

Executive Summary – Enforcement Matter – Case No. 48232
CAROTEX, INC.
RN100213727
Docket No. 2014-0196-IHW-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

IHW

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Carotex, 1500 Intral Coast Road, Port Arthur, Jefferson County

Type of Operation:

Barge degassing and cleaning facility

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: The complainant has expressed an interest in this matter but does not wish to speak at Agenda.

Texas Register Publication Date: July 11, 2014

Comments Received: No

Penalty Information

Total Penalty Assessed: \$12,124

Amount Deferred for Expedited Settlement: \$2,424

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$9,700

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. 48232
CAROTEX, INC.
RN100213727
Docket No. 2014-0196-IHW-E

Investigation Information

Complaint Date(s): October 16, 2013

Complaint Information: Alleged that two chemical storage tanks were leaking chemicals on to the ground without containments.

Date(s) of Investigation: November 12, 2013

Date(s) of NOE(s): January 24, 2014

Violation Information

1. Failed to prevent the disposal of hazardous waste at an unauthorized facility. Specifically, fifteen cubic yards of hazardous waste [barge muck, Texas Waste Code ("TWC") 0011489H] removed from tank no. 1005, containing waste with sample results indicating Toxicity Characteristic Leaching Procedure concentrations of 0.524 and 0.877 milligrams per liter ("mg/l") for benzene (EPA hazardous waste no. D018), was manifested as a Class 1 waste and disposed on October 31, 2013 at an unauthorized facility [30 TEX. ADMIN. CODE § 335.2(b) and 40 CODE OF FEDERAL REGULATIONS ("CFR") § 270.1(c)].
2. Failed to maintain documentation relating to hazardous waste determinations and waste classifications on site for each waste stream generated. Specifically, incorrect records of hazardous waste determinations for TWC 00114489H and insufficient records for TWCs 00054891 and 00124891 were provided [30 TEX. ADMIN. CODE § 335.9 and 40 CFR § 262.40(c)].
3. Failed to properly complete a hazardous waste manifest. Specifically, the Respondent did not use the correct TWC on hazardous waste manifest number 001154287GBF [30 TEX. ADMIN. CODE § 335.10(a) and 40 CFR § 262.20(a)(1)].
4. Failed to prevent the imminent threat of discharge of industrial waste. Specifically, tank number 1004 was leaking barge muck waste (TWC 00124891) from two pinhole leaks on the tank wall [30 TEX. ADMIN. CODE § 335.4].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent corrected manifest number 001154287GBF by designating the correct TWC 0011489H on the manifest.

Executive Summary – Enforcement Matter – Case No. 48232
CAROTEX, INC.
RN100213727
Docket No. 2014-0196-IHW-E

Technical Requirements:

The Order will require the Respondent to:

a. Within 30 days:

- i. Develop and implement procedures designed to ensure that all waste is properly manifested, transported, and disposed of at an authorized facility; and
- ii. Develop and implement procedures to ensure that all documentation relating to hazardous waste determinations and waste classifications is kept on site at the Facility for each waste stream generated.

b. Within 60 days:

- i. Submit a closure plan for tank number 1004; and
- ii. Upon approval of the closure plan, implement the plan.

c. Respond timely to all requests for documentation from the Executive Director.

d. Within 75 days, submit written certification to demonstrate compliance with Ordering Provisions a. through b.

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: Thomas Greimel, Enforcement Division, Enforcement Team 7, MC 128, (512) 239-5690; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456

TCEQ SEP Coordinator: N/A

Respondent: Tina Bell, Manager, CAROTEX, INC., 1500 Intral Coast Road, Port Arthur, Texas 77642-0387

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES	Assigned	3-Feb-2014	Screening	4-Feb-2014	EPA Due	10-Jul-2014
	PCW	14-Feb-2014				

RESPONDENT/FACILITY INFORMATION

Respondent	CAROTEX, INC.		
Reg. Ent. Ref. No.	RN100213727		
Facility/Site Region	10-Beaumont	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	48232	No. of Violations	4
Docket No.	2014-0196-IHW-E	Order Type	1660
Media Program(s)	Industrial and Hazardous Waste	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Thomas Greimel
		EC's Team	Enforcement Team 7
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$9,500**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **22.0%** Enhancement **Subtotals 2, 3, & 7** **\$2,090**

Notes: Enhancement for one order with denial and one NOV with dissimilar violations.

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

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** **-\$937**

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

Total EB Amounts	\$1,816
Approx. Cost of Compliance	\$6,721

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$10,653**

OTHER FACTORS AS JUSTICE MAY REQUIRE **13.8%** **Adjustment** **\$1,471**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Enhancement to capture the avoided cost of compliance associated with violation number 1.

Final Penalty Amount **\$12,124**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$12,124**

DEFERRAL **20.0%** Reduction **Adjustment** **-\$2,424**

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 **\$9,700**

Screening Date 4-Feb-2014

Docket No. 2014-0196-IHW-E

PCW

Respondent CAROTEX, INC.

Policy Revision 3 (September 2011)

Case ID No. 48232

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100213727

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Thomas Greimel

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

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

Please Enter Yes or No

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

Adjustment Percentage (Subtotal 2) 22%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for one order with denial and one NOV with dissimilar violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 22%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 22%

Screening Date 4-Feb-2014

Docket No. 2014-0196-IHW-E

PCW

Respondent CAROTEX, INC.

Policy Revision 3 (September 2011)

Case ID No. 48232

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100213727

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Thomas Greimel

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 335.2(b) and 40 Code of Federal Regulations ("CFR") § 270.1(c)

Violation Description Failed to prevent the disposal of hazardous waste at an unauthorized facility. Specifically, fifteen cubic yards of hazardous waste [barge muck, Texas Waste Code ("TWC") 00114489H] removed from tank no. 1005, containing waste with sample results indicating Toxicity Characteristic Leaching Procedure concentrations of 0.524 and 0.877 milligrams per liter ("mg/l") for benzene (EPA hazardous waste no. D018), was manifested as a Class 1 waste and disposed on October 31, 2013 at an unauthorized facility.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Harm			Percent
	Major	Moderate	Minor	
Actual				15.0%
Potential	x			

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1 Number of violation days 1

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
single event	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 \$1,471

Violation Final Penalty Total \$5,207

This violation Final Assessed Penalty (adjusted for limits) \$5,207

Economic Benefit Worksheet

Respondent CAROTEX, INC.
Case ID No. 48232
Reg. Ent. Reference No. RN100213727
Media Industrial and Hazardous Waste
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				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

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]	\$1,471	31-Oct-2013	31-Oct-2013	0.00	\$0	\$1,471	\$1,471
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated avoided cost to dispose of the hazardous waste at an authorized facility. The Date Required is the date of the unauthorized disposal. The Final Date is the date of the unauthorized disposal.

Approx. Cost of Compliance

\$1,471

TOTAL

\$1,471

Screening Date 4-Feb-2014

Docket No. 2014-0196-IHW-E

PCW

Respondent CAROTEX, INC.

Policy Revision 3 (September 2011)

Case ID No. 48232

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100213727

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Thomas Greimel

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 335.9 and 40 CFR § 262.40(c)

Violation Description

Failed to maintain documentation relating to hazardous waste determinations and waste classifications on site for each waste stream generated. Specifically, incorrect records of hazardous waste determinations for TWC 00114489H and insufficient records for TWCs 00054891 and 00124891 were provided.

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 5.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1

84 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$1,250

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

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

Violation Subtotal \$1,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$6

Violation Final Penalty Total \$1,736

This violation Final Assessed Penalty (adjusted for limits) \$1,736

Economic Benefit Worksheet

Respondent CAROTEX, INC.
Case ID No. 48232
Reg. Ent. Reference No. RN100213727
Media Industrial and Hazardous Waste
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$150	12-Nov-2013	31-Aug-2014	0.80	\$6	n/a	\$6
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
 Estimated cost to maintain complete and accurate records relating to hazardous waste determinations and waste classifications. The Date Required is the investigation date. The Final Date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance	\$150	TOTAL	\$6
-----------------------------------	-------	--------------	-----

Screening Date 4-Feb-2014

Docket No. 2014-0196-IHW-E

PCW

Respondent CAROTEX, INC.

Policy Revision 3 (September 2011)

Case ID No. 48232

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100213727

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Thomas Greimel

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 335.10(a) and 40 CFR § 262.20(a)(1)

Violation Description Failed to properly complete a hazardous waste manifest. Specifically, the Respondent did not use the correct TWC on hazardous waste manifest number 001154287GBF.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				15.0%
Potential	x			

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1 Number of violation days 1

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$3,750

One single event is recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$937

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

Notes The Respondent came into compliance on December 11, 2013, prior to the January 24, 2014 Notice of Enforcement.

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$4,140

This violation Final Assessed Penalty (adjusted for limits) \$4,140

Economic Benefit Worksheet

Respondent CAROTEX, INC.
Case ID No. 48232
Reg. Ent. Reference No. RN100213727
Media Industrial and Hazardous Waste
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$100	12-Nov-2013	11-Dec-2013	0.08	\$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

Estimated cost to conduct training to ensure hazardous waste manifests are completed with the correct waste codes. The Date Required is the investigation date. The Final Date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$0

Screening Date 4-Feb-2014

Docket No. 2014-0196-IHW-E

PCW

Respondent CAROTEX, INC.

Policy Revision 3 (September 2011)

Case ID No. 48232

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100213727

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Thomas Greimel

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 335.4

Violation Description

Failed to prevent the imminent threat of discharge of industrial waste. Specifically, tank number 1004 was leaking barge muck waste (TWC 00124891) from two pinhole leaks on the tank wall.

Base Penalty \$25,000

>> 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

Human health or the environment will or could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$24,250

\$750

Violation Events

Number of Violation Events 1

84 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$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 \$750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$338

Violation Final Penalty Total \$1,041

This violation Final Assessed Penalty (adjusted for limits) \$1,041

Economic Benefit Worksheet

Respondent CAROTEX, INC.
Case ID No. 48232
Reg. Ent. Reference No. RN100213727
Media Industrial and Hazardous Waste
Violation No. 4

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$5,000	12-Nov-2013	31-Oct-2014	0.97	\$16	\$322	\$338
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

Estimated cost to complete removal and closure of tank number 1004. The Date Required is the investigation date. The Final Date is the estimated date of compliance.

Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$338

The TCEQ is committed to accessibility.

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



Compliance History Report

PUBLISHED Compliance History Report for CN600126999, RN100213727, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

Customer, Respondent, or Owner/Operator: CN600126999, CAROTEX, INC. **Classification:** SATISFACTORY **Rating:** 3.62

Regulated Entity: RN100213727, Carotex **Classification:** SATISFACTORY **Rating:** 3.62

Complexity Points: 12 **Repeat Violator:** NO

CH Group: 14 - Other

Location: 1500 INTRAL COAST RD PORT ARTHUR, TX 77642-0387, JEFFERSON COUNTY

TCEQ Region: REGION 10 - BEAUMONT

ID Number(s):

INDUSTRIAL AND HAZARDOUS WASTE EPA ID
TXD087721197

WASTEWATER PERMIT WQ0001674000

AIR NEW SOURCE PERMITS ACCOUNT NUMBER JE0079B

AIR NEW SOURCE PERMITS PERMIT 36562

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE

REGISTRATION # (SWR) 31682

WASTEWATER EPA ID TX0064718

AIR NEW SOURCE PERMITS AFS NUM 4824500077

AIR EMISSIONS INVENTORY ACCOUNT NUMBER JE0079B

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

Date Compliance History Report Prepared: February 04, 2014

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: February 04, 2009 to February 04, 2014

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

Name: Thomas Greimel

Phone (512) 239-5690

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: 03/12/2009 ADMINORDER 2007-2019-IWD-E (1660 Order-Agreed Order With Denial)

Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: OT 5 a-e PERMIT

Description: Failure to maintain operating logs in accordance with its permit.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(9)

Rqmt Prov: M&RR 7c PERMIT

Description: Failure to report effluent exceedances that deviate by more than 40% from the permitted effluent limitation.

Classification: Minor

Citation: 2D TWC Chapter 26, SubChapter A 26.039(b)

30 TAC Chapter 305, SubChapter F 305.125(9)

Rqmt Prov:M&RR 7 PERMIT

Description: Failure to submit the noncompliance notification for the unauthorized discharge that was observed during the

October 11, 2007 investigation.

Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)

Rqmt Prov:O&M 1 PERMIT

Description: Failure to properly ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained.

Classification: Major

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

30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov:PC 2g PERMIT

Description: Failure to prevent unauthorized discharge of industrial waste.

Classification: Moderate

Citation: 30 TAC Chapter 319, SubChapter A 319.1

Rqmt Prov:M&RR 1 PERMIT

Description: Failure to submit monitoring results at the intervals specified in the permit.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	April 27, 2009	(752900)
Item 2	May 04, 2009	(770504)
Item 3	May 21, 2009	(746544)
Item 4	June 04, 2009	(770505)
Item 5	July 17, 2009	(811207)
Item 6	August 05, 2009	(811208)
Item 7	September 02, 2009	(811209)
Item 8	October 09, 2009	(811210)
Item 9	November 09, 2009	(811211)
Item 10	December 09, 2009	(811212)
Item 11	January 04, 2010	(811213)
Item 12	February 05, 2010	(811206)
Item 13	March 03, 2010	(833138)
Item 14	April 23, 2010	(833139)
Item 15	May 04, 2010	(833140)
Item 16	June 03, 2010	(846974)
Item 17	July 02, 2010	(861462)
Item 18	August 05, 2010	(867736)
Item 19	November 10, 2010	(888748)
Item 20	December 02, 2010	(897095)
Item 21	January 06, 2011	(903011)
Item 22	February 03, 2011	(909882)
Item 23	March 02, 2011	(917121)
Item 24	April 08, 2011	(927405)
Item 25	May 17, 2011	(938817)
Item 26	June 02, 2011	(946185)
Item 27	July 08, 2011	(953453)
Item 28	August 05, 2011	(960085)
Item 29	September 20, 2011	(966135)
Item 30	October 31, 2011	(978322)
Item 31	December 09, 2011	(985121)

Item 32	January 04, 2012	(991398)
Item 33	January 31, 2012	(998760)
Item 34	March 01, 2012	(1004283)
Item 35	April 04, 2012	(1010844)
Item 36	May 09, 2012	(1017219)
Item 37	June 07, 2012	(1025004)
Item 38	July 06, 2012	(1032357)
Item 39	August 14, 2012	(1038777)
Item 40	October 12, 2012	(1065142)
Item 41	November 09, 2012	(1065143)
Item 42	December 04, 2012	(1065144)
Item 43	January 08, 2013	(1080720)
Item 44	February 01, 2013	(1080719)
Item 45	April 09, 2013	(1090136)
Item 46	May 01, 2013	(1107475)
Item 47	June 06, 2013	(1111118)
Item 48	July 11, 2013	(1118011)
Item 49	August 14, 2013	(1125811)
Item 50	September 09, 2013	(1130355)
Item 51	October 22, 2013	(1136125)
Item 52	November 06, 2013	(1141499)

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:	05/07/2013 (1077976)	CN600126999
	Self Report?	NO	Classification: Moderate
	Citation:	EL&MR NO. 1, Page 2 PERMIT	
	Description:	Failure by Carotex to discharge effluent within permitted limits.	
	Self Report?	NO	Classification: Minor
	Citation:	EL&MR No. 1, Page 2 PERMIT	
	Description:	Failure by Carotex to conduct effluent monitoring at the intervals specified in the permit.	
	Self Report?	NO	Classification: Moderate
	Citation:	OT No. 2, Page 12 PERMIT	
	Description:	Failure by Carotex to submit notification for exceedences of daily maximum limitations of listed permit parameters to the TCEQ within 24 hours of becoming aware of the exceedence and by written report within 5 days of becoming aware of the exceedence.	
	Self Report?	NO	Classification: Moderate
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a)(2) OpR No. 1, Page 9 PERMIT	
	Description:	Failure by Carotex to at all times ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained.	
	Self Report?	NO	Classification: Minor
	Citation:	D&SPC No. 1(b), Page 3 PERMIT	
	Description:	Failure to properly calculate the daily average flow for intermittent dischargers per permit requirements.	
	Self Report?	NO	Classification: Minor
	Citation:	D&SPC No. 2(a)(ii), Page 3 PERMIT	
	Description:	Failure to properly calculate the daily average concentration of permit parameters for intermittent dischargers per permit requirements.	

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
CAROTEX, INC.
RN100213727**

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

AGREED ORDER DOCKET NO. 2014-0196-IHW-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 CAROTEX, INC. ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 361 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 barge degassing and cleaning facility at 1500 Intral Coast Road in Port Arthur, Jefferson County, Texas (the "Facility").
2. The Facility involves or involved the management of industrial hazardous and solid waste as defined in TEX. HEALTH & SAFETY CODE ch. 361.
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about January 29, 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 Twelve Thousand One Hundred Twenty-Four Dollars (\$12,124) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Nine Thousand Seven Hundred Dollars (\$9,700) of the administrative penalty and Two Thousand Four

Hundred Twenty-Four Dollars (\$2,424) 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 corrected manifest number 001154287GBF by designating the correct Texas Waste Code 0011489H on the manifest.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

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

1. Failed to prevent the disposal of hazardous waste at an unauthorized facility, in violation of 30 TEX. ADMIN. CODE § 335.2(b) and 40 CODE OF FEDERAL REGULATIONS ("CFR") § 270.1(c), as documented during an investigation conducted on November 12, 2013. Specifically, fifteen cubic yards of hazardous waste [barge muck, Texas Waste Code ("TWC") 0011489H] removed from tank no. 1005, containing waste with sample results indicating Toxicity Characteristic Leaching Procedure concentrations of 0.524 and 0.877 milligrams per liter ("mg/l") for benzene (EPA hazardous waste no. D018), was manifested as a Class 1 waste and disposed on October 31, 2013 at an unauthorized facility.
2. Failed to maintain documentation relating to hazardous waste determinations and waste classifications on site for each waste stream generated, in violation of 30 TEX. ADMIN. CODE § 335.9 and 40 CFR § 262.40(c), as documented during an investigation conducted on November 12, 2013. Specifically, incorrect records of hazardous waste determinations for TWC 00114489H and insufficient records for TWCs 00054891 and 00124891 were provided.

3. Failed to properly complete a hazardous waste manifest, in violation of 30 TEX. ADMIN. CODE § 335.10(a) and 40 CFR § 262.20(a)(1), as documented during an investigation conducted on November 12, 2013. Specifically, the Respondent did not use the correct TWC on hazardous waste manifest number 001154287GBF.
4. Failed to prevent the imminent threat of discharge of industrial waste, in violation of 30 TEX. ADMIN. CODE § 335.4, as documented during an investigation conducted on November 12, 2013. Specifically, tank number 1004 was leaking barge muck waste (TWC 00124891) from two pinhole leaks on the tank wall.

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: CAROTEX, INC., Docket No. 2014-0196-IHW-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:
 - i. Develop and implement procedures designed to ensure that all waste is properly manifested, transported, and disposed of at an authorized facility; and
 - ii. Develop and implement procedures to ensure that all documentation relating to hazardous waste determinations and waste classifications is kept on site at the Facility for each waste stream generated, in accordance with 30 TEX. ADMIN. CODE § 335.9 and 40 CFR § 262.40.
 - b. Within 60 days after the effective date of this Agreed order:

- i. Submit a closure plan ("CP") for tank number 1004, in accordance with 30 TEX. ADMIN. CODE § 335.8 to:

Corrective Action Section
Remediation Division, MC 221
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

- ii. Upon approval of the CP, implement the plan.
- c. Respond timely to all requests for documentation from the Executive Director.
- d. Within 75 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a.i. through 2.b. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

Waste Section Manager
Beaumont Regional Office
Texas Commission on Environmental Quality
3870 Eastex Freeway
Beaumont, Texas 77703-1892

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.

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

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Pam Powers
For the Executive Director

1/22/15
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.

Tina Bell
Signature

May 5, 2014
Date

Tina Bell
Name (Printed or typed)
Authorized Representative of
CAROTEX, INC.

Manager
Title

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