Executive Summary – Enforcement Matter – Case No. 49270
Texas A&M University
RN100216274
Docket No. 2014-1295-AIR-E

Order Type:
1660 Agreed Order
Findings Order Justification:
N/A
Media:
AIR
Small Business:
No
Location(s) Where Violation(s) Occurred:
Texas A&M University College Station Campus, 1111 Research Parkway, College Station, Brazos County
Type of Operation:
University
Other Significant Matters:
Additional Pending Enforcement Actions: No
Past-Due Penalties: No
Other: N/A
Interested Third-Parties: None
Texas Register Publication Date: December 5, 2014
Comments Received: No

Penalty Information

Total Penalty Assessed: $24,938
Amount Deferred for Expedited Settlement: $4,987
Amount Deferred for Financial Inability to Pay: $0
Total Paid to General Revenue: $19,951
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

Executive Summary – Enforcement Matter – Case No. 49270
Texas A&M University
RN100216274
Docket No. 2014-1295-AIR-E

Investigation Information

Complaint Date(s): N/A
Complaint Information: N/A
Date(s) of Investigation: June 19, 2014
Date(s) of NOE(s): August 21, 2014

Violation Information

1. Failed to conduct quarterly visible emission observations. Specifically, the Respondent failed to conduct visible emissions observations on stationary vents at least once during each calendar quarter from the first calendar quarter of 2013 to the first calendar quarter of 2014 [30 TEX. ADMIN. CODE § 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), and Federal Operating Permit ("FOP") No. O1624, Special Terms and Conditions No. 3.A.(iv)(1)].

2. Failed to mark or physically identify permitted emission points with weatherproof tags. Specifically, Emissions Point Number ("EPN") B-12 was not marked with a weatherproof tag [30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH & SAFETY CODE § 382.085(b), and New Source Review Permit ("NSR") No. 44762, Special Condition No. 14].

3. Failed to submit the Annual Compliance Certification ("ACC") within 30 days from the end of the certification period. Specifically, the ACC for the May 1, 2013 through April 30, 2014 certification period was due by May 30, 2014, but was not submitted until July 22, 2014 [30 TEX. ADMIN. CODE §§ 122.146(2) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP No. O1624, General Terms and Conditions].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent has implemented the following corrective measures:

a. On July 8, 2014, submitted photographic documentation demonstrating that EPN B-12 was marked with a weatherproof tag; and

b. On July 22, 2014, submitted the ACC for the May 1, 2013 through April 30, 2014 certification period.

Technical Requirements:

The Order will require the Respondent to:

a. Within 30 days, implement measures and/or procedures to ensure the quarterly visible emissions observations are performed as required by FOP No. O1624; and

b. Within 45 days, submit written certification to demonstrate compliance with Ordering Provision a.

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: Farhaud Abbaszadeh, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-0779; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456
TCEQ SEP Coordinator: N/A
Respondent: Nathan Jones, Manager, Water & Environmental Services, Texas A&M University, 1111 Research Parkway, Room 220, MS 4472, College Station, Texas 77843
Ray Bonilla, General Council, Texas A&M University, 1111 Research Parkway, Room 220, MS 4472, College Station, Texas 77843
Respondent's Attorney: N/A

Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014) — *PCW Revision March 26, 2014*

TCEQ

DATES **Assigned** 25-Aug-2014 **PCW** 5-Sep-2014 **Screening** 4-Sep-2014 **EPA Due** 18-May-2015

RESPONDENT/FACILITY INFORMATION

Respondent	Texas A&M University
Reg. Ent. Ref. No.	RN100216274
Facility/Site Region	9-Waco
Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	49270	**No. of Violations**	3
Docket No.	2014-1295-AIR-E	**Order Type**	1660
Media Program(s)	Air	**Government/Non-Profit**	Yes
Multi-Media		**Enf. Coordinator**	Farhaud Abbaszadeh
		EC's Team	Enforcement Team 4

Admin. Penalty $ Limit Minimum $0 **Maximum** $25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) — *Subtotal 1* **$16,250**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **65.0%** Enhancement — *Subtotals 2, 3, & 7* **$10,562**

Notes: Enhancement for one NOV with same/similar violations and three orders with a denial of liability.

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* **-$1,874**

Economic Benefit — *Subtotal 6* **$0**

Total EB Amounts $1,406
Estimated Cost of Compliance $2,750

0.0% Enhancement*
**Capped at the Total EB $ Amount*

SUM OF SUBTOTALS 1-7 — *Final Subtotal* **$24,938**

OTHER FACTORS AS JUSTICE MAY REQUIRE **0.0%** — *Adjustment* **$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount **$24,938**

STATUTORY LIMIT ADJUSTMENT — *Final Assessed Penalty* **$24,938**

DEFERRAL **20.0%** Reduction — *Adjustment* **-$4,987**

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 **$19,951**

Screening Date 4-Sep-2014 **Docket No.** 2014-1295-AIR-E **PCW**

Respondent Texas A&M University *Policy Revision 4 (April 2014)*

Case ID No. 49270 *PCW Revision March 26, 2014*

Reg. Ent. Reference No. RN100216274

Media [Statute] Air

Enf. Coordinator Farhaud Abbaszadeh

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 (*number of NOVs meeting criteria*)	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (*number of orders meeting criteria*)	3	60%
	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 (*number of judgments or consent decrees meeting criteria*)	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 (*number of counts*)	0	0%
Emissions	Chronic excessive emissions events (*number of events*)	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 *(number of audits for which notices were submitted)*	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (*number of audits for which violations were disclosed*)	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) 65%

>> 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 NOV with same/similar violations and three orders with a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 65%

>> Final Compliance History Adjustment

Final Adjustment Percentage **capped at 100%* 65%

Screening Date 4-Sep-2014 **Docket No.** 2014-1295-AIR-E **PCW**

Policy Revision 4 (April 2014)

Respondent Texas A&M University

PCW Revision March 26, 2014

Case ID No. 49270

Reg. Ent. Reference No. RN100216274

Media [Statute] Air

Enf. Coordinator Farhaud Abbaszadeh

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 122.143(4), Tex. Health & Safety Code § 382.085(b), and Federal Operating Permit ("FOP") No. O1624, Special Terms and Conditions No. 3.A.(iv)(1)

Violation Description Failed to conduct quarterly visible emissions observations. Specifically, the Respondent failed to conduct visible emissions observations on stationary vents at least once during each calendar quarter from the first calendar quarter of 2013 to the first calendar quarter of 2014.

Base Penalty $25,000

>> Environmental, Property and Human Health Matrix

OR	Harm: Release	Major	Moderate	Minor
	Actual			
	Potential			x

Percent 7.0%

>>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 $23,250

$1,750

Violation Events

Number of Violation Events: 5 — 454 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $8,750

Five single events are recommended based on the five quarterly observations that were not conducted prior to the investigation date on June 19, 2014.

Good Faith Efforts to Comply

0.0% **Reduction** $0

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

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

Violation Subtotal $8,750

Economic Benefit (EB) for this violation

Estimated EB Amount $1,402

Statutory Limit Test

Violation Final Penalty Total $14,438

This violation Final Assessed Penalty (adjusted for limits) $14,438

Economic Benefit Worksheet

Respondent Texas A&M University
Case ID No. 49270
Reg. Ent. Reference No. RN100216274
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	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	31-Mar-2013	5-Mar-2015	1.93	$96	n/a	$96
Notes for DELAYED costs	Estimated cost to implement measures and/or procedures to ensure the quarterly visible emissions observations are performed as required by FOP No. O1624. The Date Required is the date the first observation was due. 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	$1,000	1-Jan-2013	31-Mar-2014	1.24	$62	$1,244	$1,306
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	Avoided cost for conducting quarterly observations ($250 per observation x four quarters). The Date Required is the first day of the first quarter an observation was due. The Final Date is the date the last observation was due prior to the investigation date on June 19, 2014.						

Approx. Cost of Compliance $2,000

TOTAL $1,402

Screening Date 4-Sep-2014 **Docket No.** 2014-1295-AIR-E **PCW**

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

Respondent Texas A&M University

Case ID No. 49270

Reg. Ent. Reference No. RN100216274

Media [Statute] Air

Enf. Coordinator Farhaud Abbaszadeh

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 116.115(c), Tex. Health & Safety Code § 382.085(b), and New Source Review Permit No. 44762, Special Conditions No. 14

Violation Description Failed to mark or physically identify permitted emission points with weatherproof tags. Specifically, Emissions Point Number B-12 was not marked with a weatherproof tag.

Base Penalty $25,000

>> Environmental, Property and Human Health Matrix

OR	Harm: Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 15.0%

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

Adjustment $21,250

$3,750

Violation Events

Number of Violation Events: 1

19 Number of violation days

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

Notes: The Respondent completed corrective actions on July 8, 2014, prior to the August 21, 2014 Notice of Enforcement ("NOE").

Violation Subtotal $2,813

Economic Benefit (EB) for this violation

Estimated EB Amount $1

Statutory Limit Test

Violation Final Penalty Total $5,251

This violation Final Assessed Penalty (adjusted for limits) $5,251

Economic Benefit Worksheet

Respondent Texas A&M University
Case ID No. 49270
Reg. Ent. Reference No. RN100216274
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	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	19-Jun-2014	8-Jul-2014	0.05	$1	n/a	$1
Notes for DELAYED costs	Estimated cost to mark the emissions point with a weatherproof tag. 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 $500

TOTAL $1

Screening Date 4-Sep-2014 **Docket No.** 2014-1295-AIR-E **PCW**

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

Respondent Texas A&M University

Case ID No. 49270

Reg. Ent. Reference No. RN100216274

Media [Statute] Air

Enf. Coordinator Farhaud Abbaszadeh

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code §§ 122.146(2) and 122.143(4), Tex. Health & Safety Code § 382.085(b), and FOP No. O1624, General Terms and Conditions

Violation Description Failed to submit the Annual Compliance Certification ("ACC") within 30 days from the end of the certification period. Specifically, the ACC for the May 1, 2013 through April 30, 2014 certification period was due by May 30, 2014, but was not submitted until July 22, 2014.

Base Penalty $25,000

>> Environmental, Property and Human Health Matrix

		Harm		
Release	Major	Moderate	Minor	
OR Actual				
Potential				

Percent 0.0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 15.0%

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

Adjustment $21,250

$3,750

Violation Events

Number of Violation Events: 1 — 53 Number of violation days

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

Notes: The Respondent completed corrective actions on July 22, 2014, prior to the August 21, 2014 NOE.

Violation Subtotal $2,813

Economic Benefit (EB) for this violation

Estimated EB Amount $2

Statutory Limit Test

Violation Final Penalty Total $5,251

This violation Final Assessed Penalty (adjusted for limits) $5,251

Economic Benefit Worksheet

Respondent Texas A&M University
Case ID No. 49270
Reg. Ent. Reference No. RN100216274
Media Air
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	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)	$250	30-May-2014	22-Jul-2014	0.15	$2	n/a	$2
Notes for DELAYED costs	Estimated cost to submit the ACC. The Date Required is the date the ACC was due. 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 $250

TOTAL $2

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 CN600307623, RN100216274, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013

Customer, Respondent, or Owner/Operator: CN600307623, Texas A&M University **Classification:** SATISFACTORY **Rating:** 4.09

Regulated Entity: RN100216274, TEXAS A&M UNIVERSITY COLLEGE STATION CAMPUS **Classification:** SATISFACTORY **Rating:** 26.83

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

CH Group: 14 - Other

Location: 1111 RESEARCH PARKWAY COLLEGE STATION, TEXAS 77845-9511, BRAZOS COUNTY

TCEQ Region: REGION 09 - WACO

ID Number(s):

AIR NEW SOURCE PERMITS PERMIT 3432
AIR NEW SOURCE PERMITS PERMIT 44762
AIR NEW SOURCE PERMITS AFS NUM 4804100003
AIR NEW SOURCE PERMITS REGISTRATION 79666
AIR OPERATING PERMITS PERMIT 2054
AIR OPERATING PERMITS PERMIT 1624
AIR EMISSIONS INVENTORY ACCOUNT NUMBER BM0032V
AIR NEW SOURCE PERMITS REGISTRATION 12905
AIR NEW SOURCE PERMITS ACCOUNT NUMBER BM0032V
AIR NEW SOURCE PERMITS REGISTRATION 51136
AIR NEW SOURCE PERMITS REGISTRATION 91611
AIR OPERATING PERMITS ACCOUNT NUMBER BM0032V
AIR OPERATING PERMITS PERMIT 2051

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

Date Compliance History Report Prepared: August 28, 2014

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: August 28, 2009 to August 28, 2014

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

Name: Farhaud Abbaszadeh **Phone:** (512) 239-0779

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: 11/11/2012 ADMINORDER 2012-0775-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: FOP No. O1624/STC No. 6.A. PERMIT
Permit No. 44762/Special Condition 10(B) PERMIT
Permit No. 44762/Special Condition 10(C) OP
Description: Failure to conduct a quarterly CGA in the 2nd quarter of 2011.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP No. O1624 No. 6.A. PERMIT
Permit No. 44762/Special Condition 10(E) PERMIT

Description: Failure to report CEMS downtime by the end of the next business day.

Classification: Major

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP No. O1624 STC No. 6.A. PERMIT
Permit No. 44762/Special Condition 10 PERMIT

Description: Failed to continously monitor for NOx, CO, and O2 from Boiler No. 12.

2 Effective Date: 05/02/2013 ADMINORDER 2012-1897-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP

Description: Failure to submit semi-annual deviation reports.

3 Effective Date: 10/03/2013 ADMINORDER 2013-0737-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.8(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT KKKK 60.4400(a)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 91611, Condition 3(E) PERMIT

Description: Failure to conduct stack testing within 180 days after initial start-up.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	December 16, 2009	(786002)
Item 2	January 06, 2010	(787349)
Item 3	May 28, 2010	(794765)
Item 4	June 16, 2010	(826623)
Item 5	June 18, 2010	(827742)
Item 6	July 06, 2010	(828737)
Item 7	December 16, 2010	(880178)
Item 8	June 14, 2011	(932992)
Item 9	January 03, 2013	(1043729)
Item 10	December 16, 2013	(1133624)

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

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

1 Date: 08/07/2014 (1183819) CN600307623

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 3(A)(iv)(1) & (3) OP

Description: Failure to comply with Federal Operating Permit O-2051 Special Condition 3. Specifically, failure to conduct and record quarterly visible emission observations on EPNs INC-5, INC-6, INC-7, and INC-8.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
53451, Special Condition 15 PERMIT
5C THSC Chapter 382 382.085(b)
Description: Failure to comply with Special Condition 15 of Permit No. 53451. Specifically, failure to store incinerator ash in closed containers.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 106, SubChapter V 106.494(b)(2)(B)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 6 OP
Description: Failure to post the manufacturer's recommended operating instructions at EPNs INC-7 and INC-8.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
Description: Failure to report all instances of deviation to the executive director.

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 TEXAS A&M UNIVERSITY RN100216274	**§ § § § §**	**BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2014-1295-AIR-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Texas A&M University ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a university at 1111 Research Parkway in College Station, Brazos County, Texas (the "Site").

2. The Site consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).

3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.

4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about August 26, 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 Twenty-Four Thousand Nine Hundred Thirty-Eight Dollars ($24,938) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Nineteen Thousand Nine Hundred Fifty-One Dollars ($19,951) of the administrative penalty and

Four Thousand Nine Hundred Eighty-Seven Dollars ($4,987) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.

8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).

9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Site:

   a. On July 8, 2014, submitted photographic documentation demonstrating that Emissions Point Number ("EPN") B-12 was marked with a weatherproof tag; and

   b. On July 22, 2014, submitted the Annual Compliance Certification ("ACC") for the May 1, 2013 through April 30, 2014 certification period.

10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.

11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.

12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

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

1. Failed to conduct quarterly visible emission observations, in violation of 30 TEX. ADMIN. CODE § 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), and Federal Operating Permit ("FOP") No. O1624, Special Terms and Conditions No. 3.A.(iv)(1), as documented during an investigation conducted on June 19, 2014. Specifically, the Respondent failed to conduct visible emissions observations on stationary vents at least once during each calendar quarter from the first calendar quarter of 2013 to the first calendar quarter of 2014.

2. Failed to mark or physically identify permitted emission points with weatherproof tags, in violation of 30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH & SAFETY CODE

§ 382.085(b), and New Source Review Permit No. 44762, Special Conditions No. 14, as documented during an investigation conducted on June 19, 2014. Specifically, EPN B-12 was not marked with a weatherproof tag.

3. Failed to submit the ACC within 30 days from the end of the certification period, in violation of 30 TEX. ADMIN. CODE §§ 122.146(2) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP No. O1624, General Terms and Conditions, as documented during an investigation conducted on June 19, 2014. Specifically, the ACC for the May 1, 2013 through April 30, 2014 certification period was due by May 30, 2014, but was not submitted until July 22, 2014.

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: Texas A&M University, Docket No. 2014-1295-AIR-E" to:

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

2. It is further ordered that the Respondent shall undertake the following technical requirements:

a. Within 30 days after the effective date of this Agreed Order, implement measures and/or procedures to ensure the quarterly visible emissions observations are performed as required by FOP No. O1624; and

b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the

information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

Air Section Manager
Waco Regional Office
Texas Commission on Environmental Quality
6801 Sanger Ave., Suite 2500
Waco, Texas 76710-7826

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 Site 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

2/26/15
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.

Ray Bonilla
Signature

11/03/2014
Date

Ray Bonilla
Name (Printed or typed)
Authorized Representative of
Texas A&M University

General Council
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.