

Executive Summary – Enforcement Matter – Case No. 48167
Igloo Products Corp.
RN101919280
Docket No. 2014-0113-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:

No

Location(s) Where Violation(s) Occurred:

Katy Plant, located at 30603 Katy-Brookshire Road, adjacent to and south of U.S. Highway 90, approximately 0.5 mile west of the Pederson Road exit at IH-10, Waller County

Type of Operation:

Plastics container manufacturing plant with an associated wastewater treatment facility

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: May 9, 2014

Comments Received: No

Penalty Information

Total Penalty Assessed: \$4,375

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$4,375

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

**Executive Summary – Enforcement Matter – Case No. 48167
Igloo Products Corp.
RN101919280
Docket No. 2014-0113-IWD-E**

Investigation Information

Complaint Date(s): N/A
Complaint Information: N/A
Date(s) of Investigation: December 18, 2013
Date(s) of NOE(s): January 6, 2014

Violation Information

Failed to comply with permitted effluent limitations for total aluminum [TEX. WATER CODE § 26.121(a)(1) and 30 TEX. ADMIN. CODE §305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0002229000, Effluent Limitations and Monitoring Requirements No. 1 for Outfall No. 001.

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondent to, within 90 days, submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0002229000, including specific corrective actions that were implemented at the Plant to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations.

Litigation Information

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

Contact Information

TCEQ Attorney: N/A
TCEQ Enforcement Coordinator: Alejandro Laje, Enforcement Division, Enforcement Team 3, MC 169, (512) 239-2547; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456
TCEQ SEP Coordinator: N/A
Respondent: Enrique Cervantes, Vice President of Operations, Igloo Products Corp., 777 Igloo Road, Katy, Texas 77494
Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES	Assigned	13-Jan-2014	Screening	22-Jan-2014	EPA Due	
	PCW	27-Jan-2014				

RESPONDENT/FACILITY INFORMATION

Respondent	Igloo Products Corp.		
Reg. Ent. Ref. No.	RN101919280		
Facility/Site Region	12-Houston	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	48167	No. of Violations	1	
Docket No.	2014-0113-IWD-E	Order Type	Findings	
Media Program(s)	Water Quality	Government/Non-Profit	No	
Multi-Media		Enf. Coordinator	Alejandro Laje	
		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	\$2,500
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	75.0% Enhancement	Subtotals 2, 3, & 7	\$1,875
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Notes: Enhancement for six months of self-reported effluent violations, one agreed order with denial, and one agreed order without denial.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$788
Approx. Cost of Compliance	\$10,000

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$4,375
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$4,375
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$4,375
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DEFERRAL	0.0% Reduction	Adjustment	\$0
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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	\$4,375
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Screening Date 22-Jan-2014

Docket No. 2014-0113-IWD-E

PCW

Respondent Igloo Products Corp.

Policy Revision 3 (September 2011)

Case ID No. 48167

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101919280

Media [Statute] Water Quality

Enf. Coordinator Alejandro Laje

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>)	6	30%
	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) 75%

>> 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 six months of self-reported effluent violations, one agreed order with denial, and one agreed order without denial.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 75%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 75%

Screening Date 22-Jan-2014

Docket No. 2014-0113-IWD-E

PCW

Respondent Igloo Products Corp.

Policy Revision 3 (September 2011)

Case ID No. 48167

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101919280

Media [Statute] Water Quality

Enf. Coordinator Alejandro Laje

Violation Number 1

Rule Cite(s)

Tex. Water Code § 26.121(a)(1) and 30 Tex. Admin. Code §305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0002229000, Effluent Limitations and Monitoring Requirements No. 1, Outfall No. 001

Violation Description

Failed to comply with permitted effluent limitations, as documented during a record review conducted on December 18, 2013, and as shown in the attached violation table.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 5.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed protective levels.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 2

153 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 for the quarters containing the months of March 2013, April 2013, June 2013, July 2013, and August 2013.

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 \$788

Violation Final Penalty Total \$4,375

This violation Final Assessed Penalty (adjusted for limits) \$4,375

Economic Benefit Worksheet

Respondent Igloo Products Corp.
Case ID No. 48167
Reg. Ent. Reference No. RN101919280
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	31-Mar-2013	27-Oct-2014	1.58	\$788	n/a	\$788

Notes for DELAYED costs

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

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$788

**Igloo Products Corporation
Docket No. 2014-0113-IWD-E
TPDES Permit No. WQ000229000**

Effluent Violation Table

Permitted Effluent Limit	Monitoring Period				
	March 2013	April 2013	June 2013	July 2013	August 2013
Total Aluminum Daily Maximum Concentration (Limit = 1.77 mg/L)	2.92 mg/L	1.87 mg/L	6.43 mg/L	2.91 mg/L	4.03 mg/L

mg/L = milligram per liter

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TCEQ Compliance History Report

PUBLISHED Compliance History Report for CN601048085, RN101919280, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

Customer, Respondent, or Owner/Operator: CN601048085, Igloo Products Corp. **Classification:** SATISFACTORY **Rating:** 8.64
Regulated Entity: RN101919280, KATY PLANT **Classification:** SATISFACTORY **Rating:** 9.75
Complexity Points: 9 **Repeat Violator:** NO
CH Group: 14 - Other
Location: at 30603 Katy-Brookshire Road, adjacent to and south of U.S. Highway 90, approximately 0.5 mile west of the Pederson Road exit at Interstate Highway 10, Waller County, Texas
TCEQ Region: REGION 12 - HOUSTON

ID Number(s):

AIR NEW SOURCE PERMITS PERMIT 7303 **AIR NEW SOURCE PERMITS ACCOUNT NUMBER WB0012T**
AIR NEW SOURCE PERMITS AFS NUM 4847300007 **AIR NEW SOURCE PERMITS REGISTRATION 105805**
WASTEWATER PERMIT WQ0002229000 **WASTEWATER EPA ID TX0079057**
AIR EMISSIONS INVENTORY ACCOUNT NUMBER WB0012T

Compliance History Period: September 01, 2008 to August 31, 2013 **Rating Year:** 2013 **Rating Date:** 09/01/2013

Date Compliance History Report Prepared: January 15, 2014

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: January 15, 2009 to January 15, 2014

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

Name: Alejandro Laje

Phone: (512) 239-2547

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: 06/04/2010 ADMINORDER 2009-1726-IWD-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

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

Rqmt Prov: Effluent Limits PERMIT

Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data. Specifically, the Respondent submitted self-reported data indicating their daily average concentration of total suspended solids level for the monitoring period ending in February 2009 was 28.75 milligrams

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(17)

Rqmt Prov: Effluent Reporting Requirements PERMIT

Description: Failure to timely submit effluent monitoring results at the intervals specified in the permit as documented by

a TCEQ record review. Specifically, the Respondent failed to timely submit the annual DMR for total chromium and total zinc at outfalls 401 and 201 for the monitoring period ending August 31, 2008.
Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(17)
Rqmt Prov: Effluent Reporting Requirements PERMIT

Description: Failure to timely submit effluent monitoring results at the intervals specified in the permit as documented by a TCEQ record review. Specifically, the Respondent failed to submit the DMR parameter data for dissolved oxygen for the monitoring period ending March 31, 2009 and for general fecal coliform for the monitoring periods ending May 31, 2008, June 30, 2008, July 31, 2008, and August 31, 2008,

- 2 Effective Date: 04/23/2012 ADMINORDER 2011-1806-IWD-E (Findings Order-Agreed Order Without Denial)
Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: ELMR No. 1 for Outfalls 001, 101 and 201 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	January 22, 2009	(730578)
Item 2	February 24, 2009	(753794)
Item 3	May 21, 2009	(771180)
Item 4	June 19, 2009	(813484)
Item 5	July 21, 2009	(813486)
Item 6	July 24, 2009	(813485)
Item 7	September 22, 2009	(813487)
Item 8	October 21, 2009	(813488)
Item 9	November 19, 2009	(813489)
Item 10	December 23, 2009	(813490)
Item 11	January 20, 2010	(868036)
Item 12	February 11, 2010	(813483)
Item 13	March 19, 2010	(833968)
Item 14	April 19, 2010	(833969)
Item 15	June 21, 2010	(847219)
Item 16	July 21, 2010	(868034)
Item 17	August 20, 2010	(868035)
Item 18	September 20, 2010	(874976)
Item 19	October 18, 2010	(882582)
Item 20	November 22, 2010	(889009)
Item 21	December 27, 2010	(897372)
Item 22	February 22, 2011	(910181)
Item 23	May 16, 2011	(939090)
Item 24	September 21, 2011	(966418)
Item 25	October 20, 2011	(972430)
Item 26	November 21, 2011	(978579)
Item 27	December 16, 2011	(985401)
Item 28	January 23, 2012	(991682)
Item 29	February 21, 2012	(999029)
Item 30	March 22, 2012	(1004552)
Item 31	April 20, 2012	(1011133)
Item 32	May 17, 2012	(1017488)
Item 33	June 20, 2012	(1025286)
Item 34	August 24, 2012	(1039051)
Item 35	September 19, 2012	(1047981)
Item 36	November 26, 2012	(1066440)
Item 37	December 27, 2012	(1066441)

Item 38	January 24, 2013	(1081302)
Item 39	February 21, 2013	(1081301)
Item 40	March 20, 2013	(1090438)
Item 41	June 25, 2013	(1111392)
Item 42	October 16, 2013	(1136403)

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: 03/31/2013 (1096793) | CN601048085 | |
| | 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: 04/30/2013 (1107758) | CN601048085 | |
| | 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 | | |
| 3 | Date: 06/30/2013 (1118291) | CN601048085 | |
| | 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 | | |
| 4 | Date: 07/31/2013 (1126081) | CN601048085 | |
| | 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 | | |
| 5 | Date: 08/31/2013 (1130639) | CN601048085 | |
| | 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 | | |
| 6 | Date: 10/31/2013 (1141785) | CN601048085 | |
| | Self Report? YES | | Classification: Moderate |
| | Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1) | | |
| | Description: Failure to meet the limit for one or more permit parameter | | |

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

Description: Failure to accurately measure flow from Outfall 201 and/or Outfall 401.
Classification: Minor

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 319, SubChapter A 319.7(c)

Description: Failure to accurately submit effluent data on monthly Discharge Monitoring Report.

Classification: Minor

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 319, SubChapter A 319.7(c)

Other Requirements #11A PERMIT

Description: Failure to maintain a log of fecal coliform samples.

9 Date: 05/31/2011 (946472) CN601048085

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: 06/30/2011 (953753) CN601048085

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: 07/31/2011 (960363) CN601048085

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

12 Date: 06/30/2012 (1032628) CN601048085

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: 09/30/2012 (1066439) CN601048085

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: 11/13/2012 (1042104) CN601048085

Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 319, SubChapter A 319.11(a)
30 TAC Chapter 319, SubChapter A 319.11(b)

Description: Failed to properly conduct the total chlorine residual analysis. Specifically, at the time of the inspection, the operator was not waiting at least two minutes after adding the DPD packet to the sample as required by the test method. The total chlorine residual analysis must be conducted according to the recommendations of the manufacturer of the meter.

Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TPDES Permit No. 02229000, M&RR No. 7 PERMIT

Description: Failed to provide notification of any effluent violation which deviates from the

permitted effluent limitation by more than 40%.

- 15* Date: 03/31/2013 (1096793) CN601048085
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: 04/30/2013 (1107758) CN601048085
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: 06/30/2013 (1118291) CN601048085
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: 07/31/2013 (1126081) CN601048085
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: 08/31/2013 (1130639) CN601048085
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: 10/31/2013 (1141785) CN601048085
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

* NOV's applicable for the Compliance History rating period 9/1/2008 to 8/31/2013

Appendix B

All Investigations Conducted During Component Period January 15, 2009 and January 15, 2014

- Item 1* January 22, 2009** (730578) For Informational Purposes Only
- Item 2* February 24, 2009** (753794) For Informational Purposes Only
- Item 3 April 22, 2009** (753795) For Informational Purposes Only
- Item 4* May 21, 2009** (771180) For Informational Purposes Only
- (813484)

Item 5*	June 19, 2009**	For Informational Purposes Only (813486)
Item 6*	July 21, 2009**	For Informational Purposes Only (813485)
Item 7*	July 24, 2009**	For Informational Purposes Only (813487)
Item 8*	September 22, 2009**	For Informational Purposes Only (765503)
Item 9	October 09, 2009**	For Informational Purposes Only (813488)
Item 10*	October 21, 2009**	For Informational Purposes Only (813489)
Item 11*	November 19, 2009**	For Informational Purposes Only (813490)
Item 12*	December 23, 2009**	For Informational Purposes Only (868036)
Item 13*	January 20, 2010**	For Informational Purposes Only (813483)
Item 14*	February 11, 2010**	For Informational Purposes Only (833968)
Item 15*	March 19, 2010**	For Informational Purposes Only (833969)
Item 16*	April 19, 2010**	For Informational Purposes Only (833970)
Item 17	May 20, 2010**	For Informational Purposes Only (799824)
Item 18	June 08, 2010**	For Informational Purposes Only (847219)
Item 19*	June 21, 2010**	For Informational Purposes Only (868034)
Item 20*	July 21, 2010**	For Informational Purposes Only (868035)
Item 21*	August 20, 2010**	For Informational Purposes Only (864501)
Item 22	September 17, 2010**	For Informational Purposes Only (874976)
Item 23*	September 20, 2010**	For Informational Purposes Only (882582)
Item 24*	October 18, 2010**	For Informational Purposes Only (889009)
Item 25*	November 22, 2010**	For Informational Purposes Only (897372)
Item 26*	December 27, 2010**	For Informational Purposes Only

		(903262)
Item 27	January 20, 2011**	For Informational Purposes Only
		(910181)
Item 28*	February 22, 2011**	For Informational Purposes Only
		(917395)
Item 29	March 18, 2011**	For Informational Purposes Only
		(928187)
Item 30	April 20, 2011**	For Informational Purposes Only
		(939090)
Item 31*	May 16, 2011**	For Informational Purposes Only
		(907688)
Item 32	May 23, 2011**	For Informational Purposes Only
		(946472)
Item 33	June 23, 2011**	For Informational Purposes Only
		(953753)
Item 34	July 28, 2011**	For Informational Purposes Only
		(960363)
Item 35	August 22, 2011**	For Informational Purposes Only
		(950314)
Item 36	September 02, 2011**	For Informational Purposes Only
		(966418)
Item 37*	September 21, 2011**	For Informational Purposes Only
		(962929)
Item 38	October 20, 2011**	For Informational Purposes Only
		(978579)
Item 39*	November 21, 2011**	For Informational Purposes Only
		(985401)
Item 40*	December 16, 2011**	For Informational Purposes Only
		(991682)
Item 41*	January 23, 2012**	For Informational Purposes Only
		(999029)
Item 42*	February 21, 2012**	For Informational Purposes Only
		(1004552)
Item 43*	March 22, 2012**	For Informational Purposes Only
		(1011133)
Item 44*	April 20, 2012**	For Informational Purposes Only
		(1017488)
Item 45*	May 17, 2012**	For Informational Purposes Only
		(1025286)
Item 46*	June 20, 2012**	For Informational Purposes Only
		(1032628)
Item 47	July 20, 2012**	For Informational Purposes Only

Item 48*	August 24, 2012**	(1039051) For Informational Purposes Only
Item 49*	September 19, 2012**	(1047981) For Informational Purposes Only
Item 50	October 22, 2012**	(1066439) For Informational Purposes Only
Item 51	November 14, 2012**	(1042104) For Informational Purposes Only
Item 52*	November 26, 2012**	(1066440) For Informational Purposes Only
Item 53*	December 27, 2012**	(1066441) For Informational Purposes Only
Item 54*	January 24, 2013**	(1081302) For Informational Purposes Only
Item 55*	February 21, 2013**	(1081301) For Informational Purposes Only
Item 56*	March 20, 2013**	(1090438) For Informational Purposes Only
Item 57	April 15, 2013**	(1096793) For Informational Purposes Only
Item 58	May 20, 2013**	(1107758) For Informational Purposes Only
Item 59*	June 25, 2013**	(1111392) For Informational Purposes Only
Item 60	July 23, 2013**	(1118291) For Informational Purposes Only
Item 61	August 21, 2013**	(1126081) For Informational Purposes Only
Item 62	September 23, 2013	(1130639) For Informational Purposes Only
Item 63*	October 16, 2013	(1136403) For Informational Purposes Only
Item 64	November 22, 2013	(1141785) For Informational Purposes Only
Item 65	January 06, 2014	(1139307) For Informational Purposes Only

* No violations documented during this investigation

**Investigation applicable for the Compliance History Rating period between 09/01/2008 and 08/31/2013.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
IGLOO PRODUCTS CORP.
RN101919280

§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2014-0113-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 Igloo Products Corp. ("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 plastics container manufacturing plant with an associated wastewater treatment facility located at 30603 Katy-Brookshire Road, adjacent to and south of United States Highway 90, approximately 0.5 mile west of the Pederson Road exit at Interstate Highway 10 in Waller County, Texas (the "Plant").

2. The Respondent has discharged industrial waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. During a record review conducted on December 18, 2013, TCEQ staff documented that the Respondent exceeded the permitted effluent limits as shown in the table below:

Effluent Violation Table					
Permitted Effluent Limit	Monitoring Period				
	March 2013	April 2013	June 2013	July 2013	August 2013
Total Aluminum Daily Maximum Concentration (Limit = 1.77 mg/L)	2.92 mg/L	1.87 mg/L	6.43 mg/L	2.91 mg/L	4.03 mg/L

mg/L = milligram per liter

4. The Respondent received notice of the violations on January 10, 2014.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7 and 26 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the Respondent failed to comply with permitted effluent limitations, in violation of TEX. WATER CODE § 26.121(a)(1) and 30 TEX. ADMIN. CODE §305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0002229000, Effluent Limitations and Monitoring Requirements No. 1 for Outfall No. 001.
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 Four Thousand Three Hundred Seventy-Five Dollars (\$4,375) 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 Three Hundred Seventy-Five Dollar (\$4,375) 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 Three Hundred Seventy-Five Dollars (\$4,375) 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: Igloo Products Corp., Docket No. 2014-0113-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. It is further ordered that, within 90 days after the effective date of this Agreed Order, the Respondent shall submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0002229000, including specific corrective actions that were implemented at the Plant to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

Water Section Manager
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 Plant 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

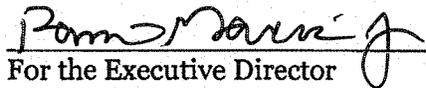
otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued 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

7/7/14
Date

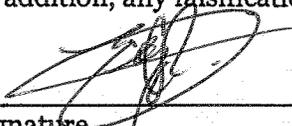
I, the undersigned, have read and understand the attached Agreed Order in the matter of Igloo Products Corp. I am authorized to agree to the attached Agreed Order on behalf of Igloo Products Corp., and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment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

I understand that by entering into this Agreed Order, Igloo Products Corp. 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

3-27-14

Date

Enrique Cervantes
Name (Printed or typed)
Authorized Representative of
Igloo Products Corp.

VP. Operations.

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.