$5	n/a	\$5

Notes for DELAYED costs

Estimated cost to properly dispose the hazardous waste drum and to develop and implement procedures to ensure that all containers storing hazardous waste are removed within the allotted accumulation time limit and transported to a facility authorized to accept the waste. The Date Required is the investigation date and the Final Date is the estimated 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

\$1,100

TOTAL

\$51

Screening Date 8-May-2013

Docket No. 2013-0913-MLM-E

PCW

Respondent BELCO MANUFACTURING COMPANY, INC.

Policy Revision 3 (September 2011)

Case ID No. 46804

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100215524

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Danielle Porras

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 335.261(a) and 40 CFR § 273.11(a)

Violation Description

Failed to prevent the unauthorized disposal of universal waste. Specifically, universal waste was being disposed of in a trash dumpster at the Facility.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 15.0%

>> Programmatic Matrix

Falsification	Harm		
	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 1

70 Number of violation days

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

Violation Base Penalty \$3,750

One quarterly event is recommended from the February 27, 2013 investigation to the May 8, 2013 screening date.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

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

Violation Subtotal \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$46

Violation Final Penalty Total \$4,575

This violation Final Assessed Penalty (adjusted for limits) \$4,575

Economic Benefit Worksheet

Respondent BELCO MANUFACTURING COMPANY, INC.

Case ID No. 46804

Reg. Ent. Reference No. RN100215524

Media Industrial and Hazardous Waste

Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

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)	\$1,000	27-Feb-2013	31-Jan-2014	0.93	\$46	n/a	\$46

Notes for DELAYED costs

Estimated cost to implement procedures designed to ensure that universal waste is disposed of properly and at a facility authorized to accept the waste. The Date Required is the investigation date and the Final Date is the estimated 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

\$1,000

TOTAL

\$46

Screening Date 8-May-2013

Docket No. 2013-0913-MLM-E

PCW

Respondent BELCO MANUFACTURING COMPANY, INC.

Policy Revision 3 (September 2011)

Case ID No. 46804

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100215524

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Danielle Porras

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 281.25(a)(4) and 40 CFR § 122.26

Violation Description

Failed to obtain authorization for storm water discharges under the Multi-Sector General Permit associated with an industrial facility. Specifically, the Respondent was storing outside roll-off containers containing a resin and roofing paper waste stream, a Class 2 waste, with no lids, without a permit.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor
	x		

Percent 15.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 3

70 Number of violation days

mark only one with an x

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$11,250

Three monthly events are recommended from the February 27, 2013 investigation to the May 8, 2013 screening date.

Good Faith Efforts to Comply

10.0% Reduction \$1,125

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

Notes

The Respondent came into compliance on May 20, 2013, after the Notice of Enforcement mailed on April 26, 2013.

Violation Subtotal \$10,125

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$22

Violation Final Penalty Total \$12,600

This violation Final Assessed Penalty (adjusted for limits) \$12,600

Economic Benefit Worksheet

Respondent BELCO MANUFACTURING COMPANY, INC.

Case ID No. 46804

Reg. Ent. Reference No. RN100215524

Media Industrial and Hazardous Waste

Violation No. 3

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	\$2,000	27-Feb-2013	20-May-2013	0.22	\$22	n/a	\$22
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to obtain a Multi-Sector General Permit and develop and implement a storm water pollution prevention plan. The Date Required is the investigation date and the Final Date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,000

TOTAL

\$22

The TCEQ is committed to accessibility.

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



Compliance History Report

PUBLISHED Compliance History Report for CN600128185, RN100215524, Rating Year 2012 which includes Compliance History (CH) components from September 1, 2007, through August 31, 2012.

Customer, Respondent, or Owner/Operator: CN600128185, BELCO MANUFACTURING COMPANY, INC. **Classification:** SATISFACTORY **Rating:** 3.31

Regulated Entity: RN100215524, Belco Manufacturing **Classification:** SATISFACTORY **Rating:** 3.31

Complexity Points: 6 **Repeat Violator:** NO

CH Group: 14 - Other

Location: 2303 TAYLORS VALLEY RD BELTON, TX 76513-9606, BELL COUNTY

TCEQ Region: REGION 09 - WACO

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER BF0104B

AIR OPERATING PERMITS PERMIT 2192

POLLUTION PREVENTION PLANNING ID NUMBER P00900

AIR NEW SOURCE PERMITS ACCOUNT NUMBER BF0104B

AIR NEW SOURCE PERMITS REGISTRATION 11094

AIR NEW SOURCE PERMITS PERMIT 27360

AIR NEW SOURCE PERMITS AFS NUM 4802700030

AIR NEW SOURCE PERMITS REGISTRATION 89328

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE

INDUSTRIAL AND HAZARDOUS WASTE EPA ID

REGISTRATION # (SWR) 39136

TXD097562474

STORMWATER PERMIT TXRNEZ367

AIR EMISSIONS INVENTORY ACCOUNT NUMBER BF0104B

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: Danielle Porras

Phone (713) 767-3682

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: 05/03/2009 ADMINORDER 2008-1952-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

30 TAC Chapter 122, SubChapter B 122.146(2)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP

Description: Failed to submit the ACC for the April 27, 2007 through April 26, 2008 certification period. Specifically, the report was due on May 26, 2008, but was not submitted until November 5, 2008.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	August 05, 2008	(688328)
Item 2	February 12, 2009	(725341)
Item 3	August 10, 2009	(764914)
Item 4	November 18, 2009	(778688)
Item 5	February 16, 2011	(891700)
Item 6	June 08, 2011	(923422)
Item 7	July 20, 2011	(941178)
Item 8	February 08, 2012	(982417)
Item 9	August 06, 2012	(1020030)
Item 10	April 03, 2013	(1074920)

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:	08/06/2012 (1015527)	CN600128185
	Self Report?	NO	Classification: Moderate
	Citation:	30 TAC Chapter 122, SubChapter B 122.146(2) 5C THSC Chapter 382 382.085(b)	
	Description:	Belco Manufacturing failed to submit the Permit Compliance Certification (PCC) within the required time frames pursuant to 30 TAC §122.146(2).	

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
BELCO MANUFACTURING
COMPANY, INC.
RN100215524**

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

**AGREED ORDER
DOCKET NO. 2013-0913-MLM-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 BELCO MANUFACTURING COMPANY, INC. ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 361 and TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a fiberglass tank and other fiberglass structures manufacturing facility at 2303 Taylors Valley Road in Belton, Bell County, Texas (the "Facility").
2. The Facility involves or involved the management of industrial hazardous waste as defined in TEX. HEALTH & SAFETY CODE ch. 361. The Respondent has discharged other waste into or adjacent to any water in the state which in itself or in conjunction with any other discharge or activity causes, continues to cause, or will cause pollution of 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 May 1, 2013.

5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Twenty-One Thousand Seven Hundred Fifty Dollars (\$21,750) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Seventeen Thousand Four Hundred Dollars (\$17,400) of the administrative penalty and Four Thousand Three Hundred Fifty Dollars (\$4,350) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director recognizes that the Respondent submitted a Notice of Intent and obtained a Multi-Sector General Permit on May 20, 2013.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

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

1. Failed to transfer accumulated hazardous waste at a satellite accumulation area within the allotted accumulation time of 90 days without a permit or interim status, in violation of 30 TEX. ADMIN. CODE § 335.69(a) and 40 CODE OF FEDERAL REGULATIONS ("CFR") § 262.34(a), as documented during an investigation conducted on February 27, 2013. Specifically, one drum of hazardous waste in the tank shop was marked with an accumulation date of 11-5-12, which exceeded the 90-day accumulation time limit.
2. Failed to prevent the unauthorized disposal of universal waste, in violation of 30 TEX. ADMIN. CODE § 335.261(a) and 40 CFR § 273.11(a), as documented during an

investigation conducted on February 27, 2013. Specifically, universal waste was being disposed of in a trash dumpster at the Facility.

3. Failed to obtain authorization for storm water discharges under the Multi-Sector General Permit associated with an industrial facility, in violation of 30 TEX. ADMIN. CODE § 281.25(a)(4) and 40 CFR § 122.26, as documented during an investigation conducted on February 27, 2013. Specifically, the Respondent was storing outside roll-off containers containing a resin and roofing paper waste stream, a Class 2 waste, with no lids, without a permit.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: BELCO MANUFACTURING COMPANY, INC., Docket No. 2013-0913-MLM-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. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Immediately upon the effective date of this Agreed Order:
 - i. Cease disposing of any additional universal waste in the trash dumpster located at the Facility; and
 - ii. Remove the drum of hazardous waste with an accumulation date of 11-5-12 and dispose of it at an authorized facility.
 - b. Within 30 days after the effective date of this Agreed Order:
 - i. Develop and implement procedures to ensure that all containers storing hazardous waste are removed within the allotted accumulation time limit and transported to a facility authorized to accept the waste, in accordance with 30 TEX. ADMIN. CODE § 335.69; and

- ii. Develop and implement procedures to ensure that universal waste is disposed of properly and at a facility authorized to accept the waste, in accordance with 30 TEX. ADMIN. CODE § 335.261.
- c. 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 Nos. 2.a.i. through 2.b.ii. 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:

Waste Section Manager
Waco Regional Office
Texas Commission on Environmental Quality
6801 Sanger Avenue, Suite 2500
Waco, Texas 76710-7826

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

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

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Pam Draney
For the Executive Director

11/7/14
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.

Stephen C. Maey
Signature

21 June 2013
Date

Stephen C. Maey
Name (Printed or typed)
Authorized Representative of
BELCO MANUFACTURING COMPANY, INC.

President
Title

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