

Executive Summary – Enforcement Matter – Case No. 48164
William Marsh Rice University dba Rice University
RN100245968
Docket No. 2014-0117-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Rice University, 6100 Main Street, Houston, Harris County

Type of Operation:

University with a cogeneration plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: June 6, 2014

Comments Received: No

Penalty Information

Total Penalty Assessed: \$15,600

Amount Deferred for Expedited Settlement: \$3,120

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$12,480

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2011

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: August 6, 2013 and December 30, 2013

Date(s) of NOE(s): December 13, 2013 and February 7, 2014

Executive Summary – Enforcement Matter – Case No. 48164
William Marsh Rice University dba Rice University
RN100245968
Docket No. 2014-0117-AIR-E

Violation Information

1. Failed to submit a permit compliance certification (“PCC”) within 30 days of the end of the certification period. Specifically, the PCC for the July 14, 2011 through January 30, 2012 certification period was due on February 29, 2012, but was not submitted until November 14, 2012, the PCC for the January 31, 2012 through July 13, 2012 certification period was due on August 12, 2012, but was not submitted until November 15, 2012, and the PCC for the July 14, 2012 through July 13, 2013 certification period was due on August 12, 2013, but was not submitted until December 12, 2013 [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.146(2), TEX. HEALTH & SAFETY CODE § 382.085(b), and Federal Operating Permit No. O1806, General Terms and Conditions].
2. Failed to submit a deviation report within 30 days of the end of the reporting period. Specifically, the deviation report for the July 14, 2012 through January 12, 2013 reporting period was due by February 11, 2013, but it was not submitted until December 12, 2013 [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(C), TEX. HEALTH & SAFETY CODE § 382.085(b), and Federal Operating Permit No. O1806, General Terms and Conditions].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent has implemented the following:

- a. By November 14, 2012, submitted the permit compliance certification (“PCC”) for the July 14, 2011 through January 30, 2012 certification period;
- b. By November 15, 2012, submitted the PCC for the January 31, 2012 through July 13, 2012 certification period; and
- c. By December 12, 2013, submitted the PCC for the July 14, 2012 through July 13, 2013 certification period and submitted the deviation report for the July 14, 2012 through January 12, 2013 reporting period.

Technical Requirements:

The Respondent shall undertake the following:

- a. Within 30 days, implement measures to ensure the timely submittal of deviation reports and PCCs; and
- b. Within 45 days, submit written certification demonstrating compliance with Ordering Provision a.

**Executive Summary – Enforcement Matter – Case No. 48164
William Marsh Rice University dba Rice University
RN100245968
Docket No. 2014-0117-AIR-E**

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: Amancio R. Gutierrez, Enforcement Division, Enforcement Team 5, MC 149, (512) 239-3921; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456
TCEQ SEP Coordinator: N/A
Respondent: Hugh Ton-That, Director - Plant Operations, William Marsh Rice University dba Rice University, P.O. Box 1892, Houston, Texas 77251
Douglas Wells, Central Plant Director, William Marsh Rice University dba Rice University, P.O. Box 1892, Houston, Texas 77251
Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES	Assigned	16-Dec-2013	Screening	20-Dec-2013	EPA Due	12-Sep-2014
	PCW	11-Feb-2014				

RESPONDENT/FACILITY INFORMATION	
Respondent	William Marsh Rice University dba Rice University
Reg. Ent. Ref. No.	RN100245968
Facility/Site Region	12-Houston
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	48164	No. of Violations	2
Docket No.	2014-0117-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Amancio R. Gutierrez
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$15,000
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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	4.0% Enhancement	Subtotals 2, 3, & 7	\$600
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Notes: Enhancement for two NOVs with dissimilar violations.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$381
Approx. Cost of Compliance	\$4,000

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$15,600
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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 **\$15,600**

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$15,600
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DEFERRAL	20.0% Reduction	Adjustment	-\$3,120
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$12,480
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Screening Date 20-Dec-2013

Docket No. 2014-0117-AIR-E

PCW

Respondent William Marsh Rice University dba Rice University

Policy Revision 3 (September 2011)

Case ID No. 48164

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100245968

Media [Statute] Air

Enf. Coordinator Amancio R. Gutierrez

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 4%

>> 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 two NOVs with dissimilar violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 4%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 4%

Screening Date 20-Dec-2013

Docket No. 2014-0117-AIR-E

PCW

Respondent William Marsh Rice University dba Rice University

Policy Revision 3 (September 2011)

Case ID No. 48164

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100245968

Media [Statute] Air

Enf. Coordinator Amancio R. Gutierrez

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 122.143(4) and 122.146(2), Tex. Health & Safety Code § 382.085(b), and Federal Operating Permit No. O1806, General Terms and Conditions

Violation Description Failed to submit a Permit Compliance Certification ("PCC") within 30 days of the end of the certification period. Specifically, the PCC for the July 14, 2011 through January 30, 2012 certification period was due on February 29, 2012, but was not submitted until November 14, 2012, the PCC for the January 31, 2012 through July 13, 2012 certification period was due on August 12, 2012, but was not submitted until November 15, 2012, and the PCC for the July 14, 2012 through July 13, 2013 certification period was due on August 12, 2013, but was not submitted until December 12, 2013.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0.0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
	X			15.0%

Matrix Notes 100% of the rule requirement was not met.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 3 Number of violation days 652

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

mark only one with an x

Violation Base Penalty \$11,250

Three single events are recommended, one for each late PCC.

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 \$11,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$255

Violation Final Penalty Total \$11,700

This violation Final Assessed Penalty (adjusted for limits) \$11,700

Economic Benefit Worksheet

Respondent William Marsh Rice University dba Rice University
Case ID No. 48164
Reg. Ent. Reference No. RN100245968
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$1,500	29-Feb-2012	30-Aug-2014	2.50	\$188	n/a	\$188
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$750	29-Feb-2012	12-Dec-2013	1.79	\$67	n/a	\$67

Notes for DELAYED costs

Estimated cost to submit the three PCCs (\$250 per PCC) and to implement measures to ensure the timely submittal of PCCs. The Date Required is the date the first PCC was due and the Final Dates are the dates by which the PCCs were submitted and 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

\$2,250

TOTAL

\$255

Screening Date 20-Dec-2013

Docket No. 2014-0117-AIR-E

PCW

Respondent William Marsh Rice University dba Rice University

Policy Revision 3 (September 2011)

Case ID No. 48164

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100245968

Media [Statute] Air

Enf. Coordinator Amancio R. Gutierrez

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(C), Tex. Health & Safety Code § 382.085(b), and Federal Operating Permit No. O1806, General Terms and Conditions

Violation Description

Failed to submit a deviation report within 30 days of the end of the reporting period. Specifically, the deviation report for the July 14, 2012 through January 12, 2013 reporting period was due by February 11, 2013, but it was not submitted until December 12, 2013.

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 1

122 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$3,750

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 \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$127

Violation Final Penalty Total \$3,900

This violation Final Assessed Penalty (adjusted for limits) \$3,900

Economic Benefit Worksheet

Respondent William Marsh Rice University dba Rice University
Case ID No. 48164
Reg. Ent. Reference No. RN100245968
Media Air
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	\$1,500	11-Feb-2013	30-Aug-2014	1.55	\$116	n/a	\$116
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$250	11-Feb-2013	12-Dec-2013	0.83	\$10	n/a	\$10

Notes for DELAYED costs

Estimated cost to submit the deviation report and to implement measures to ensure the timely submittal of deviation reports. The Date Required is the date the deviation report was due and the Final Dates are the date the deviation report was submitted and 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

\$1,750

TOTAL

\$127



Compliance History Report

PUBLISHED Compliance History Report for CN600135099, RN100245968, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

Customer, Respondent, or Owner/Operator:	CN600135099, William Marsh Rice University	Classification: SATISFACTORY	Rating: 3.28
Regulated Entity:	RN100245968, RICE UNIVERSITY	Classification: SATISFACTORY	Rating: 1.14
Complexity Points:	13	Repeat Violator: NO	
CH Group:	14 - Other		
Location:	6100 MAIN ST HOUSTON, TX 77005-1827, HARRIS COUNTY		
TCEQ Region:	REGION 12 - HOUSTON		

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER HG1149U
INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD980748172
POLLUTION PREVENTION PLANNING ID NUMBER P04659

AIR NEW SOURCE PERMITS ACCOUNT NUMBER HG1149U
AIR NEW SOURCE PERMITS REGISTRATION 16434
AIR NEW SOURCE PERMITS REGISTRATION 47995
AIR NEW SOURCE PERMITS REGISTRATION 52102
AIR NEW SOURCE PERMITS AFS NUM 4820101506

AIR EMISSIONS INVENTORY ACCOUNT NUMBER HG1149U

AIR OPERATING PERMITS PERMIT 1806
INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 71325
PETROLEUM STORAGE TANK REGISTRATION REGISTRATION 4033
AIR NEW SOURCE PERMITS REGISTRATION 13220
AIR NEW SOURCE PERMITS REGISTRATION 47960
AIR NEW SOURCE PERMITS REGISTRATION 54927
AIR NEW SOURCE PERMITS PERMIT 78741
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1010908

STORMWATER PERMIT TXR15VT78

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

Date Compliance History Report Prepared: February 10, 2014

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: February 10, 2009 to February 10, 2014

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

Name: Amancio R. Gutierrez

Phone: (512) 239-3921

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:
N/A

B. Criminal convictions:
N/A

C. Chronic excessive emissions events:
N/A

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

Item 1	December 16, 2009	(781148)
Item 2	March 04, 2011	(899120)

E. Written notices of violations (NOV) (CEEDS 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:	08/16/2013	(1101857)	CN600135099
	Self Report?	NO		Classification: Moderate
	Citation:	30 TAC Chapter 335, SubChapter A 335.6(c)		
	Description:	The facility failed to update its NOR as required.		
	Self Report?	NO		Classification: Moderate
	Citation:	30 TAC Chapter 335, SubChapter A 335.9(a)(2)		
	Description:	The facility failed to submit complete and correct Annual Waste Summary (AWS) reports for the 2010, 2011, and 2012 reporting years.		
	Self Report?	NO		Classification: Moderate
	Citation:	30 TAC Chapter 335, SubChapter R 335.511		
	Description:	The facility failed to provide sufficient or accurate process knowledge.		
	Self Report?	NO		Classification: Moderate
	Citation:	30 TAC Chapter 335, SubChapter O 335.431 40 CFR Chapter 266, SubChapter I, PT 266, SubPT O 268.7(a)		
	Description:	The facility failed to identify hazardous waste constituents.		
2	Date:	02/07/2014	(1134743)	CN600135099
	Self Report?	NO		Classification: Minor
	Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) General Terms & Conditions 3.A.(iv)(1) OP		
	Description:	Failure to conduct visible emission observations. Category B Violation).		

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
WILLIAM MARSH RICE
UNIVERSITY DBA RICE
UNIVERSITY
RN100245968**

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

**AGREED ORDER
DOCKET NO. 2014-0117-AIR-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 William Marsh Rice University dba Rice University ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a university with a cogeneration plant located at 6100 Main Street in Houston, Harris County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
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 notices of the violations alleged in Section II ("Allegations") on or about December 18, 2013 and February 12, 2014.
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 Fifteen Thousand Six Hundred Dollars (\$15,600) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Twelve Thousand Four Hundred Eighty Dollars (\$12,480) of the administrative penalty and Three Thousand One Hundred Twenty Dollars (\$3,120) 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 has implemented the following corrective measures at the Plant:
 - a. By November 14, 2012, submitted the permit compliance certification ("PCC") for the July 14, 2011 through January 30, 2012 certification period;
 - b. By November 15, 2012, submitted the PCC for the January 31, 2012 through July 13, 2012 certification period; and
 - c. By December 12, 2013, submitted the PCC for the July 14, 2012 through July 13, 2013 certification period and submitted the deviation report for the July 14, 2012 through January 12, 2013 reporting period.
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 Plant, the Respondent is alleged to have:

1. Failed to submit a PCC within 30 days of the end of the certification period, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.146(2), TEX. HEALTH & SAFETY CODE

§ 382.085(b), and Federal Operating Permit No. O1806, General Terms and Conditions, as documented during record reviews conducted on August 6, 2013 and December 30, 2013. Specifically, the PCC for the July 14, 2011 through January 30, 2012 certification period was due on February 29, 2012, but was not submitted until November 14, 2012, the PCC for the January 31, 2012 through July 13, 2012 certification period was due on August 12, 2012, but was not submitted until November 15, 2012, and the PCC for the July 14, 2012 through July 13, 2013 certification period was due on August 12, 2013, but was not submitted until December 12, 2013.

2. Failed to submit a deviation report within 30 days of the end of the reporting period, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(C), TEX. HEALTH & SAFETY CODE § 382.085(b), and Federal Operating Permit No. O1806, General Terms and Conditions, as documented during a record review conducted on December 30, 2013. Specifically, the deviation report for the July 14, 2012 through January 12, 2013 reporting period was due by February 11, 2013, but it was not submitted until December 12, 2013.

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: William Marsh Rice University dba Rice University, Docket No. 2014-0117-AIR-E" to:

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

2. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, implement measures to ensure the timely submittal of deviation reports and PCCs; and
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance

with Ordering Provision No. 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

Air Section Manager
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. 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

Pamela Moreno
For the Executive Director

7/7/14
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.

John Hall
Signature

4/23/14
Date

HUGH TON-THAT
Name (Printed or typed)
Authorized Representative of
William Marsh Rice University dba Rice University

DIRECTOR, PLANT OPS
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.