

**Executive Summary – Enforcement Matter – Case No. 47668**  
**COX MANUFACTURING COMPANY**  
**RN100649003**  
**Docket No. 2013-1769-MLM-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

MLM – IHW, UIC

**Small Business:**

Yes

**Location(s) Where Violation(s) Occurred:**

Cox Manufacturing Company, 5500 North Loop 1604 East, San Antonio, Bexar County

**Type of Operation:**

Machine shop

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** February 14, 2014

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$15,188

**Amount Deferred for Expedited Settlement:** \$3,037

**Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$356

**Total Due to General Revenue:** \$11,795

Payment Plan: 35 payments of \$337 each

**SEP Conditional Offset:** \$0

Name of SEP: N/A

**Compliance History Classifications:**

Person/CN - High

Site/RN - High

**Major Source:** No

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** September 2011

**Executive Summary – Enforcement Matter – Case No. 47668**  
**COX MANUFACTURING COMPANY**  
**RN100649003**  
**Docket No. 2013-1769-MLM-E**

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** June 14, 2013

**Date(s) of NOE(s):** August 29, 2013

***Violation Information***

1. Failed to maintain records of hazardous waste determinations and waste classifications [30 TEX. ADMIN. CODE §§ 335.70(a) and 335.513 and 40 CODE OF FEDERAL REGULATIONS ("CFR") § 262.40(c)].
2. Failed to update the Facility's Notice of Registration ("NOR") regarding all generated waste streams and associated solid waste management units ("SWMUs"). Specifically, the NOR was not updated for the following waste streams: solvent distillation unit tank bottoms, air compressor dryer accumulations, used centrifuge unit micron filters, spent sandblasting/glass bead media, wastewater from the Spiratron Separator unit, evaporation unit tank bottoms/residues, and spent solvents from the distillation unit. Also, the NOR was not updated for the following SWMUs: SWMU 001 designation as a container storage area, SWMU 004 designation as a thermal processing unit, and use of a distillation/solvent recovery unit and injection well as active SWMUs at the Facility [30 TEX. ADMIN. CODE § 335.6(c)].
3. Failed to designate at least one employee as emergency coordinator and post the emergency coordinator information next to the telephone [30 TEX. ADMIN. CODE § 335.69(f)(5)(A) and 40 CFR § 262.34(d)(5)(i) and (d)(5)(ii)].
4. Failed to make arrangements, agreements, or contracts for emergency services with local authorities [30 TEX. ADMIN. CODE § 335.69(f)(4) and 40 CFR § 265.37].
5. Failed to ensure all employees are thoroughly familiar with proper waste handling and emergency procedures [30 TEX. ADMIN. CODE § 335.69(f)(5)(C) and 40 CFR § 262.34(d)(5)(iii)].
6. Failed to conduct weekly inspections of all container storage areas ("CSAs") looking for leaking containers and for deterioration of containers caused by corrosion or other factors [30 TEX. ADMIN. CODE § 335.69(f)(2) and 40 CFR §§ 262.34(d)(2) and 265.174].
7. Failed to label all hazardous waste containers with accumulation start dates [30 TEX. ADMIN. CODE § 335.69(a)(2) and 40 CFR § 262.34(a)(2)].
8. Failed to prevent the disposal of industrial solid waste ("ISW") into an unauthorized injection well. Specifically, ISW from the Spiratron Separator was being disposed of in the Facility's septic tank system, which was converted into an underground injection control ("UIC") well [30 TEX. ADMIN. CODE §§ 331.3 and 335.4 and TEX. WATER CODE § 26.121].

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***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

The Respondent has implemented the following corrective measures:

- a. Provided documentation on August 2, 2013 which demonstrated that hazardous waste containers have been labeled with accumulation start dates;
- b. Began conducting and documenting weekly inspections of all CSAs on September 4, 2013;
- c. Severed the line connecting the Spiratron Separator and the Facility's septic tank system on September 9, 2013;
- d. Designated a Facility emergency coordinator and posted the emergency coordinator information next to the telephone on September 11, 2013;
- e. Began maintaining records of hazardous waste determinations and classifications as of October 3, 2013;
- f. Updated the Facility's NOR regarding all generated waste streams and associated SWMUs on November 18, 2013;
- g. Made arrangements for emergency services with local authorities on December 2, 2013; and
- h. Conducted training for Facility employees related to proper waste handling and emergency procedures on December 20, 2013.

**Technical Requirements:**

The Order will require the Respondent to:

- a. Within 30 days, complete closure of the unauthorized injection well;
- b. Within 45 days, certify compliance with Ordering Provision a.;
- c. Within 180 days, submit an Affected Property Assessment Report, for the septic system and surrounding area, to the Executive Director for approval. If response actions are necessary, comply with all applicable requirements of the Texas Risk Reduction Program found in 30 TEX. ADMIN. CODE ch. 350 which may include: plans, reports, and notices under Subchapter E; financial assurance; and Institutional Controls under Subchapter F; and
- d. Within 195 days, submit written certification demonstrating compliance with Ordering Provision c.

***Litigation Information***

**Date Petition(s) Filed:** N/A

**Date Answer(s) Filed:** N/A

**Executive Summary – Enforcement Matter – Case No. 47668**  
**COX MANUFACTURING COMPANY**  
**RN100649003**  
**Docket No. 2013-1769-MLM-E**

**SOAH Referral Date:** N/A  
**Hearing Date(s):** N/A  
**Settlement Date:** N/A

***Contact Information***

**TCEQ Attorney:** N/A  
**TCEQ Enforcement Coordinator:** Keith Frank, Enforcement Division, Enforcement Team 7, MC 128, (512) 239-1203; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456  
**TCEQ SEP Coordinator:** N/A  
**Respondent:** William T. Cox, Jr., President, COX MANUFACTURING COMPANY, 5500 North Loop 1604 East, San Antonio, Texas 78247-4690  
**Respondent's Attorney:** N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	3-Sep-2013	<b>Screening</b>	12-Sep-2013	<b>EPA Due</b>	
	<b>PCW</b>	2-Jan-2014				

<b>RESPONDENT/FACILITY INFORMATION</b>			
<b>Respondent</b>	COX MANUFACTURING COMPANY		
<b>Reg. Ent. Ref. No.</b>	RN100649003		
<b>Facility/Site Region</b>	13-San Antonio	<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	47668	<b>No. of Violations</b>	6
<b>Docket No.</b>	2013-1769-MLM-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Industrial and Hazardous Waste	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>	Underground Injection Control	<b>Enf. Coordinator</b>	Keith Frank
		<b>EC's Team</b>	Enforcement Team 7
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1** **\$17,500**

**ADJUSTMENTS (+/-) TO SUBTOTAL 1**  
 Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.  
**Compliance History** **-10.0%** Reduction **Subtotals 2, 3, & 7** **-\$1,750**

Notes: Reduction for high performer classification.

**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** **\$562**

**Economic Benefit** **0.0%** Enhancement\* **Subtotal 6** **\$0**  
 Total EB Amounts **\$531**  
 Approx. Cost of Compliance **\$12,600**  
 \*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal** **\$15,188**

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

Notes:

**Final Penalty Amount** **\$15,188**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** **\$15,188**

**DEFERRAL** **20.0%** Reduction **Adjustment** **-\$3,037**  
 Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: Deferral offered for expedited settlement.

**PAYABLE PENALTY** **\$12,151**

**Screening Date** 12-Sep-2013

**Docket No.** 2013-1769-MLM-E

**PCW**

**Respondent** COX MANUFACTURING COMPANY

Policy Revision 3 (September 2011)

**Case ID No.** 47668

PCW Revision August 3, 2011

**Reg. Ent. Reference No.** RN100649003

**Media [Statute]** Industrial and Hazardous Waste

**Enf. Coordinator** Keith Frank

### 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	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgements or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%

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)** 0%

>> **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**

Reduction for high performer classification.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** -10%

>> **Final Compliance History Adjustment**

**Final Adjustment Percentage \*capped at 100%** -10%

Screening Date 12-Sep-2013

Docket No. 2013-1769-MLM-E

PCW

Respondent COX MANUFACTURING COMPANY

Policy Revision 3 (September 2011)

Case ID No. 47668

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100649003

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Keith Frank

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 335.70(a) and 335.513 and 40 Code of Federal Regulations ("CFR") § 262.40(c)

Violation Description Failed to maintain records of hazardous waste determinations and waste classifications.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0.0%
Potential				

>> Programmatic Matrix

Falsification	Harm			Percent
	Major	Moderate	Minor	
	x			5.0%

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

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1 90 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

10.0% Reduction

\$125

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

Notes The Respondent came into compliance on October 3, 2013, after the Notice of Enforcement ("NOE") dated August 29, 2013.

Violation Subtotal \$1,125

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$8

Violation Final Penalty Total \$1,000

This violation Final Assessed Penalty (adjusted for limits) \$1,000

# Economic Benefit Worksheet

**Respondent** COX MANUFACTURING COMPANY  
**Case ID No.** 47668  
**Reg. Ent. Reference No.** RN100649003  
**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
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No commas or \$

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$500	14-Jun-2013	3-Oct-2013	0.30	\$8	n/a	\$8
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 records of hazardous waste determinations and waste classifications. Date Required is the investigation date. 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**

\$500

**TOTAL**

\$8

Screening Date 12-Sep-2013

Docket No. 2013-1769-MLM-E

PCW

Respondent COX MANUFACTURING COMPANY

Policy Revision 3 (September 2011)

Case ID No. 47668

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100649003

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Keith Frank

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code § 335.6(c)

Violation Description

Failed to update the Facility's Notice of Registration ("NOR") regarding all generated waste streams and associated solid waste management units ("SWMUs"). Specifically, the NOR was not updated for the following waste streams: solvent distillation unit tank bottoms, air compressor dryer accumulations, used centrifuge unit micron filters, spent sandblasting/glass bead media, wastewater from the Spiratron Separator unit, evaporation unit tank bottoms/residues, and spent solvents from the distillation unit. Also, the NOR was not updated for the following SWMUs: SWMU 001 designation as a container storage area, SWMU 004 designation as a thermal processing unit, and use of a distillation/solvent recovery unit and injection well as active SWMUs at the Facility.

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

90 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 came into compliance on November 18, 2013, after the initial settlement offer ("ISO") dated November 14, 2013.

Violation Subtotal \$1,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$11

Violation Final Penalty Total \$1,125

This violation Final Assessed Penalty (adjusted for limits) \$1,125

# Economic Benefit Worksheet

**Respondent** COX MANUFACTURING COMPANY  
**Case ID No.** 47668  
**Reg. Ent. Reference No.** RN100649003  
**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	\$500	14-Jun-2013	18-Nov-2013	0.43	\$11	n/a	\$11
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 update the Facility's NOR. Date Required is the investigation date. 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

\$500

**TOTAL**

\$11

Screening Date 12-Sep-2013

Docket No. 2013-1769-MLM-E

PCW

Respondent COX MANUFACTURING COMPANY

Policy Revision 3 (September 2011)

Case ID No. 47668

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100649003

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Keith Frank

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 335.69(f)(4), (f)(5)(A), and (f)(5)(C) and 40 CFR §§ 262.34(d)(5)(i), (d)(5)(ii), and (d)(5)(iii) and 265.37

Violation Description

Failed to designate at least one employee as emergency coordinator and post the emergency coordinator information next to the telephone. Failed to make arrangements, agreements, or contracts for emergency services with local authorities. Also, failed to ensure all employees are thoroughly familiar with proper waste handling and emergency procedures.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		X	

Percent 5.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

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

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1

90 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

mark only one with an x

Violation Base Penalty \$1,250

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

The Respondent came into compliance on December 20, 2013, after the ISO dated November 14, 2013.

Violation Subtotal \$1,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$26

Violation Final Penalty Total \$1,125

This violation Final Assessed Penalty (adjusted for limits) \$1,125

# Economic Benefit Worksheet

**Respondent** COX MANUFACTURING COMPANY  
**Case ID No.** 47668  
**Req. Ent. Reference No.** RN100649003  
**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				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)	\$1,000	14-Jun-2013	20-Dec-2013	0.52	\$26	n/a	\$26

Estimated cost to designate a Facility emergency coordinator, post the emergency coordinator information next to the telephone, make arrangements with local authorities, and ensure all employees are familiar with proper waste handling and emergency procedures. Date Required is the investigation date. Final Date is the date of compliance.

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]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$1,000

**TOTAL** \$26

Screening Date 12-Sep-2013

Docket No. 2013-1769-MLM-E

PCW

Respondent COX MANUFACTURING COMPANY

Policy Revision 3 (September 2011)

Case ID No. 47668

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100649003

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Keith Frank

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 335.69(f)(2) and 40 CFR §§ 262.34(d)(2) and 265.174

Violation Description Failed to conduct weekly inspections of all container storage areas looking for leaking containers and for deterioration of containers caused by corrosion or other factors.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 5.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

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

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1

82 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$1,250

One quarterly event is recommended based on documentation of the violation during the June 14, 2013 investigation to the September 4, 2013 date of compliance.

Good Faith Efforts to Comply

10.0% Reduction

\$125

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

Notes

The Respondent came into compliance on September 4, 2013, after the NOE dated August 29, 2013.

Violation Subtotal \$1,125

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$6

Violation Final Penalty Total \$1,000

This violation Final Assessed Penalty (adjusted for limits) \$1,000

# Economic Benefit Worksheet

**Respondent** COX MANUFACTURING COMPANY  
**Case ID No.** 47668  
**Reg. Ent. Reference No.** RN100649003  
**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

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)	\$500	14-Jun-2013	4-Sep-2013	0.22	\$6	n/a	\$6

**Notes for DELAYED costs**

Estimated cost to conduct weekly inspections of the container storage areas. Date Required is the investigation date. 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

\$500

**TOTAL**

\$6

Screening Date 12-Sep-2013

Docket No. 2013-1769-MLM-E

PCW

Respondent COX MANUFACTURING COMPANY

Policy Revision 3 (September 2011)

Case ID No. 47668

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100649003

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Keith Frank

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code § 335.69(a)(2) and 40 CFR § 262.34(a)(2)

Violation Description Failed to label all hazardous waste containers with accumulation start dates.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0.0%
Potential				

>> Programmatic Matrix

Falsification	Harm			Percent
	Major	Moderate	Minor	
	x			5.0%

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

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1 Number of violation days 49

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

25.0% Reduction \$312

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

Notes: The Respondent came into compliance on August 2, 2013, prior to the NOE dated August 29, 2013.

Violation Subtotal \$938

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$813

This violation Final Assessed Penalty (adjusted for limits) \$813

# Economic Benefit Worksheet

**Respondent** COX MANUFACTURING COMPANY  
**Case ID No.** 47668  
**Reg. Ent. Reference No.** RN100649003  
**Media** Industrial and Hazardous Waste  
**Violation No.** 5

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)	\$100	14-Jun-2013	2-Aug-2013	0.13	\$1	n/a	\$1

**Notes for DELAYED costs**

Estimated cost to label all hazardous waste containers with the accumulation start dates. Date Required is the investigation date. 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

\$1

Screening Date 12-Sep-2013

Docket No. 2013-1769-MLM-E

PCW

Respondent COX MANUFACTURING COMPANY

Policy Revision 3 (September 2011)

Case ID No. 47668

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100649003

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Keith Frank

Violation Number 6

Rule Cite(s) 30 Tex. Admin. Code §§ 331.3 and 335.4 and Tex. Water Code § 26.121

Violation Description

Failed to prevent the disposal of industrial solid waste ("ISW") into an unauthorized injection well. Specifically, ISW from the Spiratron Separator was being disposed of in the Facility's septic tank system, which was converted into an underground injection control well.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		x	
Potential			

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health of environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 3

90 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$11,250

Three monthly events are recommended based on documentation of the violation during the June 14, 2013 investigation to the September 12, 2013 screening date.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

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

Violation Subtotal \$11,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$481

Violation Final Penalty Total \$10,125

This violation Final Assessed Penalty (adjusted for limits) \$10,125

## Economic Benefit Worksheet

**Respondent** COX MANUFACTURING COMPANY  
**Case ID No.** 47668  
**Reg. Ent. Reference No.** RN100649003  
**Media** Industrial and Hazardous Waste  
**Violation No.** 6

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)	\$5,000	14-Jun-2013	30-Apr-2014	0.88	\$15	\$292	\$307
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	\$10,000	14-Jun-2013	31-May-2014	0.96	\$481	n/a	\$481
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated costs to close the unauthorized injection well and to assess and remediate contaminated media at the Facility, including submission of an "Affected Property Assessment Report", calculated from the the investigation date to the estimated dates 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

\$15,000

**TOTAL**

\$788

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

**PENDING** Compliance History Report for CN600358873, RN100649003, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

**Customer, Respondent, or Owner/Operator:** CN600358873, COX MANUFACTURING COMPANY      **Classification:** HIGH      **Rating:** 0.00

**Regulated Entity:** RN100649003, COX MANUFACTURING COMPANY      **Classification:** HIGH      **Rating:** 0.00

**Complexity Points:** 7      **Repeat Violator:** NO

**CH Group:** 14 - Other

**Location:** 5500 N LOOP 1604 E SAN ANTONIO, TX 78247-4690, BEXAR COUNTY

**TCEQ Region:** REGION 13 - SAN ANTONIO

**ID Number(s):**

**POLLUTION PREVENTION PLANNING ID NUMBER**  
P03810

**INDUSTRIAL AND HAZARDOUS WASTE EPA ID**  
TXD981152044

**INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 34457**

**STORMWATER PERMIT TXRNEU421**

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

**Date Compliance History Report Prepared:** September 12, 2013

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** September 12, 2008 to September 12, 2013

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

**Name:** Keith Frank

**Phone:** (512) 239-1203

**Site and Owner/Operator History:**

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If **YES** for #2, who is the current owner/operator? N/A
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If **YES**, when did the change(s) in owner or operator occur? N/A

**Components (Multimedia) for the Site Are Listed in Sections A - J**

**A. Final Orders, court judgments, and consent decrees:**

N/A

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

**D. The approval dates of investigations (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.

N/A

**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  
COX MANUFACTURING  
COMPANY  
RN100649003**

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

**AGREED ORDER  
DOCKET NO. 2013-1769-MLM-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 COX MANUFACTURING COMPANY ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 361 and TEX. WATER CODE chs. 7, 26, and 27. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a machine shop at 5500 North Loop 1604 East in San Antonio, Bexar County, Texas (the "Facility").
2. The Facility involves or involved the management of industrial solid waste ("ISW") as defined in TEX. HEALTH & SAFETY CODE ch. 361. The Respondent is utilizing or has utilized an injection well as that term is defined in TEX. WATER CODE § 27.002(11).
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 September 3, 2013.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Fifteen Thousand One Hundred Eighty-Eight Dollars (\$15,188) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Three Hundred Fifty-Six Dollars (\$356) of the administrative penalty and Three Thousand Thirty-Seven Dollars (\$3,037) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, including the payment schedule, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

The remaining amount of Eleven Thousand Seven Hundred Ninety-Five Dollars (\$11,795) of the administrative penalty shall be payable in 35 monthly payments of Three Hundred Thirty-Seven Dollars (\$337) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
  - a. Provided documentation on August 2, 2013 which demonstrated that hazardous waste containers have been labeled with accumulation start dates;
  - b. Began conducting and documenting weekly inspections of all container storage areas ("CSAs") on September 4, 2013;
  - c. Severed the line connecting the Spiratron Separator and the Facility's septic tank system on September 9, 2013;
  - d. Designated a Facility emergency coordinator and posted the emergency coordinator information next to the telephone on September 11, 2013;
  - e. Began maintaining records of hazardous waste determinations and classifications as of October 3, 2013;
  - f. Updated the Facility's Notice of Registration ("NOR") regarding all generated waste streams and associated solid waste management units ("SWMUs") on November 18, 2013;

- g. Made arrangements for emergency services with local authorities on December 20, 2013; and
  - h. Conducted training for Facility employees related to proper waste handling and emergency procedures on December 20, 2013.
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 maintain records of hazardous waste determinations and waste classifications, in violation of 30 TEX. ADMIN. CODE §§ 335.70(a) and 335.513 and 40 CODE OF FEDERAL REGULATIONS ("CFR") § 262.40(c), as documented during an investigation conducted on June 14, 2013.
2. Failed to update the Facility's NOR regarding all generated waste streams and associated SWMUs, in violation of 30 TEX. ADMIN. CODE § 335.6(c), as documented during an investigation conducted on June 14, 2013. Specifically, the NOR was not updated for the following waste streams: solvent distillation unit tank bottoms, air compressor dryer accumulations, used centrifuge unit micron filters, spent sandblasting/glass bead media, wastewater from the Spiratron Separator unit, evaporation unit tank bottoms/residues, and spent solvents from the distillation unit. Also, the NOR was not updated for the following SWMUs: SWMU 001 designation as a container storage area, SWMU 004 designation as a thermal processing unit, and use of a distillation/solvent recovery unit and injection well as active SWMUs at the Facility.
3. Failed to designate at least one employee as emergency coordinator and post the emergency coordinator information next to the telephone, in violation of 30 TEX. ADMIN. CODE § 335.69(f)(5)(A) and 40 CFR § 262.34(d)(5)(i) and (d)(5)(ii), as documented during an investigation conducted on June 14, 2013.
4. Failed to make arrangements, agreements, or contracts for emergency services with local authorities, in violation of 30 TEX. ADMIN. CODE § 335.69(f)(4) and 40 CFR § 265.37, as documented during an investigation conducted on June 14, 2013.

5. Failed to ensure all employees are thoroughly familiar with proper waste handling and emergency procedures, in violation of 30 TEX. ADMIN. CODE § 335.69(f)(5)(C) and 40 CFR § 262.34(d)(5)(iii), as documented during an investigation conducted on June 14, 2013.
6. Failed to conduct weekly inspections of all CSAs looking for leaking containers and for deterioration of containers caused by corrosion or other factors, in violation of 30 TEX. ADMIN. CODE § 335.69(f)(2) and 40 CFR §§ 262.34(d)(2) and 265.174, as documented during an investigation conducted on June 14, 2013.
7. Failed to label all hazardous waste containers with accumulation start dates, in violation of 30 TEX. ADMIN. CODE § 335.69(a)(2) and 40 CFR § 262.34(a)(2), as documented during an investigation conducted on June 14, 2013.
8. Failed to prevent the disposal of ISW into an unauthorized injection well, in violation of 30 TEX. ADMIN. CODE §§ 331.3 and 335.4 and TEX. WATER CODE § 26.121, as documented during an investigation conducted on June 14, 2013. Specifically, ISW from the Spiratron Separator was being disposed of in the Facility's septic tank system, which was converted into an underground injection control ("UIC") well.

### 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: COX MANUFACTURING COMPANY, Docket No. 2013-1769-MLM-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, complete closure of the unauthorized injection well, in accordance with 30 TEX. ADMIN. CODE § 331.136; and

- b. Within 45 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.d. 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 an Affected Property Assessment Report, for the septic system and surrounding area, pursuant to 30 TEX. ADMIN. CODE § 350.91, to the Executive Director for approval. If response actions are necessary, comply with all applicable requirements of the Texas Risk Reduction Program found in 30 TEX. ADMIN. CODE ch. 350 which may include: plans, reports, and notices under Subchapter E (30 TEX. ADMIN. CODE §§ 350.92 to 350.96); financial assurance (30 TEX. ADMIN. CODE § 350.33(l)); and Institutional Controls under Subchapter F, submit report to:

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

- d. Within 195 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.c. 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:

Waste Section Manager  
San Antonio Regional Office  
Texas Commission on Environmental Quality  
14250 Judson Road  
San Antonio, Texas 78233-4480

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

  
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.

  
Signature

1-10-14  
Date

WILLIAM T. COX, JR.  
Name (Printed or typed)  
Authorized Representative of  
COX MANUFACTURING COMPANY

PRESIDENT  
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.