

Executive Summary – Enforcement Matter – Case No. 48907
STX Process Equipment LLC
RN105830186
Docket No. 2014-0907-PWS-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:

PWS

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

STX Process Equipment, 4819 Highway 44, near Freer, Duval County

Type of Operation:

Public water supply

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: September 19, 2014

Comments Received: No

Penalty Information

Total Penalty Assessed: \$354

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$354

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - High

Site/RN - High

Major Source: No

Statutory Limit Adjustment: \$24

Applicable Penalty Policy: September 2002 and April 2014

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: February 9, 2010, December 14, 2012 and May 15, 2014

Date(s) of NOE(s): June 20, 2014

**Executive Summary – Enforcement Matter – Case No. 48907
STX Process Equipment LLC
RN105830186
Docket No. 2014-0907-PWS-E**

Violation Information

1. Failed to submit well completion data for review and approval prior to placing a well into service as a public water system [30 TEX. ADMIN. CODE § 290.41(c)(3)(A)].
2. Failed to provide the Facility's two storage tanks with a liquid level indicator located at the tank site [30 TEX. ADMIN. CODE § 290.43(c)(4)].
3. Failed to provide an overflow on the Facility's two storage tanks designed in strict accordance with the current American Water Works Association ("AWWA") standards that terminates with a gravity-hinged and weighted cover and fits tightly with no gap over 1/16 inch [30 TEX. ADMIN. CODE § 290.43(c)(3)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondent to:

- a. Within 60 days:
 - i. Provide the Facility's two storage tanks with a liquid level indicator located at the tank site; and
 - ii. Provide an overflow pipe on the Facility's two storage tanks designed in strict accordance with the current AWWA standards.
- b. Within 75 days, submit written certification to demonstrate compliance with Ordering Provision a.
- c. Within 180 days, submit well completion data for review and approval.
- d. Within 195 days, submit written certification to demonstrate compliance with Ordering Provision c.
- e. Within 270 days, obtain approval of the well completion data.
- f. Within 285 days, submit written certification to demonstrate compliance with Ordering Provision e.

**Executive Summary – Enforcement Matter – Case No. 48907
STX Process Equipment LLC
RN105830186
Docket No. 2014-0907-PWS-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: Yuliya Dunaway, Enforcement Division,
Enforcement Team 2, MC R-13, (210) 403-4077; Candy Garrett, Enforcement Division,
MC 219, (512) 239-1456
TCEQ SEP Coordinator: N/A
Respondent: Jesus R. Casas, Manager, STX Process Equipment LLC, P.O. Box 82,
Freer, Texas 78357-0082
Javier J. Casas, Partner, STX Process Equipment LLC, P.O. Box 82, Freer, Texas 78357-
0082
Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	23-Jun-2014	Screening	26-Jun-2014	EPA Due	
	PCW	27-Jun-2014				

RESPONDENT/FACILITY INFORMATION

Respondent	STX Process Equipment LLC		
Reg. Ent. Ref. No.	RN105830186		
Facility/Site Region	16-Laredo	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	48907	No. of Violations	1
Docket No.	2014-0907-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Yuliya Dunaway
		EC's Team	Enforcement Team 2

Admin. Penalty \$ Limit Minimum **Maximum**

Penalty Calculation Section

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

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

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

Notes: Enhancement for one NOV with the same/similar violations, five NOVs with dissimilar violations, and one agreed final enforcement order without a denial of liability. Reduction for one notice of intent, one disclosure of violations and high performer classification.

Culpability Enhancement **Subtotal 4**

Notes: The Respondent does not meet the culpability criteria.

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

Economic Benefit Enhancement* **Subtotal 6**

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

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

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL Reduction **Adjustment**

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

Notes

No deferral is recommended for Findings Orders.

PAYABLE PENALTY

Screening Date 26-Jun-2014

Docket No. 2014-0907-PWS-E

PCW

Respondent STX Process Equipment LLC

Policy Revision 2 (September 2002)

Case ID No. 48907

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN105830186

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

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>)	1	5%
	Other written NOVs	5	10%
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	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 judgments 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>)	1	-1%
	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>)	1	-2%
<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) 37%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

High Performer

Adjustment Percentage (Subtotal 7) -10%

>> Compliance History Summary

Compliance History Notes

Enhancement for one NOV with the same/similar violations, five NOVs with dissimilar violations, and one agreed final enforcement order without a denial of liability. Reduction for one notice of intent, one disclosure of violations and high performer classification.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 27%

Screening Date 26-Jun-2014

Docket No. 2014-0907-PWS-E

PCW

Respondent STX Process Equipment LLC

Policy Revision 2 (September 2002)

Case ID No. 48907

PCW Revision October 30, 2005

Reg. Ent. Reference No. RN105830186

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 290.41(c)(3)(A)

Violation Description Failed to submit well completion data for review and approval prior to placing a well into service as a public water system.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
	x			10%

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

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1 Number of violation days 1598

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

Violation Base Penalty \$100

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 \$100

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$589

Violation Final Penalty Total \$127

This violation Final Assessed Penalty (adjusted for limits) \$127

Economic Benefit Worksheet

Respondent STX Process Equipment LLC
Case ID No. 48907
Reg. Ent. Reference No. RN105830186
Media Public Water Supply
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)	\$1,500	9-Feb-2010	19-Sep-2015	5.61	\$28	\$561	\$589
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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the estimated amount to compile well completion data, submit it to the Executive Director, and obtain approval, calculated from the date of the investigation initially documenting the violation to 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

\$1,500

TOTAL

\$589



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

DATES	Assigned	23-Jun-2014	Screening	26-Jun-2014	EPA Due	
	PCW	1-Jul-2014				

RESPONDENT/FACILITY INFORMATION

Respondent	STX Process Equipment LLC		
Reg. Ent. Ref. No.	RN105830186		
Facility/Site Region	16-Laredo	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	48907	No. of Violations	2
Docket No.	2014-0907-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Yuliya Dunaway
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

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

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

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

Notes: Enhancement for one NOV with the same/similar violations, five NOVs with dissimilar violations, and one agreed final enforcement order without a denial of liability. Reduction for one notice of intent, one disclosure of violations and high performer classification.

Culpability Enhancement **Subtotal 4**

Notes: The Respondent does not meet the culpability criteria.

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

Economic Benefit Enhancement* **Subtotal 6**

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

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

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL Reduction **Adjustment**

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

Notes

No deferral is recommended for Findings Orders.

PAYABLE PENALTY

Screening Date 26-Jun-2014

Docket No. 2014-0907-PWS-E

PCW

Respondent STX Process Equipment LLC

Policy Revision 4 (April 2014)

Case ID No. 48907

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN105830186

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

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>)	1	5%
	Other written NOVs	5	10%
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	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 judgments 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>)	1	-1%
	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>)	1	-2%

Please Enter Yes or No

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

Adjustment Percentage (Subtotal 2)

>> Repeat Violator (Subtotal 3)

Adjustment Percentage (Subtotal 3)

>> Compliance History Person Classification (Subtotal 7)

Adjustment Percentage (Subtotal 7)

>> Compliance History Summary

Compliance History Notes

Enhancement for one NOV with the same/similar violations, five NOVs with dissimilar violations, and one agreed final enforcement order without a denial of liability. Reduction for one notice of intent, one disclosure of violations and high performer classification.

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

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100%

Screening Date 26-Jun-2014

Docket No. 2014-0907-PWS-E

PCW

Respondent STX Process Equipment LLC

Policy Revision 4 (April 2014)

Case ID No. 48907

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN105830186

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 290.43(c)(4)

Violation Description Failed to provide the Facility's two storage tanks with a liquid level indicator located at the tank site.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			x

Percent 3.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Failure to ensure the storage tanks are equipped with a liquid level indicator could result in customers of the Facility becoming exposed to an insignificant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$970

\$30

Violation Events

Number of Violation Events 2

42 Number of violation days

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

Violation Base Penalty \$60

Two single events are recommended (one per tank).

Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDP RP/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 \$60

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$46

Violation Final Penalty Total \$76

This violation Final Assessed Penalty (adjusted for limits) \$100

Economic Benefit Worksheet

Respondent STX Process Equipment LLC
Case ID No. 48907
Reg. Ent. Reference No. RN105830186
Media Public Water Supply
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)	\$300	14-Dec-2012	21-Feb-2015	2.19	\$2	\$44	\$46
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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the estimated amount to provide the Facility's two storage tanks with a liquid level indicator (\$150 per tank), calculated from the date of the investigation initially documenting the violation to 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

\$300

TOTAL

\$46

Screening Date 26-Jun-2014

Docket No. 2014-0907-PWS-E

PCW

Respondent STX Process Equipment LLC

Policy Revision 4 (April 2014)

Case ID No. 48907

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN105830186

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 290.43(c)(3)

Violation Description Failed to provide an overflow on the Facility's two storage tanks designed in strict accordance with the current American Water Works Association ("AWWA") standards that terminates with a gravity-hinged and weighted cover and fits tightly with no gap over 1/16 inch.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				5.0%
Potential		x		

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes

Failure to ensure the storage tanks have an overflow pipe could result in customers of the Facility becoming exposed to a significant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 2 Number of violation days 42

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

Violation Base Penalty \$100

Two quarterly events are recommended (one per tank), calculated from the date of the record review, May 15, 2014, to the date of screening, June 26, 2014.

Good Faith Efforts to Comply

0.0% Reduction \$0

	Before NOE/NOV	NOE/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 \$100

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$306

Violation Final Penalty Total \$127

This violation Final Assessed Penalty (adjusted for limits) \$127

Economic Benefit Worksheet

Respondent STX Process Equipment LLC
Case ID No. 48907
Reg. Ent. Reference No. RN105830186
Media Public Water Supply
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)	\$2,000	14-Dec-2012	21-Feb-2015	2.19	\$15	\$292	\$306
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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the estimated amount to provide the Facility's two storage tanks with an overflow designed in strict accordance with AWWA standards (\$1000 per tank), calculated from the date of the investigation initially documenting the violation to 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

\$2,000

TOTAL

\$306



Compliance History Report

PUBLISHED Compliance History Report for CN603579632, RN105830186, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

Customer, Respondent, or Owner/Operator:	CN603579632, STX Process Equipment LLC	Classification: HIGH	Rating: 0.00
Regulated Entity:	RN105830186, STX PROCESS EQUIPMENT	Classification: HIGH	Rating: 0.00
Complexity Points:	2	Repeat Violator:	NO
CH Group:	14 - Other		
Location:	4819 HIGHWAY 44 NEAR FREER, DUVAL COUNTY, TX		
TCEQ Region:	REGION 16 - LAREDO		
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 0660021 AIR QUALITY NON PERMITTED ID NUMBER R16105830186		
STORMWATER PERMIT	TXR05BP23		
Compliance History Period:	September 01, 2008 to August 31, 2013	Rating Year:	2013
		Rating Date:	09/01/2013
Date Compliance History Report Prepared:	July 01, 2014		
Agency Decision Requiring Compliance History:	Enforcement		
Component Period Selected:	July 01, 2009 to July 01, 2014		
TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.			
Name:	Yuliya Dunaway	Phone:	(210) 403-4077

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? NO
- 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: 06/29/2014 ADMINORDER 2013-2145-PWS-E (Findings Order-Agreed Order Without Denial)
Classification: Major
Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(2)
5A THSC Chapter 341, SubChapter A 341.031(a)
Description: NO3 AMCL 3Q2013 - This system exceeded the MCL of 10 mg/L for nitrate (as nitrogen) with a sample result of 12 mg/L collected on 08/05/2013.
Classification: Major
Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(2)
5A THSC Chapter 341, SubChapter A 341.031(a)
Description: NO3 AMCL 4Q2013 - This system exceeded the MCL of 10 mg/L for nitrate (as nitrogen) with a sample result of 11 mg/L collected on 11/04/2013.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

N/A

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

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

- 1 Date: 08/12/2013 (1133650) CN603579632
 Self Report? NO Classification: Major
 Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(2)
 5A THSC Chapter 341, SubChapter A 341.031(a)
 Description: NO3 AMCL 3Q2013 - This system exceeded the MCL of 10 mg/L for nitrate (as nitrogen) with a sample result of 12 mg/L collected on 08/05/2013.

- 2 Date: 08/29/2013 (1093405) CN603579632
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(A)
 Description: Failure to submit well completion data before placing the well into service as a public water system.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(4)
 Description: Failure to provide a liquid water level indicator on the storage tank.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(3)
 Description: Failure to provide the storage tanks with an overflow designed in strict accordance with the current AWWA standards.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.43(e)
 Description: Failure to enclose water storage tanks and pressure maintenance facility to prevent intruder access.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(Q)
 Description: Failure to cover all air release openings that come in contact with the atmosphere.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(O)
 Description: Failure to house well unit with an intruder-resistant fence to exclude possible contamination or damage to the facility by trespassers.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(10)
 Description: Failure to provide the storage tank with an access manway of at least 30 inches in diameter.

- 3 Date: 09/18/2013 (1146107) CN603579632
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(a)(2)
 Description: NO3 AMCL PN 3Q2013 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a violation of the maximum contaminant level for nitrate during the 3rd quarter of 2013.

- 4 Date: 11/15/2013 (1133650) CN603579632
 Self Report? NO Classification: Major
 Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(2)
 5A THSC Chapter 341, SubChapter A 341.031(a)
 Description: NO3 AMCL 4Q2013 - This system exceeded the MCL of 10 mg/L for nitrate (as nitrogen) with a sample result of 11 mg/L collected on 11/04/2013.

- 5 Date: 11/20/2013 (1146107) CN603579632
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
 Description: JULY/2013 TCR Routine MR PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to conduct routine coliform

6

Date: 01/31/2014 (1146107) CN603579632
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(3)(A)(ii)
 Description: TCR Repeat MR Violation 12/2013 - Failure to collect and/or submit all repeats following a coliform found result within the required timeline.

F. Environmental audits:

- Notice of Intent Date: 03/14/2012 (1021715)
 Disclosure Date: 06/27/2012
 Viol. Classification: Moderate
 Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.12(a)
 30 TAC Chapter 335, SubChapter C 335.63(a)
 Description: Failure to determine generator status
 Viol. Classification: Moderate
 Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11
 30 TAC Chapter 335, SubChapter C 335.62
- Description: Failure to classify waste as hazardous or non-hazardous based on being toxic flammable, reactive, corrosive or on other characteristics that fit the definitions of haz. waste.
 Viol. Classification: Minor
 Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(d)
 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(e)
 40 CFR Chapter 262, SubChapter I, PT 262, SubPT D 262.40
 40 CFR Chapter 262, SubChapter I, PT 262, SubPT D 262.44
 30 TAC Chapter 335, SubChapter C 335.69
 30 TAC Chapter 335, SubChapter C 335.69(g)
 30 TAC Chapter 335, SubChapter C 335.70
- Description: Failure to maintain records of waste being disposed within the allowed 180 day storage limits for a Small Quantity Generator or records to show storage timing for any other generato status. Failure to maintain records of haz. waste manifest and records of disposal.
 Viol. Classification: Moderate
 Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(2)
 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(3)
 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(c)(1)
 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(c)(2)
 30 TAC Chapter 335, SubChapter C 335.69(a)(2)
 30 TAC Chapter 335, SubChapter C 335.69(a)(3)
 30 TAC Chapter 335, SubChapter C 335.69(e)
- Description: Failure to store containers of haz. waste satellite accumulation areas or moved to a 180 days storage area within 3 calendar days after containers are filled. Failed to label haz. waste containers with accumulation start dates. Containers are not correctly labeled as haz. or non-haz. waste with the waste material names and accumulation start dates.
 Viol. Classification: Moderate
 Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11
 40 CFR Chapter 265, SubChapter I, PT 265, SubPT I 265.173(a)
 30 TAC Chapter 335, SubChapter C 335.62
- Description: Failure to consistently and correctly classify waste as haz. or non-haz. based on being toxic, flammable, reactive, corrosive or on other characteristics that fit the definitions of haz. waste. Failure to properly secure and stor haz. waste containers of flammable materials.
 Viol. Classification: Moderate
 Citation: 40 CFR Chapter 261, SubChapter I, PT 261, SubPT A 261.7(b)(1)
- Description: Failure to properly handle and dispose of used spray cans. Spray cans are not being disposed of as haz. waste or verified to be RCRA-empty
 Viol. Classification: Moderate
 Citation: 40 CFR Chapter 279, SubChapter I, PT 279, SubPT C 279.22(c)(1)
 30 TAC Chapter 324, SubChapter A 324.6
- Description: Failure tot properly label and manage uded oil totes and drums
 Viol. Classification: Moderate
 Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(d)(5)(iii)
 30 TAC Chapter 335, SubChapter C 335.69(f)(5)(C)
- Description: Failure to demonstrate that personnel who handle, store and dispose of haz. waste have received RCRA training.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 122, SubChapter D, PT 122, SubPT B 122.26(a)(1)(ii)
40 CFR Chapter 122, SubChapter D, PT 122, SubPT B 122.26(b)(14)(iii)
40 CFR Chapter 122, SubChapter D, PT 122, SubPT B 122.26(c)
30 TAC Chapter 281, SubChapter A 281.25(a)(4)

Description: failure to obtain permit coverage or make a No Exposure Certification

Viol. Classification: Minor

Citation: 30 TAC Chapter 106, SubChapter A 106.4
30 TAC Chapter 106, SubChapter S 106.433

Description: Failure to document aerosol cans used at the site meet the correct TCEQ air permitting de minimis treshold

Viol. Classification: Minor

Citation: 30 TAC Chapter 106, SubChapter K 106.265
30 TAC Chapter 106, SubChapter A 106.4
30 TAC Chapter 116, SubChapter B 116.110

Description: Failure to documnet that hand-held manually operated cutting equipment, welding, soldering, and cutting activities, storage and dispensing activities of lube oil, motor oil, and hydraulic oil, industrial gases stored on site, storage tanks (1x1000 gal, 1x300 gal, 2 x 2500 gal) meet the applicable requirements for PBR,

Viol. Classification: Minor

Citation: 30 TAC Chapter 285, SubChapter A 285.3

Description: Failure to have documentation available for review of the septic sysem onsite or confirmation of the age of the system.

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

Component Appendices

Appendix A

All NOV's Issued During Component Period 7/1/2009 and 7/1/2014

1	Date:	02/22/2010	(792735)	CN603579632
	Self Report?	NO		Classification: Moderate
	Citation:	30 TAC Chapter 290, SubChapter D 290.39(e)		
	Description:	Failure to submit planning material for the current water system.		
	Self Report?	NO		Classification: Minor
	Citation:	30 TAC Chapter 290, SubChapter D 290.41(c)(3)(A)		
	Description:	Failure to submit well completion data before placing the well into service as a public water system.		
	Self Report?	NO		Classification: Moderate
	Citation:	30 TAC Chapter 290, SubChapter D 290.46(e)(4)(A)		
	Description:	Failure to employ an operator with a Class "D" or higher license.		
2	Date:	02/22/2012	(988622)	
	Self Report?	NO		Classification: Minor
	Citation:	30 TAC Chapter 106, SubChapter S 106.433(9) 5C THSC Chapter 382 382.085(b)		
	Description:	Failure to obtain TCEQ authorization prior to constructing and operating a surface coating facility (30 TAC 106.433(9)).		
	Self Report?	NO		Classification: Minor
	Citation:	30 TAC Chapter 106, SubChapter T 106.452(2)(D) 5C THSC Chapter 382 382.085(b)		
	Description:	Failure to obtain the appropriate TCEQ authorization prior to constructing and operating a dry abrasive cleaning facility (30 TAC 106.452(2)(D)).		
	Self Report?	NO		Classification: Minor
	Citation:	30 TAC Chapter 330, SubChapter A 330.15(a) 5C THSC Chapter 382 382.085(b)		
	Description:	Failure to prevent unauthorized disposal of solid waste.		
3*	Date:	01/17/2013	(1052536)	CN603579632
	Self Report?	NO		Classification: Minor
	Citation:	30 TAC Chapter 290, SubChapter D 290.41(c)(3)(A)		
	Description:	Failure to submit well completion data before placing the well into service as a public water system.		
	Self Report?	NO		Classification: Minor
	Citation:	30 TAC Chapter 290, SubChapter D 290.43(c)(4)		
	Description:	Failure to provide a liquid water level indicator on the storage tank.		
	Self Report?	NO		Classification: Minor
	Citation:	30 TAC Chapter 290, SubChapter D 290.43(c)(3)		
	Description:	Failure to provide the storage tanks with an overflow designed in strict accordance with the current AWWA standards.		
	Self Report?	NO		Classification: Minor
	Citation:	30 TAC Chapter 290, SubChapter D 290.43(e)		
	Description:	Failure to enclose water storage tanks and pressure maintenance facility to prevent intruder access.		
	Self Report?	NO		Classification: Minor
	Citation:	30 TAC Chapter 290, SubChapter D 290.41(c)(3)(Q)		
	Description:	Failure to cover all air release openings that come in contact with the atmosphere.		
	Self Report?	NO		Classification: Minor
	Citation:	30 TAC Chapter 290, SubChapter D 290.41(c)(3)(O)		
	Description:	Failure to house well unit with an intruder-resistant fence to exclude possible contamination or damage to the facility by trespassers.		
	Self Report?	NO		Classification: Moderate
	Citation:	30 TAC Chapter 290, SubChapter D 290.46(m)(1)(C)		
	Description:	Failure to inspect all tanks annually to determine that instrumentation and controls are working properly.		
	Self Report?	NO		Classification: Moderate
	Citation:	30 TAC Chapter 290, SubChapter D 290.42(e)(2)		
	Description:	Failure to disinfect groundwater prior to storage. The point of application must be ahead of the water storage tank(s) if storage is provided prior to distribution.		
	Self Report?	NO		Classification: Minor
	Citation:	30 TAC Chapter 290, SubChapter D 290.43(c)(10)		
	Description:	Failure to provide the storage tank with an access manway of at least 30 inches in diameter.		

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.45(d)(2)(B)(v)
Description: Failure to provide the system with a minimum pressure tank capacity of 220 gallons.

4* Date: 08/12/2013 (1133650) CN603579632
Self Report? NO Classification: Major
Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(2)
5A THSC Chapter 341, SubChapter A 341.031(a)
Description: NO3 AMCL 3Q2013 - This system exceeded the MCL of 10 mg/L for nitrate (as nitrogen) with a sample result of 12 mg/L collected on 08/05/2013.

5* Date: 08/29/2013 (1093405) CN603579632
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(A)
Description: Failure to submit well completion data before placing the well into service as a public water system.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(4)
Description: Failure to provide a liquid water level indicator on the storage tank.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(3)
Description: Failure to provide the storage tanks with an overflow designed in strict accordance with the current AWWA standards.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.43(e)
Description: Failure to enclose water storage tanks and pressure maintenance facility to prevent intruder access.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(Q)
Description: Failure to cover all air release openings that come in contact with the atmosphere.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(O)
Description: Failure to house well unit with an intruder-resistant fence to exclude possible contamination or damage to the facility by trespassers.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(10)
Description: Failure to provide the storage tank with an access manway of at least 30 inches in diameter.

6 Date: 09/18/2013 (1146107) CN603579632
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(a)(2)
Description: NO3 AMCL PN 3Q2013 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a violation of the maximum contaminant level for nitrate during the 3rd quarter of 2013.

7 Date: 11/15/2013 (1133650) CN603579632
Self Report? NO Classification: Major
Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(2)
5A THSC Chapter 341, SubChapter A 341.031(a)
Description: NO3 AMCL 4Q2013 - This system exceeded the MCL of 10 mg/L for nitrate (as nitrogen) with a sample result of 11 mg/L collected on 11/04/2013.

8 Date: 11/20/2013 (1146107) CN603579632
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
Description: JULY/2013 TCR Routine MR PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to conduct routine coliform monitoring for the month of 07/2013.

9 Date: 01/31/2014 (1146107) CN603579632
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(3)(A)(ii)

Description: TCR Repeat MR Violation 12/2013 - Failure to collect and/or submit all repeats following a coliform found result within the required timeline.

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

Appendix B

All Investigations Conducted During Component Period July 01, 2009 and July 01, 2014

Item 1	February 19, 2010**	(792735)
Item 2	November 30, 2010**	(879438)
Item 3	February 23, 2012**	(988622)
Item 4	January 18, 2013**	(1052536)
Item 5	August 30, 2013**	(1093405)
Item 6	November 21, 2013	(1133650)
Item 7	November 22, 2013	(1133721)
Item 8	February 04, 2014	(1146107)
Item 9	February 07, 2014	(1146329)
Item 10	June 20, 2014	(1166234)

* 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
STX PROCESS EQUIPMENT LLC
RN105830186

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

AGREED ORDER
DOCKET NO. 2014-0907-PWS-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 STX Process Equipment LLC ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. 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 public water supply located at 4819 Highway 44 near Freer, Duval County, Texas (the "Facility") that has approximately three service connections and serves at least 25 people per day for at least 60 days per year.

2. During investigations conducted on February 9, 2010 and December 14, 2012 and a record review conducted on May 15, 2014, TCEQ staff documented that the Respondent did not submit well completion data for review and approval prior to placing a well into service as a public water system.
3. During an investigation conducted on December 14, 2012 and a record review conducted on May 15, 2014, TCEQ staff documented that the Respondent did not provide the Facility's two storage tanks with a liquid level indicator located at the tank site.
4. During an investigation conducted on December 14, 2012 and a record review conducted on May 15, 2014, TCEQ staff documented that the Respondent did not provide an overflow on the Facility's two storage tanks designed in strict accordance with the current American Water Works Association ("AWWA") standards that terminates with a gravity-hinged and weighted cover and fits tightly with no gap over 1/16 inch.
5. The Respondent received notice of the violations on July 1, 2014.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 2, the Respondent failed to submit well completion data for review and approval prior to placing a well into service as a public water system, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(A).
3. As evidenced by Findings of Fact No. 3, the Respondent failed to provide the Facility's two storage tanks with a liquid level indicator located at the tank site, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(4).
4. As evidenced by Findings of Fact No. 4, the Respondent failed to provide an overflow on the Facility's two storage tanks designed in strict accordance with the current AWWA standards that terminates with a gravity-hinged and weighted cover and fits tightly with no gap over 1/16 inch, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(3).
5. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, 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.
6. An administrative penalty in the amount of Three Hundred Fifty-Four Dollars (\$354) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). The Respondent has paid the Three Hundred Fifty-Four Dollar (\$354) 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 Three Hundred Fifty-Four Dollars (\$354) as set forth in Section II, Paragraph 6 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: STX Process Equipment LLC, Docket No. 2014-0907-PWS-E" to:

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

2. The Respondent shall undertake the following technical requirements:
 - a. Within 60 days after the effective date of this Agreed Order:
 - i. Provide the Facility's two storage tanks with a liquid level indicator located at the tank site, in accordance with 30 TEX. ADMIN. CODE § 290.43; and
 - ii. Provide an overflow pipe on the Facility's two storage tanks designed in strict accordance with the current AWWA standards that terminates with a gravity-hinged and weighted cover and fits tightly with no gap over 1/16 inch, in accordance with 30 TEX. ADMIN. CODE § 290.43.
 - b. Within 75 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.f. below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.
 - c. Within 180 days after the effective date of this Agreed Order, submit well completion data for review and approval, in accordance with 30 TEX. ADMIN. CODE § 290.41. The well completion data shall be submitted to:

Utilities Technical Review Team
Water Supply Division, MC 159
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning well completion data within 15 days after the date of such requests, or by any other deadline specified in writing.

- d. Within 195 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.f. below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.c.
- e. Within 270 days after the effective date of this Agreed Order, obtain approval of the well completion data.
- f. Within 285 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.e. 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
Laredo Regional Office
Texas Commission on Environmental Quality
707 East Calton Road, Suite 304
Laredo, Texas 78041-3887

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. 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.
5. 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.
6. 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.
7. 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.
8. 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.

9. 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

Pamela Marcic J
For the Executive Director

11/25/14
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of STX Process Equipment LLC. I am authorized to agree to the attached Agreed Order on behalf of STX Process Equipment LLC, 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, STX Process Equipment LLC 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]
Signature

8/20/14
Date

Savier Casas
Name (Printed or typed)
Authorized Representative of
STX Process Equipment LLC

Partner
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.