

Executive Summary – Enforcement Matter – Case No. 48839
Rentech Nitrogen Pasadena, LLC
RN101621944
Docket No. 2014-0839-IWD-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

IWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

Agrifos Fertilizer Pasadena, 2001 Jackson Road, Pasadena, Harris County

Type of Operation:

Wastewater treatment plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: September 19, 2014

Comments Received: No

Penalty Information

Total Penalty Assessed: \$37,500

Amount Deferred for Expedited Settlement: \$7,500

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$30,000

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: May 28, 2014

Date(s) of NOE(s): June 2, 2014

**Executive Summary – Enforcement Matter – Case No. 48839
Rentech Nitrogen Pasadena, LLC
RN101621944
Docket No. 2014-0839-IWD-E**

Violation Information

Failed to comply with permitted effluent limits for Enterococci, total nickel, and ammonia nitrogen [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1) and Texas Pollutant Discharge Elimination System Permit No. WQ0000649000, Effluent Limitations and Monitoring Requirements No. 1, Outfall Nos. 001, 002, and 003].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondent to, within 90 days, submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0000649000, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations.

Litigation Information

Date Petition(s) Filed: N/A

Date Answer(s) Filed: N/A

SOAH Referral Date: N/A

Hearing Date(s): N/A

Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Greg Zychowski, Enforcement Division, Enforcement Team 3, MC 169, (512) 239-3158; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456

TCEQ SEP Coordinator: N/A

Respondent: Andrew Velo, General Site Manager, Rentech Nitrogen Pasadena, LLC, P.O. Box 3447, Pasadena, Texas 77501

John Ambrose, President, Rentech Nitrogen Pasadena, LLC, P.O. Box 3447, Pasadena, Texas 77501

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

DATES	Assigned	9-Jun-2014	Screening	12-Jun-2014	EPA Due	5-Sep-2014
	PCW	12-Jun-2014				

RESPONDENT/FACILITY INFORMATION	
Respondent	Rentech Nitrogen Pasadena, LLC
Reg. Ent. Ref. No.	RN101621944
Facility/Site Region	12-Houston
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	48839	No. of Violations	1
Docket No.	2014-0839-IWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Alan Barraza
		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$18,750
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	100.0% Enhancement	Subtotals 2, 3, & 7	\$18,750
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Notes: Enhancement for four months of self-reported effluent violations, one NOV with same/similar violations, two orders with denial of liability, three federal orders with denial of liability, and one final judgment with denial of liability. Reduction for four notifications of intent to conduct an audit and one disclosure of violations.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$1,001
 Estimated Cost of Compliance: \$10,000
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$37,500
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$37,500
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$37,500
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DEFERRAL	20.0% Reduction	Adjustment	-\$7,500
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$30,000
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Screening Date 12-Jun-2014

Docket No. 2014-0839-IWD-E

PCW

Respondent Rentech Nitrogen Pasadena, LLC

Policy Revision 4 (April 2014)

Case ID No. 48839

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101621944

Media [Statute] Water Quality

Enf. Coordinator Alan Barraza

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>)	5	25%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	5	100%
	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 judgments or consent decrees meeting criteria</i>)	1	30%
	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>)	4	-4%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	1	-2%

Please Enter Yes or No

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

Adjustment Percentage (Subtotal 2) 149%

>> 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 four months of self-reported effluent violations, one NOV with same/similar violations, two orders with denial of liability, three federal orders with denial of liability, and one final judgment with denial of liability. Reduction for four notifications of intent to conduct an audit and one disclosure of violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 149%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 100%

Screening Date 12-Jun-2014

Docket No. 2014-0839-IWD-E

PCW

Respondent Rentech Nitrogen Pasadena, LLC

Policy Revision 4 (April 2014)

Case ID No. 48839

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101621944

Media [Statute] Water Quality

Enf. Coordinator Alan Barraza

Violation Number 1

Rule Cite(s) Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0000649000, Effluent Limitations and Monitoring Requirements No. 1, Outfall Nos. 001, 002, and 003

Violation Description Failed to comply with permitted effluent limits, as documented during a record review conducted on May 28, 2014, and shown in the attached violation table.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

A simplified model was used to evaluate Nickel to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. In addition, Enterococci and Ammonia Nitrogen were also considered. Human health or the environment has been exposed to insignificant amounts of pollutants which do not 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 5

152 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$18,750

Five quarterly events are recommended; three quarters for Outfall No. 001, one quarter for Outfall No. 002, and one quarter for Outfall No. 003

Good Faith Efforts to Comply

0.0%

Reduction \$0

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

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

Violation Subtotal \$18,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,001

Violation Final Penalty Total \$37,500

This violation Final Assessed Penalty (adjusted for limits) \$37,500

Economic Benefit Worksheet

Respondent Rentech Nitrogen Pasadena, LLC
Case ID No. 48839
Reg. Ent. Reference No. RN101621944
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment	0.00			0.00	\$0	\$0	\$0
Buildings	0.00			0.00	\$0	\$0	\$0
Other (as needed)	0.00			0.00	\$0	\$0	\$0
Engineering/Construction	0.00			0.00	\$0	\$0	\$0
Land	0.00			0.00	\$0	n/a	\$0
Record Keeping System	0.00			0.00	\$0	n/a	\$0
Training/Sampling	0.00			0.00	\$0	n/a	\$0
Remediation/Disposal	0.00			0.00	\$0	n/a	\$0
Permit Costs	0.00			0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	30-Apr-2013	1-May-2015	2.00	\$1,001	n/a	\$1,001

Notes for DELAYED costs

Estimated cost to determine the cause of noncompliance and make necessary repairs/adjustments to the Facility. Date required is the initial date of noncompliance. Final date is the expected 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			0.00	\$0	\$0	\$0
Personnel	0.00			0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling	0.00			0.00	\$0	\$0	\$0
Supplies/Equipment	0.00			0.00	\$0	\$0	\$0
Financial Assurance [2]	0.00			0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	0.00			0.00	\$0	\$0	\$0
Other (as needed)	0.00			0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance	\$10,000	TOTAL	\$1,001
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Rentech Nitrogen Pasadena, LLC
Docket No. 2014-0839-IWD-E
TPDES Permit No. WQ0000649000

Effluent Parameter Violation Table

	Outfall 001				Outfall 002	Outfall 003
	Enterococci	Enterococci	Total Nickel		NH ₃ -N	NH ₃ -N
	Daily Average	Daily Maximum	Daily Average	Daily Maximum	Daily Maximum	Daily Maximum
Month/ Year	Limit = 35 CFU/ 100 ml	Limit = 89 CFU/ 100 ml	Limit = 0.146 mg/L	Limit = 0.31 mg/L	Limit = 75 mg/L	Limit = 75 mg/L
April 2013	36.8	c	c	c	c	c
June 2013	c	c	c	c	195	c
October 2013	46.7	109	c	c	c	c
December 2013	c	c	0.253	0.428	c	96.7
January 2014	c	c	0.227	0.366	c	c

NH₃-N = ammonia
nitrogen

CFU =colony
forming units

ml =
milliliters

mg/L = milligrams
per liter

lb/day =
pounds per day

c =
compliant

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TCEQ Compliance History Report

PUBLISHED Compliance History Report for CN604162990, RN101621944, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

Customer, Respondent, or Owner/Operator:	CN604162990, Rentech Nitrogen Pasadena, LLC	Classification: SATISFACTORY	Rating: 2.50
Regulated Entity:	RN101621944, AGRIFOS FERTILIZER PASADENA	Classification: SATISFACTORY	Rating: 2.50
Complexity Points:	27	Repeat Violator:	NO
CH Group:	05 - Chemical Manufacturing		
Location:	2001 JACKSON RD, ON THE SOUTH BANK OF THE HOUSTON SHIP CHANNEL/ BUFFALO BAYOU TIDAL AT THE NORTHERN TERMINATION OF JACKSON ROAD, IN THE CITY OF PASADENA, TX 77506, HARRIS COUNTY		
TCEQ Region:	REGION 12 - HOUSTON		

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER HG0534U
POLLUTION PREVENTION PLANNING ID NUMBER P00440
WASTEWATER PERMIT WQ0000649000
AIR NEW SOURCE PERMITS PERMIT 4209A
AIR NEW SOURCE PERMITS ACCOUNT NUMBER HG0534U
AIR NEW SOURCE PERMITS REGISTRATION 88266
AIR NEW SOURCE PERMITS PERMIT 56361
AIR NEW SOURCE PERMITS REGISTRATION 94041
AIR NEW SOURCE PERMITS REGISTRATION 98455
AIR NEW SOURCE PERMITS REGISTRATION 110346
AIR NEW SOURCE PERMITS REGISTRATION 107795
AIR NEW SOURCE PERMITS REGISTRATION 118031

AIR OPERATING PERMITS PERMIT 1252
PETROLEUM STORAGE TANK REGISTRATION REGISTRATION 50576
WASTEWATER EPA ID TX0007285
AIR NEW SOURCE PERMITS REGISTRATION 15865
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX949
AIR NEW SOURCE PERMITS AFS NUM 4820100029
AIR NEW SOURCE PERMITS REGISTRATION 93662
AIR NEW SOURCE PERMITS REGISTRATION 100756
AIR NEW SOURCE PERMITS REGISTRATION 103508
AIR NEW SOURCE PERMITS REGISTRATION 110349
AIR NEW SOURCE PERMITS REGISTRATION 117468
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1010936
INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 30051
AIR EMISSIONS INVENTORY ACCOUNT NUMBER HG0534U
AIR QUALITY NON PERMITTED ID NUMBER LGL101621944

INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD099387474
IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION # (SWR) 30051
AIR EMISSIONS INVENTORY ACCOUNT NUMBER HG0534U

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

Date Compliance History Report Prepared: June 10, 2014

Agency Decision Requiring Compliance History: Enforcement

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

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

Name: Alan Barraza

Phone: (512) 239-4642

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: 12/25/2010 ADMINORDER 2010-1035-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Major
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.622(a)
 5C THSC Chapter 382 382.085(b)
Rqmt Prov:S.C. 1(E) OP
 S.C. 11(A) OP
 S.C. 2 OP
Description: Exceeded MAERT emission limit for HF on 11/20/2009, 1/15/2010 and 2/9/2010. Cateogry Violation: A8(c)(1)(H)
Classification: Major
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.622(a)
 5C THSC Chapter 382 382.085(b)
Rqmt Prov:S.C. 1(E) OP
 S.C. 11{A} OP
 S.C. 2 OP
 S.C. 2 PERMIT
Description: Exceeded emission limit for total fluorides and HF on 11/20/2009. Cateogry Violation: A8(c)(1)(H)
- 2 Effective Date: 04/11/2012 COURTORDER (Final Judgment-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.201
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(H)(i)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THSC Chapter 382 382.085(b)
Rqmt Prov:Special Conditions No. 1 PERMIT
Description: Defendant discharged ammonia gas into the air.
- 3 Effective Date: 07/19/2013 ADMINORDER 2013-0012-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THSC Chapter 382 382.085(b)
Rqmt Prov:NSR No. 56361, Special Condition #1 PERMIT
Description: Failure to meet the demonstration criteria for an affirmative defense for unauthorized emissions during an emissions event. (CATEGORY A6)

See addendum for information regarding federal actions.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	June 18, 2009	(804997)
Item 2	August 19, 2009	(804998)
Item 3	October 16, 2009	(805000)
Item 4	December 15, 2009	(805002)
Item 5	March 12, 2010	(860897)
Item 6	April 12, 2010	(831001)
Item 7	May 19, 2010	(845067)

Item 8	September 14, 2010	(873943)
Item 9	November 04, 2010	(881540)
Item 10	December 17, 2010	(896285)
Item 11	February 14, 2011	(909127)
Item 12	April 20, 2011	(924881)
Item 13	May 17, 2011	(924880)
Item 14	June 16, 2011	(945437)
Item 15	July 18, 2011	(952662)
Item 16	August 15, 2011	(959348)
Item 17	September 12, 2011	(965380)
Item 18	October 13, 2011	(971419)
Item 19	February 13, 2012	(998006)
Item 20	March 21, 2012	(1010098)
Item 21	May 11, 2012	(1016488)
Item 22	June 14, 2012	(1024211)
Item 23	July 13, 2012	(1031603)
Item 24	August 13, 2012	(1037980)
Item 25	September 18, 2012	(1046714)
Item 26	October 18, 2012	(1061007)
Item 27	November 15, 2012	(1061008)
Item 28	December 17, 2012	(1061009)
Item 29	January 14, 2013	(1079046)
Item 30	February 19, 2013	(1079045)
Item 31	March 13, 2013	(1089347)
Item 32	June 10, 2013	(1110340)
Item 33	August 13, 2013	(1124980)
Item 34	September 17, 2013	(1129579)
Item 35	October 10, 2013	(1135311)
Item 36	November 26, 2013	(1124790)
Item 37	March 14, 2014	(1167217)
Item 38	June 06, 2014	(1163454)

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: 06/30/2013 (1117225) CN604162990
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

- 2 Date: 07/01/2013 (1087458) CN604162990
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
E.L.&M.R., pg. 2, No. 1 PERMIT
Description: Failed to maintain compliance with the permitted effluent limits.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 319, SubChapter A 319.7(a)
Description: Failed to properly complete the chain of custody.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
D.&S.P.C., pg. 4, No. 2(e) PERMIT
Description: Failed to properly calculate the daily average concentration of Enterococci.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 319, SubChapter A 319.6
30 TAC Chapter 319, SubChapter A 319.9(d)
Description: Failed to assure the quality of all measurements through the use of blanks, standards, duplicates, and spikes.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 319, SubChapter A 319.7(a)
Description: Failed to properly document the storm water pH.

- 3 Date: 10/31/2013 (1140709) CN604162990
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
- 4 Date: 12/31/2013 (1153237) CN604162990
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
- 5 Date: 01/31/2014 (1160572) CN604162990
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits:

Notice of Intent Date: 08/12/2009 (766558)
 No DOV Associated

Notice of Intent Date: 08/20/2010 (857453)
 No DOV Associated

Notice of Intent Date: 12/09/2011 (994721)
 Disclosure Date: 04/23/2012

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(c)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(d)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT H 60.84(e)

Description: Failed to report excess emissions in deviation reports and semi-annual reports.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter K 106.263(g)
 30 TAC Chapter 106, SubChapter S 106.433(8)(B)
 30 TAC Chapter 106, SubChapter S 106.433(8)(C)
 30 TAC Chapter 106, SubChapter S 106.433(8)(D)
 30 TAC Chapter 106, SubChapter T 106.452(2)(C)
 30 TAC Chapter 115, SubChapter E 115.426(4)

Description: Failed maintain recordkeeping for: 30 TAC 106.433(8)(B), (C), and (D); 30 TAC 115.426(4); 30 TAC 106.452(2)(C); and 30 TAC 106.263(g).

Viol. Classification: Major

Citation: 30 TAC Chapter 122, SubChapter C 122.222(c)

Description: Failed to submit notifications and timely incorporate qualified changes to Title V Permit No. O-1252.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(a)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(c)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.8(a)

Description: Failed to submit required notifications and semi-annual report for 40 CFR 60 Subpart PP.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.11(e)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(a)

Description: Failed to conduct visible emission opacity observations for 40 CFR Subpart PP.

Notice of Intent Date: 09/09/2013 (1152074)
 No DOV Associated

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

Addendum to Compliance History Federal Enforcement Actions

Reg Entity Name: **AGRIFOS FERTILIZER LP**

Reg Entity Add: 2001 JACKSON ROAD

Reg Entity City: PASADENA

Reg Entity No: RN101621944

Customer Name: **Agrifos**

Customer No: CN603449265

EPA Case No: **06-2011-0960**

Order Issue Date (yyyymmdd): 20111207

Case Result:

Statute: RCRA

Sect of Statute: 3008A

Classification: Moderate

Program: National Emission Stand **Citation:** T

Violation Type:

Cite Sect:

Cite Part:

Enforcement Action: Administrative Penalty Order With or Without Inj

Reg Entity Name: **AGRIFOS FERTILIZER L P**

Reg Entity Add: 2001 JACKSON ROAD

Reg Entity City: PASADENA

Reg Entity No: RN101621944

Customer Name: **ExxonMobil Oil Corporation**

Customer No: CN600127252

EPA Case No: **06-2010-0920**

Order Issue Date (yyyymmdd): 20100927

Case Result: Final Order With Penalty

Statute: RCRA

Sect of Statute: 3002

Classification: Minor

Program: Gen Hazardous Waste M **Citation:**

Violation Type:

Cite Sect:

Cite Part:

Enforcement Action: Administrative Penalty Order

Reg Entity Name: **AGRIFOS FERTILIZER LLC**

Reg Entity Add: 2001 JACKSON ROAD

Reg Entity City: PASADENA

Reg Entity No: RN101621944

Customer Name: **AGRIFOS FERTILIZER LLC**

Customer No: CN603449265

EPA Case No: **06-2010-0506**

Order Issue Date (yyyymmdd): 20100927

Case Result: Final Order With Penalty

Statute: CAA

Sect of Statute: 112R

Classification: Moderate

Program: NESHAPs

Citation:

Violation Type:

Cite Sect:

Cite Part:

Enforcement Action: Administrative Penalty Order

Tuesday, June 10, 2014

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
RENTECH NITROGEN
PASADENA, LLC
RN101621944**

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

**AGREED ORDER
DOCKET NO. 2014-0839-IWD-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 Rentech Nitrogen Pasadena, LLC ("Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a wastewater treatment plant located at 2001 Jackson Road, on the south bank of the Houston Ship Channel/ Buffalo Bayou Tidal at the northern termination of Jackson Road, in Pasadena, Harris County, Texas (the "Facility").
2. The Respondent has discharged industrial wastewater into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
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 June 3, 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 Thirty-Seven Thousand Five Hundred Dollars (\$37,500) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Thirty Thousand Dollars (\$30,000) of the administrative penalty and Seven Thousand Five Hundred Dollars (\$7,500) 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 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.
10. 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.
11. 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 failed to comply with permitted effluent limits, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0000649000, Effluent Limitations and Monitoring Requirements No. 1, Outfall Nos. 001, 002, and 003, as documented during a record review conducted on May 28, 2014, and shown in the violation table below:

Month/ Year	Outfall 001				Outfall 002	Outfall 003
	Enterococci	Enterococci	Total Nickel		NH ₃ -N	NH ₃ -N
	Daily Average	Daily Maximum	Daily Average	Daily Maximum	Daily Maximum	Daily Maximum
	Limit = 35 CFU/ 100 ml	Limit = 89 CFU/ 100 ml	Limit = 0.146 mg/L	Limit = 0.31 mg/L	Limit = 75 mg/L	Limit = 75 mg/L
April 2013	36.8	c	c	c	c	c
June 2013	c	c	c	c	195	c
October 2013	46.7	109	c	c	c	c
December 2013	c	c	0.253	0.428	c	96.7
January 2014	c	c	0.227	0.366	c	c

NH₃-N = ammonia nitrogen CFU = colony forming units ml = milliliters mg/L = milligrams per liter lb/day = pounds per day c = compliant

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: Rentech Nitrogen Pasadena, LLC, Docket No. 2014-0839-IWD-E" to:

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

2. It is further ordered that the Respondent shall, within 90 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0000649000, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

Water Section Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas 77023-1486

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

Barbara M. J.
For the Executive Director

2/6/15
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.

John A. Ambrose
Signature

8/14/14
Date

John A. Ambrose
Name (Printed or typed)
Authorized Representative of
Rentech Nitrogen Pasadena, LLC

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.