

Executive Summary – Enforcement Matter – Case No. 49320
Clean Harbors San Leon, Inc.
RN100890235
Docket No. 2014-1366-PWS-E

Order Type:

Findings Agreed Order

Findings Order Justification:

Three or more enforcement actions (NOVs, orders, etc.) over the prior five year period for the same violation(s).

Media:

PWS

Small Business:

No

Location(s) Where Violation(s) Occurred:

Clean Harbors San Leon, 2700 Avenue S, San Leon, Galveston County

Type of Operation:

Public water supply

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: November 14, 2014

Comments Received: No

Penalty Information

Total Penalty Assessed: \$234

Amount Deferred for Expedited Settlement: \$234

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: July 28, 2014

Date(s) of NOE(s): August 8, 2014

Executive Summary – Enforcement Matter – Case No. 49320
Clean Harbors San Leon, Inc.
RN100890235
Docket No. 2014-1366-PWS-E

Violation Information

Failed to comply with the maximum contaminant level ("MCL") of 0.010 milligrams per liter for arsenic based on the running annual average [30 TEX. ADMIN. CODE § 290.106(f)(3) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondent to:

- a. Within 120 days, complete a feasibility study, or update an existing feasibility study, and submit a written report or engineering study conducted by a Texas registered professional engineer regarding the results of the feasibility study to evaluate the necessary corrective actions designed to achieve compliance with the MCL for arsenic. The report shall include a tentative schedule describing additional studies, tests, or other methods that may be utilized for the completion of necessary corrective actions within 1,095 days. If the Respondent purchases or sells water, a copy of the purchase water contract must be submitted with the feasibility study report or engineering study;
- b. Within 135 days, submit written certification to demonstrate compliance with Ordering Provision a.;
- c. Within 180 days, submit an acceptable written plan, including a proposed schedule, to the Executive Director that provides for the completion of an alternate water source or treatment technology;
- d. Within 180 days, and on a semi-annual basis thereafter, submit progress reports. These reports shall include information regarding actions taken to provide water which meets the MCL for arsenic;
- e. Within 195 days, submit written certification to demonstrate compliance with Ordering Provision c.;
- f. Within 1,095 days, return to compliance with the MCL for arsenic; and
- g. Within 1,110 days, submit written certification to demonstrate compliance with Ordering Provision f.

**Executive Summary – Enforcement Matter – Case No. 49320
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Docket No. 2014-1366-PWS-E**

Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A
TCEQ Enforcement Coordinator: Jessica Schildwachter, Enforcement Division, Enforcement Team 5, MC 149, (512) 239-2617; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456
TCEQ SEP Coordinator: N/A
Respondent: William F. Connors, Senior Vice President, Clean Harbors San Leon, Inc., 42 Longwater Drive, Norwell, Massachusetts 02061
Eric Gerstenberg, President, Clean Harbors San Leon, Inc., 42 Longwater Drive, Norwell, Massachusetts 02061
Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

DATES	Assigned	11-Aug-2014	Screening	15-Sep-2014	EPA Due	31-Dec-2014
	PCW	29-Sep-2014				

RESPONDENT/FACILITY INFORMATION	
Respondent	Clean Harbors San Leon, Inc.
Reg. Ent. Ref. No.	RN100890235
Facility/Site Region	12-Houston
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	49320	No. of Violations	1
Docket No.	2014-1366-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Jessica Schildwachter
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$150
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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	56.0% Enhancement	Subtotals 2, 3, & 7	\$84
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Notes: Enhancement for three NOVs with same or similar violations, two NOVs with dissimilar violations, and two orders with denial of liability. Reduction for one notice 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 \$9,344
Estimated Cost of Compliance \$40,000
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$234
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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	\$234
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$234
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DEFERRAL	0.0% Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$234
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Screening Date 15-Sep-2014

Docket No. 2014-1366-PWS-E

PCW

Respondent Clean Harbors San Leon, Inc.

Policy Revision 4 (April 2014)

Case ID No. 49320

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100890235

Media [Statute] Public Water Supply

Enf. Coordinator Jessica Schildwachter

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>)	3	15%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	2	40%
	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>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	1	-1%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	1	-2%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 56%

>> **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 three NOVs with same or similar violations, two NOVs with dissimilar violations, and two orders with denial of liability. Reduction for one notice of intent to conduct an audit and one disclosure of violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 56%

>> **Final Compliance History Adjustment**

Final Adjustment Percentage *capped at 100% 56%

Screening Date 15-Sep-2014

Docket No. 2014-1366-PWS-E

PCW

Respondent Clean Harbors San Leon, Inc.

Policy Revision 4 (April 2014)

Case ID No. 49320

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100890235

Media [Statute] Public Water Supply

Enf. Coordinator Jessica Schildwachter

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 290.106(f)(3) and Tex. Health & Safety Code § 341.0315(c)

Violation Description Failed to comply with the maximum contaminant level ("MCL") of 0.010 milligrams per liter ("mg/L") for arsenic based on the running annual average. Specifically, it was documented that the running annual average concentration for arsenic was 0.011 mg/L for the first quarter of 2014, 0.012 mg/L for the second quarter of 2014, and 0.012 mg/L for the third quarter of 2014.

Base Penalty \$1,000

>> 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

Exceeding the MCL for arsenic, based on the running annual average, has exposed customers of the Facility to a significant amount of pollutants which do not exceed levels protective of human health.

Adjustment \$850

\$150

Violation Events

Number of Violation Events 1

270 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	X
single event	

mark only one with an x

Violation Base Penalty \$150

One annual event is recommended.

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 \$150

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$9,344

Violation Final Penalty Total \$234

This violation Final Assessed Penalty (adjusted for limits) \$234

Economic Benefit Worksheet

Respondent Clean Harbors San Leon, Inc.
Case ID No. 49320
Reg. Ent. Reference No. RN100890235
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$40,000	31-Mar-2014	31-Jul-2017	3.34	\$445	\$8,899	\$9,344
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to investigate, identify, and implement the necessary corrective actions to return to compliance with the MCL for arsenic, calculated from the last day of the first quarter of the noncompliance to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$40,000

TOTAL

\$9,344

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TCEQ Compliance History Report

PUBLISHED Compliance History Report for CN603349820, RN100890235, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

Customer, Respondent, or Owner/Operator: CN603349820, Clean Harbors San Leon, Inc. **Classification:** SATISFACTORY **Rating:** 9.74
Regulated Entity: RN100890235, CLEAN HARBORS SAN LEON **Classification:** SATISFACTORY **Rating:** 9.74
Complexity Points: 22 **Repeat Violator:** NO
CH Group: 11 - Waste Management (Excluding Landfills)
Location: 2700 AVENUE S, SAN LEON, GALVESTON COUNTY, TEXAS
TCEQ Region: REGION 12 - HOUSTON

ID Number(s):

AIR NEW SOURCE PERMITS REGISTRATION 14291

AIR NEW SOURCE PERMITS AFS NUM 4816700042

AIR NEW SOURCE PERMITS REGISTRATION 85676

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 34814

PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 0840217

STORMWATER EPA ID TX0117757

POLLUTION PREVENTION PLANNING ID NUMBER P03840

USED OIL EPA ID TXD981053770

AIR NEW SOURCE PERMITS ACCOUNT NUMBER GB0101M

AIR NEW SOURCE PERMITS REGISTRATION 87443

INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD981053770

INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50355

STORMWATER PERMIT WQ0004086000

AIR EMISSIONS INVENTORY ACCOUNT NUMBER GB0101M

USED OIL REGISTRATION A86130

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

Date Compliance History Report Prepared: August 26, 2014

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: August 26, 2009 to August 26, 2014

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

Name: Jessica Schildwachter

Phone: (512) 239-2617

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: 09/29/2012 ADMINORDER 2012-0236-MLM-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter A 335.2(b)

Rqmt Prov:IV-A and IV-B PERMIT

Description: Failed to prevent the acceptance of a shipment of unauthorized hazardous waste at the Facility, in violation of 30 TEX. ADMIN. CODE § 335.2(b) and IHW Permit No. 50355, Provision Nos. IV-A and IV-B, as documented during an

investigation conducted on September 29, 2011. Specifically, the Respondent accepted and processed a shipment of corrosive hazardous waste (hazardous waste code D002) that the Facility was not authorized to accept and process.
Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125
30 TAC Chapter 335, SubChapter F 335.152(a)(8)
40 CFR Chapter 264, SubChapter I, PT 264, SubPT J 264.193(e)(1)(iii)

Rqmt Prov:II-C-2-h PERMIT
V-B-3 PERMIT

Description: Failed to maintain secondary containment free of gaps and cracks. Specifically, secondary containment A for tanks PV-18 through PV-21 had a concrete coating crack about four feet long near PV-20. Secondary containment A-1 for tanks FPV-31, the containment wall indicated some erosion and the wall edge joining the concrete base had a gap of approximately two inches. Also, the secondary containment for container storage area ("CSA")-2 Roll-off area, NOR Unit 044, Permitted unit 01,

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter E 335.112(a)(21)
30 TAC Chapter 335, SubChapter F 335.152(a)(19)
40 CFR Chapter 264, SubChapter I, PT 264, SubPT CC 264.1089(b)
40 CFR Chapter 265, SubChapter I, PT 265, SubPT CC 265.1090(b)

Description: Failed to record inspections of the air emission control equipment, in violation of 30 TEX. ADMIN. CODE §§ 335.112(a)(21) and 335.152(a)(19) and 40 CFR §§ 264.1089(b) and 265.1090(b), as documented during an investigation conducted on September 29, 2011. Specifically, the Respondent did not maintain a record of the Subpart CC tank inspections for olfactory odors and visual observations.

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(4)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT B 262.20

Rqmt Prov:II-C-1-h PERMIT

Description: Failed to use a new manifest for rejected wastes, in violation of 30 TEX. ADMIN. CODE § 335.152(a)(4) and 40 CFR § 262.20 and IHW Permit No. 50355, Provision No. II-C-1-h, as documented during an investigation conducted on September 29, 2011. Specifically, waste manifests 005440020 JJK, 005373755 JJK, and 006442062 JJK were received and partially rejected, then sent back to generator without a new manifest

Classification: Moderate

Citation: 30 TAC Chapter 324, SubChapter A 324.12(2)
40 CFR Chapter 279, SubChapter I, PT 279, SubPT E 279.51
40 CFR Chapter 279, SubChapter I, PT 279, SubPT E 279.73

Description: Failed to obtain a used oil registration and EPA ID. No. prior to conducting used oil activities, in violation of 30 TEX. ADMIN. CODE § 324.12(2) and 40 CFR §§ 279.51 and 279.73, as documented during an investigation conducted on September 29, 2011.

2 Effective Date: 02/22/2014 ADMINORDER 2013-0848-IHW-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)

Rqmt Prov:Provision II.C.1.h. PERMIT

Description: Failed to update the Facility's NOR. Specifically, waste code 0004206H should be removed as a waste managed in WMU no. 067, the incorrect WMUs were indicated for waste codes 0042003H and 0917114H, and waste streams that are no longer generated were not inactivated.

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter A 335.10(c)

Rqmt Prov:Provision II.C.1.h. PERMIT

Description: Failed to designate the correct waste code on a hazardous waste manifest. Specifically, waste code 00863191, a Class 1 waste, was designated on hazardous waste manifest tracking no. 005228040; however, analytical results of a sample of this waste indicate it is a hazardous waste with a TCLP concentration of 6.74 mg/l for arsenic (EPA hazardous waste no. D004).

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(1)
40 CFR Chapter 264, SubChapter I, PT 264, SubPT C 264.15

Rqmt Prov:Provision III.D. PERMIT

Description: Failed to follow the inspection schedule contained in the Facility's IHW permit. Specifically, the daily permitted miscellaneous units (the two thermal desorbers) inspection was not conducted on November 14, 2011, and October 27, 2011; the daily permitted tanks inspection was not conducted on November 24, 2011; the daily permitted container storage area no. 2 inspection was not conducted on October 26, 2011; and the daily security inspection was not conducted on October 26, 2011.

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter A 335.2(a)
40 CFR Chapter 270, SubChapter I, PT 270, SubPT A 270.1(c)

Rqmt Prov:Provision IV.B.1. PERMIT

Provision V.B.1. PERMIT

Provision V.C.1. PERMIT

Provision V.K. PERMIT

Description: Failed to prevent the acceptance and management of unauthorized waste at the Facility. Specifically, wastes with Texas Form Codes 119, 203, 207, 209, 305, 307, 316, 319, 389, 403, 404, 409, 491, 493, 503, 504, 512, 513, 519, 597, 602, 606, 609, and 695, which are not authorized by the Facility's permit, were received and managed at the Facility between January 1, 2010 and December 31, 2012.

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter A 335.2(b)

Rqmt Prov:Provision II.C.1.h. PERMIT

Description: Failed to prevent the disposal of hazardous waste at an unauthorized facility. Specifically, twelve cubic yards of hazardous waste with a Toxicity Characteristic Leaching Procedure concentration of 6.74 milligrams per liter ("mg/l") for arsenic (EPA hazardous waste no. D004) was manifested by the Respondent as a Class 1 waste and disposed on October 19, 2012 at an unauthorized facility.

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter A 335.12(a)

40 CFR Chapter 264, SubChapter I, PT 264, SubPT E 264.71(a)(1)

Rqmt Prov:Provision II.C.1.h. PERMIT

Description: Failed to indicate a weight discrepancy on a hazardous waste manifest. Specifically, manifests with tracking nos. 005523979JJK, 007841125JJK, 007841126JJK, and 002517155FLE had weight discrepancies; however, the discrepancy information was not marked in the discrepancy information space (box 18.a) on these manifests.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	May 24, 2010	(835924)
Item 2	June 18, 2010	(847824)
Item 3	June 30, 2010	(862229)
Item 4	August 23, 2010	(868832)
Item 5	September 24, 2010	(875702)
Item 6	October 30, 2010	(889668)
Item 7	December 22, 2010	(898037)
Item 8	January 24, 2011	(903936)
Item 9	February 23, 2011	(910826)
Item 10	March 21, 2011	(918090)
Item 11	May 23, 2011	(939793)
Item 12	June 06, 2011	(920873)
Item 13	June 22, 2011	(947209)
Item 14	July 22, 2011	(954460)
Item 15	August 22, 2011	(961047)
Item 16	October 25, 2011	(973104)
Item 17	December 20, 2011	(986073)
Item 18	January 23, 2012	(992430)
Item 19	February 24, 2012	(999740)
Item 20	March 19, 2012	(1005284)
Item 21	April 24, 2012	(1011857)
Item 22	May 14, 2012	(1018224)
Item 23	June 08, 2012	(1025954)
Item 24	July 13, 2012	(1033312)
Item 25	August 22, 2012	(1039832)
Item 26	September 18, 2012	(1048779)
Item 27	October 22, 2012	(1069574)
Item 28	November 26, 2012	(1069575)
Item 29	December 12, 2012	(1051186)
Item 30	December 21, 2012	(1069576)
Item 31	January 23, 2013	(1082849)
Item 32	February 22, 2013	(1082848)
Item 33	March 25, 2013	(1091171)
Item 34	April 19, 2013	(1097508)
Item 35	May 21, 2013	(1108534)
Item 36	June 20, 2013	(1112106)

Item 37	August 27, 2013	(1126810)
Item 38	September 20, 2013	(1131345)
Item 39	October 21, 2013	(1137096)
Item 40	November 22, 2013	(1142508)
Item 41	December 18, 2013	(1134608)
Item 42	January 21, 2014	(1155028)
Item 43	February 21, 2014	(1162338)
Item 44	March 19, 2014	(1168963)
Item 45	April 16, 2014	(1176143)
Item 46	May 12, 2014	(1166501)

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: 12/03/2013 (1186285) CN603349820
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(3)(C)
Description: ARS MCL 4Q2013 - The system violated the maximum contaminant level for arsenic during the 4th quarter of 2013 with a RAA of 0.011 mg/L.

- 2 Date: 04/11/2014 (1186285) CN603349820
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(3)(C)
Description: ARS MCL 1Q2014 - The system violated the maximum contaminant level for arsenic during the 1st quarter of 2014 with a RAA of 0.011 mg/L.

- 3 Date: 04/30/2014 (1182380) CN603349820
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: 05/31/2014 (1189266) CN603349820
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: 07/30/2014 (1186285) CN603349820
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(3)(C)
Description: ARS MCL 2Q2014 - The system violated the maximum contaminant level for arsenic during the 2nd quarter of 2014 with a RAA of 0.012 mg/L.

F. Environmental audits:

- Notice of Intent Date: 08/30/2011 (952260)
Disclosure Date: 09/22/2011
Viol. Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter J 115.930
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.112b(a)(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(a)(1)
- Description: Documentation of submission of initial notifications of applicability of emission sources, report describing the control equipment and certifies that the control equipment meets the specification of 40 CFR 60.112b(a)(1) and 60.113(a)(1) and operational plans for those sources could not be located, including: 1) Subpart Kb certification, 2) Air emission control operating plan for sources subject to Subpart Kb.
- Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)
- Description: Documentation of PBR modification or a Permit to Construct prior to installation of new waste management units, including: 1) Mix Pit, 2) Shaker Screen, 3) DAF unit could not be located.
- Viol. Classification: Major
Citation: 30 TAC Chapter 115, SubChapter B 115.112(a)(1)
30 TAC Chapter 115, SubChapter B 115.112(d)(1)

30 TAC Chapter 116, SubChapter B 116.110(a)

Description: The facility did not install emission controls on sources of VOC's that were installed following implementation of the PBR. These include: 1) Mix Pit, 2) Shaker Screen, 3)DAF unit, 4) TDU Feed Hoppers, 5) roll-off unit, 6)CSA2 Tank. Failure to obtain air quality authorization for roll-off unit.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter E 106.144
30 TAC Chapter 106, SubChapter K 106.261
30 TAC Chapter 106, SubChapter K 106.262
30 TAC Chapter 106, SubChapter U 106.472
30 TAC Chapter 106, SubChapter U 106.476
30 TAC Chapter 111, SubChapter A 111.143
30 TAC Chapter 111, SubChapter A 111.147
30 TAC Chapter 115, SubChapter B 115.112
30 TAC Chapter 115, SubChapter C 115.212
30 TAC Chapter 115, SubChapter C 115.214

Description: The calculations that form the basis of the Permit by rule determination are incomplete. The calculations do not include emissions produced by the shaker screen, roll-off used to collect debris, mix pit, CSA2 Tank, and feed hopper fugitive emissions. The centrifuge scrubber efficiency value used in the calculations is overstated.

Viol. Classification: Minor

Citation: 30 TAC Chapter 106, SubChapter U 106.472

Description: Loading, unloading and transfer of catalyst and solids material resulted in visible emissions.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter C 305.42(a)
30 TAC Chapter 305, SubChapter C 305.45(a)
30 TAC Chapter 305, SubChapter C 305.50(12)(A)(ii)
30 TAC Chapter 335, SubChapter F 335.151(b)
30 TAC Chapter 335, SubChapter A 335.2(a)
30 TAC Chapter 335, SubChapter A 335.2(i)
30 TAC Chapter 335, SubChapter A 335.6(c)
30 TAC Chapter 335, SubChapter C 335.69(a)

Description: The following units were not listed in the permit application, included in the closure plan, the closure cost estimate or Attachment D" of the permit: 1) mix pit in CS-2 Container Storage Area; 2) Skid Shaker Screen and Frac Tank, 3) Screen under Tank T-200, 4) Filter Press, 5) DAF unit, 6) Roll-off unit, 7)CSA2 Tank. These units were not included in the Notice of Registration (NOR) and did not display the proper NOR number.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 264, SubChapter I, PT 264, SubPT B 264.14(c)
30 TAC Chapter 335, SubChapter F 335.152(a)(1)

Description: Perimeter security and warning signs insufficient: Perimeter fence needs repairs, missing warning signs along fence, need signs in Spanish.

Viol. Classification: Minor

Citation: 40 CFR Chapter 264, SubChapter I, PT 264, SubPT BB 264.1054
30 TAC Chapter 335, SubChapter F 335.152(a)(1)
30 TAC Chapter 335, SubChapter F 335.152(a)(18)

Description: Inspection documentation for miscellaneous units, process heaters, container storage unit CS-2, conservation vents on tanks ST -17 and ST-5 thru ST-11, the Closed Vent System, the Thermal Oxidizer and perimeter fence could not be located. Inspection records for odors detected on tanks ST -17 and ST-5 through 11 do not document repairs within required timeframes.

Viol. Classification: Minor

Citation: 40 CFR Chapter 264, SubChapter I, PT 264, SubPT C 264.31
30 TAC Chapter 335, SubChapter F 335.152(a)(1)

Description: Tank PV-12 is not constructed to minimize the possibility of an unplanned sudden or nonsudden release of hazardous waste or hazardous waste constituents into the soil, or surface water. There is no valve on the bottom of the tank or on the drain line before it leaves secondary containment.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 264, SubChapter I, PT 264, SubPT J 264.192(g)
30 TAC Chapter 335, SubChapter F 335.152(a)(8)

Description: Initial certifications required in §270.11(d) for tank system design and installation could not be located.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 264, SubChapter I, PT 264, SubPT J 264.193(e)(1)
40 CFR Chapter 264, SubChapter I, PT 264, SubPT J 264.193(f)
30 TAC Chapter 335, SubChapter F 335.152(a)(8)

Description: The following tank systems and ancillary equipment are not equipped with adequate secondary

containment: 1) Mix Tank, 2) Valves, bolted flanges, and screwed connections.

Viol. Classification: Minor

Citation: 40 CFR Chapter 264, SubChapter I, PT 264, SubPT J 264.194(b)
30 TAC Chapter 335, SubChapter F 335.152(a)(8)

Description: High level alarms on existing tanks are not functioning properly and need repair and/or calibration.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 264, SubChapter I, PT 264, SubPT CC 264.1084(b)
40 CFR Chapter 264, SubChapter I, PT 264, SubPT CC 264.1084(c)
40 CFR Chapter 264, SubChapter I, PT 264, SubPT CC 264.1086(d)
30 TAC Chapter 335, SubChapter F 335.152(a)(19)

Description: The following units managing waste having a VOC content >500 ppm are not equipped with appropriate covers and are not vented through a closed vent system to a control device with >95% volatile organic emission control: 1) Feed Hoppers on TDU #1 and #2, 2) Mix Tank, 3) Shaker screens, 4) DAF unit. Transfers of solid hazardous waste in or out of a container to the TDU Feed Hoppers is not conducted in such a manner as to minimize exposure of the hazardous waste to the atmosphere.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 264, SubChapter I, PT 264, SubPT BB 264.1065
40 CFR Chapter 264, SubChapter I, PT 264, SubPT CC 264.1087
40 CFR Chapter 264, SubChapter I, PT 264, SubPT CC 264.1089
30 TAC Chapter 335, SubChapter F 335.152(a)(18)
30 TAC Chapter 335, SubChapter F 335.152(a)(19)

Description: Historic documentation of inspections and maintenance could not be found. Specific items missing include: 1) semi annual reports to the Regional Administrator of any leaking equipment that did not receive the first attempt at repair in 5 days or was not repaired within 15 days, 2) the certification stating that the control device is designed to operate at the performance level documented by a design analysis or a performance test, and 3) documentation of the time when the control device does...

Viol. Classification: Moderate

Citation: 30 TAC Chapter 112, SubChapter A 112.8

Description: The secondary containment for the Frac Tanks used to store oil located outside the main dike is insufficient to contain the entire volume of the Frac Tank.

Viol. Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter A 335.18(a)
30 TAC Chapter 335, SubChapter A 335.19(c)
30 TAC Chapter 335, SubChapter A 335.21

Description: The facility has a state variance for processed catalyst that proclaims that it is no longer considered solid waste. The variance does not reflect all catalysts currently being processed.

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

Component Appendices

Appendix A

All NOV's Issued During Component Period 8/26/2009 and 8/26/2014

- 1 Date: 12/10/2009 (797155) CN603349820
Classification: Moderate
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(3)(C)
5A THSC Chapter 341, SubChapter A 341.0315(c)
Description: Violated the maximum contaminant level for arsenic during the fourth quarter of 2009.
- 2 Date: 02/23/2010 (799811) CN603349820
Classification: Moderate
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(3)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(3)
Description: Failed to properly label a three cubic yard container with the words "Hazardous Waste."
Classification: Moderate
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(1)
40 CFR Chapter 264, SubChapter I, PT 264, SubPT C 264.15(d)
Permit Provision III.D. PERMIT
Description: Failed to adequately complete daily inspection logs on tanks, loading and unloading areas, and container storage areas.
Classification: Moderate
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 335, SubChapter A 335.9(a)(1)(G)
Description: Failed to have a description of the SAAs within the facility or during the review of the exit interview form.
- 3 Date: 03/17/2010 (798705) CN603349820
Classification: Moderate
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(3)(C)
5A THSC Chapter 341, SubChapter A 341.0315(c)
Description: Violated the maximum contaminant level for arsenic during the first quarter of 2010.
- 4 Date: 09/30/2010 (889667) CN603349820
Classification: Moderate
Self Report? YES For Informational Purposes Only
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: 08/31/2011 (967138) CN603349820
Classification: Moderate
Self Report? YES For Informational Purposes Only
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
- 6* Date: 06/30/2013 (1119046) CN603349820
Classification: Moderate
Self Report? YES For Informational Purposes Only
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
- 7 Date: 12/03/2013 (1186285) CN603349820
Classification: Moderate

Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(3)(C)
Description: ARS MCL 4Q2013 - The system violated the maximum contaminant level for arsenic during the 4th quarter of 2013 with a RAA of 0.011 mg/L.

8 Date: 04/11/2014 (1186285) CN603349820
Classification: Moderate

Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(3)(C)
Description: ARS MCL 1Q2014 - The system violated the maximum contaminant level for arsenic during the 1st quarter of 2014 with a RAA of 0.011 mg/L.

9 Date: 04/30/2014 (1182380) CN603349820
Classification: Moderate

Self Report? YES For Informational Purposes Only
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

10 Date: 05/31/2014 (1189266) CN603349820
Classification: Moderate

Self Report? YES For Informational Purposes Only
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

11 Date: 07/30/2014 (1186285) CN603349820
Classification: Moderate

Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(3)(C)
Description: ARS MCL 2Q2014 - The system violated the maximum contaminant level for arsenic during the 2nd quarter of 2014 with a RAA of 0.012 mg/L.

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

Appendix B

All Investigations Conducted During Component Period August 26, 2009 and August 26, 2014

(797155)
Item 1 December 10, 2009** For Informational Purposes Only
(798705)
Item 2 March 17, 2010** For Informational Purposes Only
(799811)
Item 3 April 23, 2010** For Informational Purposes Only
(800445)
Item 4 May 04, 2010** For Informational Purposes Only
(835924)
Item 5* May 24, 2010** For Informational Purposes Only
(847824)
Item 6* June 18, 2010** For Informational Purposes Only
(862229)
Item 7* June 30, 2010** For Informational Purposes Only
(868832)

Item 8* August 23, 2010** For Informational Purposes Only
(875702)

Item 9* September 24, 2010** For Informational Purposes Only
(889668)

Item 10* October 30, 2010** For Informational Purposes Only
(889667)

Item 11 November 22, 2010** For Informational Purposes Only
(898037)

Item 12* December 22, 2010** For Informational Purposes Only
(903936)

Item 13* January 24, 2011** For Informational Purposes Only
(910826)

Item 14* February 23, 2011** For Informational Purposes Only
(918090)

Item 15* March 21, 2011** For Informational Purposes Only
(912235)

Item 16 April 18, 2011** For Informational Purposes Only
(939793)

Item 17* May 23, 2011** For Informational Purposes Only
(920873)

Item 18* June 06, 2011** For Informational Purposes Only
(947209)

Item 19* June 22, 2011** For Informational Purposes Only
(954460)

Item 20* July 22, 2011** For Informational Purposes Only
(961047)

Item 21* August 22, 2011** For Informational Purposes Only
(967138)

Item 22 September 21, 2011** For Informational Purposes Only
(973104)

Item 23* October 25, 2011** For Informational Purposes Only
(986073)

Item 24* December 20, 2011** For Informational Purposes Only
(992430)

Item 25* January 23, 2012** For Informational Purposes Only
(999740)

Item 26* February 24, 2012** For Informational Purposes Only
(1005284)

Item 27* March 19, 2012** For Informational Purposes Only
(1011857)

Item 28* April 24, 2012** For Informational Purposes Only
(1018224)

Item 29* May 14, 2012** For Informational Purposes Only

Item 30*	June 08, 2012**	(1025954) For Informational Purposes Only
Item 31*	July 13, 2012**	(1033312) For Informational Purposes Only
Item 32*	August 22, 2012**	(1039832) For Informational Purposes Only
Item 33*	September 18, 2012**	(1048779) For Informational Purposes Only
Item 34*	October 22, 2012**	(1069574) For Informational Purposes Only
Item 35*	November 26, 2012**	(1069575) For Informational Purposes Only
Item 36*	December 12, 2012**	(1051186) For Informational Purposes Only
Item 37*	December 21, 2012**	(1069576) For Informational Purposes Only
Item 38*	January 23, 2013**	(1082849) For Informational Purposes Only
Item 39*	February 22, 2013**	(1082848) For Informational Purposes Only
Item 40*	March 25, 2013**	(1091171) For Informational Purposes Only
Item 41	April 16, 2013**	(1074071) For Informational Purposes Only
Item 42	April 19, 2013**	(1056194) For Informational Purposes Only
Item 43*	May 21, 2013**	(1108534) For Informational Purposes Only
Item 44*	June 20, 2013**	(1112106) For Informational Purposes Only
Item 45	July 24, 2013**	(1119046) For Informational Purposes Only
Item 46*	August 27, 2013**	(1126810) For Informational Purposes Only
Item 47*	September 20, 2013	(1131345) For Informational Purposes Only
Item 48*	October 21, 2013	(1137096) For Informational Purposes Only
Item 49*	November 22, 2013	(1142508) For Informational Purposes Only
Item 50*	December 18, 2013	(1134608) For Informational Purposes Only

Item 51*	January 21, 2014	(1155028) For Informational Purposes Only
Item 52*	February 21, 2014	(1162338) For Informational Purposes Only
Item 53*	March 19, 2014	(1168963) For Informational Purposes Only
Item 54	April 11, 2014	(958644) For Informational Purposes Only
Item 55*	April 16, 2014	(1176143) For Informational Purposes Only
Item 56*	May 12, 2014	(1166501) For Informational Purposes Only
Item 57	May 20, 2014	(1182380) For Informational Purposes Only
Item 58	May 29, 2014	(1165992) For Informational Purposes Only
Item 59	June 24, 2014	(1189266) For Informational Purposes Only
Item 60	August 04, 2014	(1186285) For Informational Purposes Only
Item 61	August 08, 2014	(1186826) For Informational Purposes Only

* No violations documented during this investigation

**Investigation applicable for the Compliance History Rating period between 09/01/2008 and 08/31/2013.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
CLEAN HARBORS SAN LEON, INC.	§	
RN100890235	§	ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2014-1366-PWS-E

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Clean Harbors San Leon, Inc. ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The Respondent owns and operates a public water supply located at 2700 Avenue S in San Leon, Galveston County, Texas (the "Facility") that has three service connections and serves at least 25 people per day for at least 60 days per year.

2. During a record review conducted from July 28, 2014 through August 8, 2014, TCEQ staff documented that the running annual average concentration for arsenic was 0.011 milligrams per liter ("mg/L") for the first quarter of 2014, 0.012 mg/L for the second quarter of 2014, and 0.012 mg/L for the third quarter of 2014.
3. The Respondent received notice of the violations on August 12, 2014.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 2, the Respondent failed to comply with the maximum contaminant level ("MCL") of 0.010 mg/L for arsenic based on the running annual average, in violation of 30 TEX. ADMIN. CODE § 290.106(f)(3) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
3. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
4. An administrative penalty in the amount of Two Hundred Thirty-Four Dollars (\$234) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). Two Hundred Thirty-Four Dollars (\$234) of the administrative penalty is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order and shall be waived only upon full compliance with all the the terms and conditions contained in this Agreed Order. If the Respondent fails to timely and satisfactorily comply with any requirement contained in this Agreed Order, the deferred amount of the administrative penalty shall become immediately due and payable without demand or notice, and the Executive Director may request the Respondent to pay all or part of the deferred administrative penalty.

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of Two Hundred Thirty-Four Dollars (\$234) as set forth in Section II, Paragraph 4 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order

completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Clean Harbors San Leon, Inc., Docket No. 2014-1366-PWS-E" to:

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

2. The Respondent shall undertake the following technical requirements:
 - a. Within 120 days after the effective date of this Agreed Order, complete a feasibility study, or update an existing feasibility study, and submit a written report or engineering study conducted by a Texas registered professional engineer regarding the results of the feasibility study to evaluate the necessary corrective actions designed to achieve compliance with the MCL for arsenic. The report shall include a tentative schedule describing additional studies, tests, or other methods that may be utilized for the completion of necessary corrective actions within 1,095 days after the effective date of this Agreed Order. If the Respondent purchases or sells water, a copy of the purchase water contract must be submitted with the feasibility study report or engineering study. The evaluation shall be sent to the addresses listed in Ordering Provision No. 2.g.;
 - b. Within 135 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.g. below to demonstrate compliance with Ordering Provision No. 2.a.;
 - c. Within 180 days after the effective date of this Agreed Order, submit an acceptable written plan, including a proposed schedule, to the Executive Director that provides for the completion of an alternate water source or treatment technology to the addresses listed in Ordering Provision No. 2.g.;
 - d. Within 180 days after the effective date of this Agreed Order, and on a semi-annual basis thereafter, submit progress reports to the addresses listed in Ordering Provision No. 2.g. below. These reports shall include information regarding actions taken to provide water which meets the MCL for arsenic;
 - e. Within 195 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.g. below to demonstrate compliance with Ordering Provision No. 2.c.;

- f. Within 1,095 days after the effective date of this Agreed Order, return to compliance with the MCL for arsenic, in accordance with 30 TEX. ADMIN. CODE § 290.106; and
- g. Within 1,110 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.f. 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:

Public Drinking Water Section Manager
Water Supply Division, MC 155
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

- 3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

5. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
6. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
9. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Pamela
For the Executive Director

2/6/15
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Clean Harbors San Leon, Inc. I am authorized to agree to the attached Agreed Order on behalf of Clean Harbors San Leon, Inc., and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, Clean Harbors San Leon, Inc. waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

William F. Connors
Signature

10/17/2014
Date

William F. Connors
Name (Printed or typed)
Authorized Representative of
Clean Harbors San Leon, Inc.

Sr. Vice 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 III, Paragraph 1 of this Agreed Order.