

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 47656
SOUTHWEST INDUSTRIAL SERVICES, INC.
RN100651025
Docket No. 2013-1781-IHW-E

Order Type:

Agreed Order

Media:

Industrial Hazardous Waste (“IHW”)

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

2920 North Main Street, Fort Worth, Tarrant County

Type of Operation:

metal plating and polishing facility

Other Significant Matters:

Additional Pending Enforcement Actions:	None
Past-Due Penalties:	None
Past-Due Fees:	None
Other:	None
Interested Third-Parties:	None

Texas Register Publication Date: March 27, 2015

Comments Received: None

Penalty Information

Total Penalty Assessed: \$11,250

Total Paid to General Revenue: \$330

Total Due to General Revenue: \$10,920

Payment Plan: 35 payments of \$312 each

Supplemental Environmental Project (“SEP”) Conditional Offset:

N/A

Compliance History Classifications:

Person/CN – Unclassified
Site/RN – Unclassified

Major Source: No

Statutory Limit Adjustment: None

Applicable Penalty Policy: September 2011

Docket No. 2013-1781-IHW-E

Investigation Information

Complaint Date(s): N/A
Date(s) of Investigation: August 30, 2013
Date(s) of NOV(s): N/A
Date(s) of NOE(s): August 30, 2013

Violation Information

1. Failed to comply with the 180-day accumulation time limitation for the storage of IHW [30 TEX. ADMIN. CODE § 335.69(f)].
2. Failed to prevent the release of IHW (soil samples showed elevated levels of arsenic, mercury, nickel, and lead exceeding the Texas-Specific Background Concentration levels and the Tier 1 Residential Protective Concentration Levels) [TEX. WATER CODE § 26.121 and 30 TEX. ADMIN. CODE §§ 335.2 and 335.4].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

As of January 15, 2015, hazardous waste is no longer being stored at the Facility.

Technical Requirements:

1. Within 60 days, conduct an affected property assessment and submit an Affected Property Assessment Report ("APAR"). If response actions are necessary, comply with all applicable requirements of the Texas Risk Reduction Program ("TRRP").
2. Within 75 days, submit written certification that the APAR was submitted pursuant to Technical Requirement No. 1.
3. If applicable, within 15 days after all response actions and all TRRP requirements have been met, submit written certification to demonstrate compliance with TRRP requirements.

Litigation Information

Date Petition(s) Filed: May 2, 2014
Date Answer Filed: May 22, 2014
SOAH Referral Date: July 30, 2014
Hearing Date(s):
Preliminary hearing: November 6, 2014 (waived)
Evidentiary hearing: March 5, 2015 (scheduled)
Settlement Date: February 9, 2015

Contact Information

TCEQ Attorneys: Jennifer Cook, Litigation Division, (512) 239-3400
Lena Roberts, Litigation Division, (512) 239-3400
Isabel Segarra Treviño, Public Interest Counsel, (512) 239-6363
TCEQ Enforcement Coordinator: Michael Pace, Enforcement Division, (817) 588-5933
TCEQ Regional Contact: Sam Barrett, Dallas/Fort Worth Regional Office, (817) 588-5800
Respondent Contact: Michael Goold, President, SOUTHWEST INDUSTRIAL SERVICES, INC.,
2413 Whitmore St., Fort Worth, Texas 76107-1443
Respondent's Attorney: Sarah K. Walls, Cantey Hanger LLP, 600 West 6th Street, Suite 300,
Fort Worth, Texas 76102



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES	Assigned	3-Sep-2013	Screening	16-Sep-2013	EPA Due	
	PCW	22-Dec-2014				

RESPONDENT/FACILITY INFORMATION

Respondent	SOUTHWEST INDUSTRIAL SERVICES, INC.		
Reg. Ent. Ref. No.	RN100651025		
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	47656	No. of Violations	2
Docket No.	2013-1781-IHW-E	Order Type	1660
Media Program(s)	Industrial and Hazardous Waste	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Mike Pace
		EC's Team	Enforcement Team 6
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$11,250
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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	0.0% Enhancement	Subtotals 2, 3, & 7	\$0
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Notes	No adjustment for compliance history.
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Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes	The Respondent does not meet the culpability criteria.
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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	\$2,815	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$28,000	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$11,250
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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	
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Final Penalty Amount	\$11,250
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$11,250
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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	Deferral not offered for non-expedited settlement.
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PAYABLE PENALTY	\$11,250
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Screening Date 16-Sep-2013

Docket No. 2013-1781-IHW-E

PCW

Respondent SOUTHWEST INDUSTRIAL SERVICES, INC.

Policy Revision 3 (September 2011)

Case ID No. 47656

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100651025

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Mike Pace

Compliance History Worksheet

>> **Compliance History Site Enhancement (Subtotal 2)**

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

>> **Repeat Violator (Subtotal 3)**

No

Adjustment Percentage (Subtotal 3) 0%

>> **Compliance History Person Classification (Subtotal 7)**

Unclassified

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

No adjustment for compliance history.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 0%

>> **Final Compliance History Adjustment**

Final Adjustment Percentage *capped at 100% 0%

Screening Date 16-Sep-2013

Docket No. 2013-1781-IHW-E

PCW

Respondent SOUTHWEST INDUSTRIAL SERVICES, INC.

Policy Revision 3 (September 2011)

Case ID No. 47656

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100651025

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Mike Pace

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 335.69(f)

Violation Description

Failed to comply with the 180-day accumulation time limitation for the storage of industrial hazardous waste.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 15.0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

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

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1

17 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$3,750

One monthly event is recommended from the August 30, 2013 record review to the September 16, 2013 screening date.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

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

Violation Subtotal \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$804

Violation Final Penalty Total \$3,750

This violation Final Assessed Penalty (adjusted for limits) \$3,750

Economic Benefit Worksheet

Respondent SOUTHWEST INDUSTRIAL SERVICES, INC.
Case ID No. 47656
Reg. Ent. Reference No. RN100651025
Media Industrial and Hazardous Waste
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$500	12-Apr-2012	16-Apr-2014	2.01	\$50	n/a	\$50
Remediation/Disposal	\$7,500	12-Apr-2012	16-Apr-2014	2.01	\$754	n/a	\$754
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs
 Estimated cost to remove all hazardous waste from the Facility and dispose of it at an authorized facility, and develop and implement procedures to ensure that wastes stored at the Facility do not exceed the accumulation time. The date required is the initial investigation date and the final date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs
 (Empty box for notes)

Approx. Cost of Compliance	\$8,000	TOTAL	\$804
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Screening Date 16-Sep-2013

Docket No. 2013-1781-IHW-E

PCW

Respondent SOUTHWEST INDUSTRIAL SERVICES, INC.

Policy Revision 3 (September 2011)

Case ID No. 47656

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100651025

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Mike Pace

Violation Number 2

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

Violation Description

Failed to prevent the release of industrial solid waste. Specifically, soil samples collected from the east side of the Facility indicated elevated levels of arsenic, mercury, nickel and lead. Analyses of soil samples collected by the TCEQ on July 2, 2013, indicated that the concentrations of arsenic (26 mg/kg), mercury (2.1 mg/kg), nickel (6,500 mg/kg) and lead (1,000 mg/kg) exceeded the Texas-Specific Background Concentration levels of 5.9 mg/kg, 0.04 mg/kg, 10 mg/kg and 15 mg/kg respectively. These analyses also show that the previously indicated concentrations of arsenic, nickel and lead exceeded the Tier 1 Residential PCLS of 24 mg/kg, 840 mg/kg, 500 mg/kg respectively.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	x			30.0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
					0.0%

Matrix Notes

Human health or the environment has been exposed to pollutants which exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 1 Number of violation days 17

mark only one with an x	daily	
	weekly	
	monthly	x
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$7,500

One monthly event is recommended from the August 30, 2013 record review date to the September 16, 2013 screening date.

Good Faith Efforts to Comply

0.0% Reduction \$0

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

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

Violation Subtotal \$7,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2,011

Violation Final Penalty Total \$7,500

This violation Final Assessed Penalty (adjusted for limits) \$7,500

Economic Benefit Worksheet

Respondent SOUTHWEST INDUSTRIAL SERVICES, INC.
Case ID No. 47656
Reg. Ent. Reference No. RN100651025
Media Violation No. Industrial and Hazardous Waste
 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal	\$20,000	12-Apr-2012	16-Apr-2014	2.01	\$2,011	n/a	\$2,011
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs
 Estimated cost to conduct an environmental assessment to determine the horizontal and vertical extent of contamination and conduct cleanup. The date required is the initial investigation date, and the final date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$20,000

TOTAL \$2,011

The TCEQ is committed to accessibility.

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



Compliance History Report

PENDING Compliance History Report for CN601452295, RN100651025, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

Customer, Respondent, or Owner/Operator: CN601452295, SOUTHWEST INDUSTRIAL SERVICES, INC. **Classification:** UNCLASSIFIED **Rating:** -----

Regulated Entity: RN100651025, Advance Chrome Connection **Classification:** UNCLASSIFIED **Rating:** -----

Complexity Points: 4 **Repeat Violator:** NO

CH Group: 14 - Other

Location: 2920 N MAIN ST FORT WORTH, TX 76106-5828, TARRANT COUNTY

TCEQ Region: REGION 04 - DFW METROPLEX

ID Number(s): AIR NEW SOURCE PERMITS ACCOUNT NUMBER TA0005J

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

Date Compliance History Report Prepared: September 30, 2013

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: September 30, 2008 to September 30, 2013

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

Name: Troy Warden

Phone: (512) 239-1050

Site and Owner/Operator History:

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

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

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

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

N/A

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

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

N/A

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
SOUTHWEST INDUSTRIAL
SERVICES, INC.;
RN100651025**

§
§
§
§
§
§

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

AGREED ORDER

DOCKET NO. 2013-1781-IHW-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding SOUTHWEST INDUSTRIAL SERVICES, INC. ("Respondent") under the authority of TEX. WATER CODE chs. 7 and 26 and TEX. HEALTH & SAFETY CODE ch. 361. The Executive Director of the TCEQ, represented by the Litigation Division, and Respondent, represented by Sarah K. Walls of the law firm Cantey Hanger LLP, together stipulate that:

1. Respondent owns a former metal plating and polishing facility located at 2920 North Main Street in Fort Worth, Tarrant County, Texas (the "Facility"). The Facility contains and/or involves the management of industrial hazardous waste ("IHW") as defined in TEX. HEALTH & SAFETY CODE ch. 361 and is near or adjacent to water in the state as defined in TEX. WATER CODE § 26.001(5).
2. The Executive Director and Respondent agree that TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.051 and 7.070, and that Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. WATER CODE ch. 26, TEX. HEALTH & SAFETY CODE ch. 361, and TCEQ rules.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of eleven thousand two hundred fifty dollars (\$11,250.00) is assessed by the Commission in settlement of the violations alleged in Section II. Respondent paid three hundred thirty dollars (\$330.00) of the penalty. The remaining amount of ten thousand nine hundred twenty dollars (\$10,920.00) shall be paid in thirty-five (35) monthly payments of three hundred twelve dollars (\$312.00) each. The first monthly payment shall be paid within 30 days after the effective date of this Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until the penalty is paid in full. If Respondent fails to timely and satisfactorily comply with the payment requirements of this Order, including the payment schedule, the Executive Director may accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. Respondent's failure to meet the payment schedule of this Order and/or the acceleration of any remaining balance constitutes the failure by Respondent to timely and satisfactorily comply with all the terms of this Order.

5. 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.
6. The Executive Director and Respondent agree on a settlement of the matters addressed in this Order, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
7. 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 Respondent has not complied with one or more of the terms or conditions contained in this Order.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The provisions of this Order are deemed severable, and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
10. The Executive Director recognizes that as of January 15, 2015, hazardous waste is no longer stored at the Facility.

II. ALLEGATIONS

1. During a record review conducted on August 30, 2013, an investigator documented that Respondent:
 - a. Failed to comply with the 180-day accumulation time limitation for the storage of IHW, in violation of 30 TEX. ADMIN. CODE § 335.69(f); and
 - b. Failed to prevent the release of IHW, in violation of TEX. WATER CODE § 26.121 and 30 TEX. ADMIN. CODE §§ 335.2 and 335.4. Specifically, soil samples collected from the east side of the Facility indicated elevated levels of arsenic, mercury, nickel, and lead. Analyses of soil samples collected by the TCEQ on July 2, 2013, indicated that the concentrations of arsenic (26 milligrams per kilogram ("mg/kg")), mercury (2.1 mg/kg), nickel (6,500 mg/kg), and lead (1,000 mg/kg) exceeded the Texas-Specific Background Concentration levels of 5.9 mg/kg, 0.04 mg/kg, 10 mg/kg and 15 mg/kg, respectively. These analyses also show that the previously indicated concentrations of arsenic, nickel, and lead exceeded the Tier 1 Residential PCLs of 24 mg/kg, 840 mg/kg, and 500 mg/kg, respectively.

III. DENIALS

Respondent generally denies each Allegation in Section II.

IV. ORDERING PROVISIONS

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

1. Respondent is assessed an administrative penalty as set forth in Section I, Paragraph 4. The payment of this penalty and Respondent's compliance with all of the requirements set forth in this Order resolve only the Allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations which are not raised here. Penalty payments shall be made payable to TCEQ and shall be sent with the notation "Re: SOUTHWEST INDUSTRIAL SERVICES, INC., Docket No. 2013-1781-IHW-E" to:

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

2. Respondent shall undertake the following technical requirements:

- a. Within 60 days after the effective date of this Order, conduct an affected property assessment and submit an Affected Property Assessment Report ("APAR"), pursuant to 30 TEX. ADMIN. CODE ch. 350, subchapter C, and § 350.91, to the Executive Director for approval. If response actions are necessary, Respondent shall comply with all applicable requirements of the Texas Risk Reduction Program ("TRRP") found in 30 TEX. ADMIN. CODE ch. 350 which may include: plans, reports, and notices under Subchapter E (30 TEX. ADMIN. CODE §§ 350.92 to 350.96); financial assurance (30 TEX. ADMIN. CODE § 350.33(1)); and Institutional Controls under Subchapter F. The APAR shall be submitted to:

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

- b. Respondent shall respond completely and adequately, as determined by the Executive Director, to all written requests for information concerning the APAR required by Ordering Provision No. 2.a., and any additional submittals related to Ordering Provision No. 2.a.
- c. Within 75 days after the effective date of this Order, submit written certification, in accordance with Ordering Provision No. 2.d., to demonstrate compliance with the requirement to submit an APAR in Ordering Provision No. 2.a..
- d. Within 15 days after all response actions and all TRRP requirements have been met, submit written certification, in accordance with Ordering Provision No. 2.d., to demonstrate compliance with the TRRP requirements in Ordering Provision No. 2.a.
- e. The certifications required by these Ordering Provisions shall be accompanied by detailed supporting documentation, including photographs, receipts, and/or other records, shall be signed by Respondents, and shall 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 fine and imprisonment for knowing violations."

Respondent shall submit the written certifications and supporting documentation necessary to demonstrate compliance with these Ordering Provisions to:

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

and:

Sam Barrett, Waste Section Manager
Texas Commission on Environmental Quality
Dallas/Fort Worth Regional Office
2309 Gravel Road
Fort Worth, Texas 76118-6951

and:

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

3. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon Respondent. Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
5. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by Respondent shall be made in writing to the Executive Director. Extensions are not effective until Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Order Compliance Team at the address listed above.
6. If Respondent fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Respondent's failure to comply is not a violation of this Order. Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Respondent shall notify the Executive Director within seven days after Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
7. This Order, issued by the Commission, shall not be admissible against Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order, or (2) pursue violations of a statute within TCEQ's jurisdiction or of a rule adopted or an order or permit issued by the TCEQ under such a statute.
8. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this 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 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. Pursuant to 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date of this Order is the date of hand delivery of the fully executed Order to Respondent, or three days after the date on which the Commission mails a copy of the fully executed Order to Respondent, whichever is earlier. The Chief Clerk shall provide a copy of the fully executed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director



Date

I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, 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.

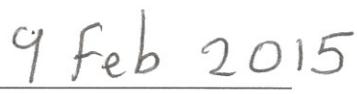
I also understand that failure to comply with the Ordering Provisions in this Order and/or failure to timely pay the penalty amount may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications;
- 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, I understand that any falsification of any compliance documents may result in criminal prosecution.



Signature - Michael Goold, President
SOUTHWEST INDUSTRIAL SERVICES, INC.
2413 Whitmore St.
Fort Worth, Texas 76107-1443



Date

If mailing address has changed, please check this box and provide the new address below:
