

Executive Summary – Enforcement Matter – Case No. 47268

Bollinger Texas City, L.P.

RN100218627

Docket No. 2013-1375-IWD-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:

IWD

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Bollinger Texas City, 2201 Dock Road, Dock 42, Texas City, Galveston County

Type of Operation:

Wastewater treatment plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: November 15, 2013

Comments Received: No

Penalty Information

Total Penalty Assessed: \$4,400

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$4,400

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: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2011

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: June 18, 2013

Date(s) of NOE(s): July 18, 2013

Executive Summary – Enforcement Matter – Case No. 47268
Bollinger Texas City, L.P.
RN100218627
Docket No. 2013-1375-IWD-E

Violation Information

1. Failed to comply with permitted effluent limits for total suspended solids and chlorine [Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0004824000, Effluent Limitations and Monitoring Requirements Nos. 1 and 2, 30 TEX. ADMIN. CODE § 305.125(1) and TEX. WATER CODE § 26.121(a)(1)].
2. Failed to submit complete monitoring results at the intervals specified in the permit [TPDES Permit No. WQ0004824000, Monitoring and Reporting Requirements No. 1 and 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.4].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

By July 31, 2013, Respondent submitted a revised DMR for the monitoring period ending February 28, 2013 for Outfall 001 to include all missing data.

Technical Requirements:

Respondent shall, within 90 days, submit written certification demonstrating at least three consecutive months of compliance with all permitted effluent limitations.

Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A
TCEQ Enforcement Coordinator: Jorge Ibarra, P.E., Enforcement Division, Enforcement Team 3, MC R-04, (817) 588-5890; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456
TCEQ SEP Coordinator: N/A
Respondents: Craig Roussel, Vice President, Bollinger Texas City, L.P., P.O. Box 1500, Texas City, Texas 77592
Monty Bludworth, General Manager, Bollinger Texas City, L.P., P.O. Box 1500, Texas City, Texas 77592
Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES	Assigned	22-Jul-2013	Screening	23-Jul-2013	EPA Due	
	PCW	26-Jul-2013				

RESPONDENT/FACILITY INFORMATION	
Respondent	Bollinger Texas City, L.P.
Reg. Ent. Ref. No.	RN100218627
Facility/Site Region	12-Houston
Major/Minor Source	Minor

CASE INFORMATION		No. of Violations	2
Enf./Case ID No.	47268	Order Type	Findings
Docket No.	2013-1375-IWD-E	Government/Non-Profit	No
Media Program(s)	Water Quality	Enf. Coordinator	Jorge Ibarra, P.E.
Multi-Media		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$2,750**

ADJUSTMENTS (+/-) TO SUBTOTAL 1
 Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.
Compliance History **60.0%** Enhancement **Subtotals 2, 3, & 7** **\$1,650**

Notes Enhancement for one order containing denial of liability, one order without denial of liability, one NOV with same/similar violations, and two months of self-reported effluent violations.

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

Notes The Respondent does not meet the culpability criteria.

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

Economic Benefit **0.0%** Enhancement* **Subtotal 6** **\$0**
 Total EB Amounts **\$313**
 Approx. Cost of Compliance **\$5,025**
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$4,400**

OTHER FACTORS AS JUSTICE MAY REQUIRE **0.0%** **Adjustment** **\$0**
 Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount **\$4,400**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$4,400**

DEFERRAL **0.0%** Reduction **Adjustment** **\$0**
 Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

No deferral is recommended for Findings Orders.

PAYABLE PENALTY **\$4,400**

Screening Date 23-Jul-2013

Docket No. 2013-1375-IWD-E

PCW

Respondent Bollinger Texas City, L.P.

Policy Revision 3 (September 2011)

Case ID No. 47268

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100218627

Media [Statute] Water Quality

Enf. Coordinator Jorge Ibarra, P.E.

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>)	3	15%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 60%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for one order containing denial of liability, one order without denial of liability, one NOV with same/similar violations, and two months of self-reported effluent violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 60%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 60%

Screening Date 23-Jul-2013

Docket No. 2013-1375-IWD-E

PCW

Respondent Bollinger Texas City, L.P.

Policy Revision 3 (September 2011)

Case ID No. 47268

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100218627

Media [Statute] Water Quality

Enf. Coordinator Jorge Ibarra, P.E.

Violation Number 1

Rule Cite(s)

Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0004824000, Effluent Limitations and Monitoring Requirements Nos. 1 and 2, 30 Tex. Admin. Code § 305.125(1) and Tex. Water Code § 26.121(a)(1)

Violation Description

Failed to comply with permitted effluent limits for Outfall No. 003, as documented in a record review conducted on June 18, 2013. See attached Effluent Limit Violation Table.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 5.0%

>> Programmatic Matrix

	Falsification	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 \$23,750

\$1,250

Violation Events

Number of Violation Events 2

90 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$2,500

Two quarterly events are recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

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

Violation Subtotal \$2,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$312

Violation Final Penalty Total \$4,000

This violation Final Assessed Penalty (adjusted for limits) \$4,000

Economic Benefit Worksheet

Respondent Bollinger Texas City, L.P.
Case ID No. 47268
Req. Ent. Reference No. RN100218627
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$5,000	31-Dec-2012	1-Apr-2014	1.25	\$312	n/a	\$312

Notes for DELAYED costs

Estimated cost to develop and implement procedures to ensure compliance with permit effluent limits.
 Date required is the first date of noncompliance and 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

\$5,000

TOTAL

\$312

Screening Date 23-Jul-2013

Docket No. 2013-1375-IWD-E

PCW

Respondent Bollinger Texas City, L.P.

Policy Revision 3 (September 2011)

Case ID No. 47268

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100218627

Media [Statute] Water Quality

Enf. Coordinator Jorge Ibarra, P.E.

Violation Number 2

Rule Cite(s)

TPDES Permit No. WQ0004824000, Monitoring and Reporting Requirements No. 1 and 30 Tex. Admin. Code §§ 305.125(1) and 319.4

Violation Description

Failed to submit complete monitoring results at the intervals specified in the permit. Specifically, the Respondent failed to include the pH minimum value in the discharge monitoring report ("DMR") for the monitoring period ending February 28, 2013 for Outfall No. 001.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
			X

Percent 1.0%

Matrix Notes

More than 70% of the rule requirement was met.

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 1

1 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

mark only one with an x

Violation Base Penalty \$250

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

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

Violation Subtotal \$250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$400

This violation Final Assessed Penalty (adjusted for limits) \$400

Economic Benefit Worksheet

Respondent Bollinger Texas City, L.P.
Case ID No. 47268
Req. Ent. Reference No. RN100218627
Media Water Quality
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
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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)	\$25	20-Mar-2013	31-Jul-2013	0.36	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to properly prepare and submit a revised DMR to include all missing data. Date required is the date the DMR was due 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

\$25

TOTAL

\$0

Bollinger Texas City, L.P.
RN100218627, Case No. 47268, TPDES Permit No. WQ0004824000
Docket No. 2013-1375-IWD-E

<i>EFFLUENT PARAMETER</i>			
Permit Limit			
	TSS Daily Average Concentration	TSS Daily Maximum Concentration	Cl Residual Maximum Concentration
<i>Month/Year</i>	20 mg/L	45 mg/L	4 mg/L
December 2012	35.5	46.8	c
January 2013	49.8	78	c
March 2013	c	c	8.3

TSS = total suspended solids Cl = Chlorine mg/L = milligrams per liter

The TCEQ is committed to accessibility.

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



Compliance History Report

PUBLISHED Compliance History Report for CN600129761, RN100218627, Rating Year 2012 which includes Compliance History (CH) components from September 1, 2007, through August 31, 2012.

Customer, Respondent, or Owner/Operator: CN600129761, Bollinger Texas City, L.P. **Classification:** SATISFACTORY **Rating:** 2.69

Regulated Entity: RN100218627, BOLLINGER TEXAS CITY **Classification:** SATISFACTORY **Rating:** 4.76

Complexity Points: 13 **Repeat Violator:** NO

CH Group: 14 - Other

Location: 2201 DOCK ROAD, DOCK 42 IN TEXAS CITY, GALVESTON COUNTY, TEXAS

TCEQ Region: REGION 12 - HOUSTON

ID Number(s):

POLLUTION PREVENTION PLANNING ID NUMBER P03155

INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXR000012203

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE
REGISTRATION # (SWR) 84327

AIR NEW SOURCE PERMITS PERMIT 33054

AIR NEW SOURCE PERMITS ACCOUNT NUMBER GB0593H

AIR NEW SOURCE PERMITS AFS NUM 4816700123

AIR NEW SOURCE PERMITS REGISTRATION 54511

AIR NEW SOURCE PERMITS REGISTRATION 99536

STORMWATER PERMIT TXR05Q187

PETROLEUM STORAGE TANK REGISTRATION REGISTRATION
70426

WASTEWATER PERMIT WQ0004824000

WASTEWATER EPA ID TX0129496

AIR EMISSIONS INVENTORY ACCOUNT NUMBER GB0593H

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

Date Compliance History Report Prepared: July 23, 2013

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: July 23, 2008 to July 23, 2013

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

Name: Jorge Ibarra, P.E.

Phone (817) 588-5890

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: 05/08/2011 ADMINORDER 2010-1734-IWD-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: Eff. Limits and Mon. Req. PERMIT
Description: Failure to comply with permitted effluent limits, as documented during a record review conducted on September 21, 2010.
- 2 Effective Date: 06/03/2013 ADMINORDER 2012-2328-IWD-E (Findings Order-Agreed Order Without Denial)
Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)

30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: Eff. Lim. Mon. Req. Nos. 1 and 2 PERMIT

Effluent Limits PERMIT

Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data.

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 20, 2008	(718733)
Item 2	September 30, 2008	(733941)
Item 3	October 22, 2008	(733942)
Item 4	December 01, 2008	(733943)
Item 5	December 29, 2008	(733944)
Item 6	January 21, 2009	(757062)
Item 7	February 19, 2009	(757061)
Item 8	March 25, 2009	(773877)
Item 9	June 18, 2009	(822050)
Item 10	July 21, 2009	(822052)
Item 11	August 21, 2009	(764124)
Item 12	September 22, 2009	(822053)
Item 13	December 21, 2009	(822056)
Item 14	December 15, 2010	(880901)
Item 15	March 21, 2011	(918490)
Item 16	April 25, 2011	(931740)
Item 17	May 23, 2011	(940230)
Item 18	June 22, 2011	(947607)
Item 19	July 22, 2011	(954869)
Item 20	October 24, 2011	(973522)
Item 21	November 21, 2011	(979648)
Item 22	March 22, 2012	(1005712)
Item 23	April 23, 2012	(1012283)
Item 24	May 18, 2012	(1018683)
Item 25	June 22, 2012	(1026417)
Item 26	August 22, 2012	(1040294)
Item 27	September 17, 2012	(1049276)
Item 28	October 22, 2012	(1070930)
Item 29	November 26, 2012	(1070931)
Item 30	December 27, 2012	(1070932)
Item 31	March 25, 2013	(1091595)

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:	12/31/2012	(1083730)	CN600129761	
	Self Report?	YES		Classification:	Moderate
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			
	Description:	Failure to meet the limit for one or more permit parameter			
2	Date:	01/31/2013	(1083729)	CN600129761	
	Self Report?	YES		Classification:	Moderate
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			
	Description:	Failure to meet the limit for one or more permit parameter			

Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) EL&MR PERMIT		
Description:	Failed to maintain compliance with the permitted effluent limits.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 319, SubChapter A 319.11(c)		
Description:	Failed to properly analyze effluent samples.		

F. Environmental audits:

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

Classification: Moderate

Self Report? YES For Informational Purposes Only
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

10 Date: 02/28/2010 (837088) CN600129761
Classification: Moderate

Self Report? YES For Informational Purposes Only
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

11 Date: 03/29/2010 (796761) CN600129761
Classification: Moderate

Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to comply with the permitted effluent limitations for chlorine residual at Outfall 003.
Classification: Minor

Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 319, SubChapter A 319.7(c)
Description: Failure to properly complete the discharge monitoring reports (DMRs).
Classification: Moderate

Self Report? NO For Informational Purposes Only
Citation: 04824-000 PERMIT
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to maintain compliance with the total suspended solids (TSS) effluent limitations at Outfall 001.
Classification: Moderate

Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 319, SubChapter A 319.11(b)
Description: Failure to use an EPA approved method for the total organic carbon (TOC) analysis.

12 Date: 03/31/2010 (837089) CN600129761
Classification: Moderate

Self Report? YES For Informational Purposes Only
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

13 Date: 04/30/2010 (837090) CN600129761
Classification: Moderate

Self Report? YES For Informational Purposes Only
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

14 Date: 05/31/2010 (848165) CN600129761
Classification: Moderate

Self Report? YES For Informational Purposes Only
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

15 Date: 06/30/2010 (862656) CN600129761
Classification: Moderate

Self Report? YES For Informational Purposes Only
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

- Description: Failure to meet the limit for one or more permit parameter
- 16 Date: 07/31/2010 (869230) CN600129761
Classification: Moderate
- Self Report? YES For Informational Purposes Only
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 17 Date: 08/31/2010 (876119) CN600129761
Classification: Moderate
- Self Report? YES For Informational Purposes Only
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 18 Date: 09/30/2010 (883718) CN600129761
Classification: Moderate
- Self Report? YES For Informational Purposes Only
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 19 Date: 10/31/2010 (890073) CN600129761
Classification: Moderate
- Self Report? YES For Informational Purposes Only
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 20 Date: 11/30/2010 (898480) CN600129761
Classification: Moderate
- Self Report? YES For Informational Purposes Only
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 21 Date: 12/15/2010 (880848) CN600129761
Classification: Minor
- Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 281, SubChapter A 281.25(a)(4)
Description: Failure to identify all the outfalls on the site map.
Classification: Moderate
- Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 281, SubChapter A 281.25(a)(4)
Description: Failure to comply with permitted effluent limits for copper and zinc.
- 22 Date: 12/31/2010 (904325) CN600129761
Classification: Moderate
- Self Report? YES For Informational Purposes Only
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 23 Date: 01/31/2011 (911210) CN600129761
Classification: Moderate
- Self Report? YES For Informational Purposes Only
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

24 Date: 07/31/2011 (961450) CN600129761
Classification: Moderate
Self Report? YES For Informational Purposes Only
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

25 Date: 08/31/2011 (967590) CN600129761
Classification: Moderate
Self Report? YES For Informational Purposes Only
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

26* Date: 11/30/2011 (986502) CN600129761
Classification: Moderate
Self Report? YES For Informational Purposes Only
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

27* Date: 12/31/2011 (992875) CN600129761
Classification: Moderate
Self Report? YES For Informational Purposes Only
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

28* Date: 01/31/2012 (1000227) CN600129761
Classification: Moderate
Self Report? YES For Informational Purposes Only
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

29* Date: 06/30/2012 (1033745) CN600129761
Classification: Moderate
Self Report? YES For Informational Purposes Only
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

30* Date: 07/16/2012 (1009383) CN600129761
Classification: Moderate
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Effluent Limitations and Monitoring Req. PERMIT
Description: Failed to maintain compliance with the permitted effluent limits for Outfall 003.
Classification: Moderate
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Effluent Limitations and Monitoring Req. PERMIT
Description: Failed to maintain compliance with the permitted effluent limits for Outfall 003.
Classification: Moderate
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Monitoring and Reporting Requirements PERMIT
Description: Failed to provide notification of any effluent violation which deviates from the
permitted effluent limit by more than 40%.
Classification: Moderate
Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Permit Conditions PERMIT
 Description: Failed to accurately complete the discharge monitoring reports (DMRs).
 Classification: Moderate

Self Report? NO For Informational Purposes Only
 Citation: 30 TAC Chapter 319, SubChapter A 319.9(d)
 Description: Failed to meet the quality control requirements.

31 Date: 12/31/2012 (1083730) CN600129761
 Classification: Moderate

Self Report? YES For Informational Purposes Only
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

32 Date: 01/31/2013 (1083729) CN600129761
 Classification: Moderate

Self Report? YES For Informational Purposes Only
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

33 Date: 03/31/2013 (1112531) CN600129761
 Classification: Moderate

Self Report? YES For Informational Purposes Only
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

34 Date: 05/02/2013 (1086618) CN600129761
 Classification: Moderate

Self Report? NO For Informational Purposes Only
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 EL&MR PERMIT
 Description: Failed to maintain compliance with the permitted effluent limits.
 Classification: Minor

Self Report? NO For Informational Purposes Only
 Citation: 30 TAC Chapter 319, SubChapter A 319.11(c)
 Description: Failed to properly analyze effluent samples.

35 Date: 05/31/2013 (1112532) CN600129761
 Classification: Moderate

Self Report? YES For Informational Purposes Only
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

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

Appendix B

All Investigations Conducted During Component Period July 23, 2008 and July 23, 2013

- Item 1* August 20, 2008** (718733) For Informational Purposes Only
- Item 2 August 31, 2008** (733939) For Informational Purposes Only
- Item 3* September 30, 2008** (733941) For Informational Purposes Only
- Item 4 October 14, 2008** (733940) For Informational Purposes Only

Item 5*	October 22, 2008**	(733942) For Informational Purposes Only
Item 6*	December 01, 2008**	(733943) For Informational Purposes Only
Item 7*	December 29, 2008**	(733944) For Informational Purposes Only
Item 8*	January 21, 2009**	(757062) For Informational Purposes Only
Item 9*	February 19, 2009**	(757061) For Informational Purposes Only
Item 10*	March 25, 2009**	(773877) For Informational Purposes Only
Item 11	April 23, 2009**	(773878) For Informational Purposes Only
Item 12	May 22, 2009**	(773879) For Informational Purposes Only
Item 13	June 12, 2009**	(749229) For Informational Purposes Only
Item 14*	June 18, 2009**	(822050) For Informational Purposes Only
Item 15*	July 21, 2009**	(822052) For Informational Purposes Only
Item 16	July 23, 2009**	(822051) For Informational Purposes Only
Item 17*	August 21, 2009**	(764124) For Informational Purposes Only
Item 18*	September 22, 2009**	(822053) For Informational Purposes Only
Item 19	October 22, 2009**	(822054) For Informational Purposes Only
Item 20	November 19, 2009**	(822055) For Informational Purposes Only
Item 21*	December 21, 2009**	(822056) For Informational Purposes Only
Item 22	January 22, 2010**	(822057) For Informational Purposes Only
Item 23	February 22, 2010**	(822049) For Informational Purposes Only
Item 24	March 22, 2010**	(837088) For Informational Purposes Only
Item 25	March 26, 2010**	(796761) For Informational Purposes Only
		(837089)

Item 26	April 28, 2010**	For Informational Purposes Only (837090)
Item 27	May 21, 2010**	For Informational Purposes Only (848165)
Item 28	June 21, 2010**	For Informational Purposes Only (862656)
Item 29	July 23, 2010**	For Informational Purposes Only (869230)
Item 30	August 23, 2010**	For Informational Purposes Only (876119)
Item 31	September 23, 2010**	For Informational Purposes Only (864850)
Item 32	October 06, 2010**	For Informational Purposes Only (883718)
Item 33	October 21, 2010**	For Informational Purposes Only (890073)
Item 34	November 22, 2010**	For Informational Purposes Only (880848)
Item 35	December 15, 2010**	For Informational Purposes Only (898480)
Item 36	December 23, 2010**	For Informational Purposes Only (904325)
Item 37	January 24, 2011**	For Informational Purposes Only (911210)
Item 38	February 17, 2011**	For Informational Purposes Only (918490)
Item 39*	March 21, 2011**	For Informational Purposes Only (931740)
Item 40*	April 25, 2011**	For Informational Purposes Only (940230)
Item 41*	May 23, 2011**	For Informational Purposes Only (947607)
Item 42*	June 22, 2011**	For Informational Purposes Only (954869)
Item 43*	July 22, 2011**	For Informational Purposes Only (961450)
Item 44	August 08, 2011**	For Informational Purposes Only (949708)
Item 45	September 15, 2011**	For Informational Purposes Only (967590)
Item 46	September 22, 2011**	For Informational Purposes Only (973522)

Item 47*	October 24, 2011**	For Informational Purposes Only (979648)
Item 48*	November 21, 2011**	For Informational Purposes Only (986502)
Item 49	December 28, 2011**	For Informational Purposes Only (992875)
Item 50	January 24, 2012**	For Informational Purposes Only (1000227)
Item 51	February 24, 2012**	For Informational Purposes Only (1005712)
Item 52*	March 22, 2012**	For Informational Purposes Only (1012283)
Item 53*	April 23, 2012**	For Informational Purposes Only (1018683)
Item 54*	May 18, 2012**	For Informational Purposes Only (1026417)
Item 55*	June 22, 2012**	For Informational Purposes Only (1009383)
Item 56	July 16, 2012**	For Informational Purposes Only (1033745)
Item 57	July 20, 2012**	For Informational Purposes Only (1040294)
Item 58*	August 22, 2012**	For Informational Purposes Only (1027494)
Item 59	September 06, 2012	For Informational Purposes Only (1049276)
Item 60*	September 17, 2012	For Informational Purposes Only (1070930)
Item 61*	October 22, 2012	For Informational Purposes Only (1041414)
Item 62	November 08, 2012	For Informational Purposes Only (1070931)
Item 63*	November 26, 2012	For Informational Purposes Only (1070932)
Item 64*	December 27, 2012	For Informational Purposes Only (1083730)
Item 65	January 17, 2013	For Informational Purposes Only (1083729)
Item 66	February 22, 2013	For Informational Purposes Only (1091595)
Item 67*	March 25, 2013	For Informational Purposes Only (1086618)
Item 68	May 02, 2013	For Informational Purposes Only

Item 69*	May 21, 2013	(1108976) For Informational Purposes Only
Item 70	June 20, 2013	(1112532) For Informational Purposes Only
Item 71	July 18, 2013	(1099748) 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
BOLLINGER TEXAS CITY, L.P.
RN100218627**

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

**AGREED ORDER
DOCKET NO. 2013-1375-IWD-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 Bollinger Texas City, L.P. ("Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The Respondent owns and operates a wastewater treatment plant located at 2201 Dock Road, Dock 42 in Texas City, Galveston County, Texas (the "Facility").
2. The Respondent has discharged industrial waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.

- During a record review conducted on June 18, 2013, TCEQ staff documented that the Respondent did not comply with permitted effluent limits for Outfall No. 003 as shown in the table below:

<i>EFFLUENT PARAMETER</i>			
Permit Limit			
	TSS Daily Average Concentration	TSS Daily Maximum Concentration	Cl Residual Maximum Concentration
<i>Month/Year</i>	20 mg/L	45 mg/L	4 mg/L
December 2012	35.5	46.8	c
January 2013	49.8	78	c
March 2013	c	c	8.3

TSS = total suspended solids Cl = Chlorine mg/L = milligrams per liter

- During a record review conducted on June 18, 2013, TCEQ staff documented that the Respondent did not submit complete monitoring results at the intervals specified in the permit. Specifically, the Respondent did not include the pH minimum value in the discharge monitoring report ("DMR") for the monitoring period ending February 28, 2013 for Outfall No. 001.
- The Respondent received notice of the violations on July 23, 2013.
- The Executive Director recognizes that by July 31, 2013, the Respondent submitted a revised DMR for the monitoring period ending February 28, 2013 for Outfall No. 001 to include all missing data.

II. CONCLUSIONS OF LAW

- The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7 and 26 and the rules of the Commission.
- As evidenced by Findings of Fact No. 3, the Respondent failed to comply with permitted effluent limits, in violation of Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0004824000, Effluent Limitations and Monitoring Requirements Nos. 1 and 2, 30 TEX. ADMIN. CODE § 305.125(1) and TEX. WATER CODE § 26.121(a)(1).
- As evidenced by Findings of Fact No. 4, the Respondent failed to submit complete monitoring results at the intervals specified in the permit, in violation of TPDES Permit No. WQ0004824000, Monitoring and Reporting Requirements No. 1 and 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.4.

4. 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.
5. An administrative penalty in the amount of Four Thousand Four Hundred Dollars (\$4,400) 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 Four Thousand Four Hundred Dollar (\$4,400) 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 Four Thousand Four Hundred Dollars (\$4,400) as set forth in Section II, Paragraph 5 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: Bollinger Texas City, L.P., Docket No. 2013-1375-IWD-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, within 90 days after the effective date of this Agreed Order, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0004824000, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported DMRs, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who

manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

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

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. 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


For the Executive Director

3/28/14
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Bollinger Texas City, L.P. I am authorized to agree to the attached Agreed Order on behalf of Bollinger Texas City, L.P., and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, Bollinger Texas City, L.P. waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

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

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

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


Signature

Monty Bludworth
Name (Printed or typed)
Authorized Representative of
Bollinger Texas City, L.P.

26-Sep-13
Date

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.