

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 47931
United State Department of the Air Force
RN100212356
Docket No. 2013-2072-WQ-E

Order Type:

Findings Agreed Order

Findings Order Justification:

People or environmental receptors have been exposed to pollutants which exceed levels that are protective.

Media:

Water Quality ("WQ")

Small Business:

N/A

Location(s) Where Violation(s) Occurred:

Air Force Plant No. 4, Lockheed Martin Facility, 1 Lockheed Boulevard, Fort Worth, Tarrant County

Type of Operation:

Superfund groundwater remediation site and stormwater system

Other Significant Matters:

Additional Pending Enforcement Actions: None

Past-Due Penalties: None

Past-Due Fees: None

Other: The Executive Director has authority to receive payment for administrative costs (excluding attorney's fees) incurred in carrying out its powers and duties under the Texas Water Code. This Agreed Order does not constitute a waiver of federal sovereign immunity for civil penalties under the Clean Water Act.

Interested Third-Parties: None

Texas Register Publication Date: May 8, 2015

Comments Received: None

Penalty Information

Administrative Costs Assessed: \$4,583.75

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$4,583.75

Supplemental Environmental Project ("SEP") Conditional Offset: N/A

Compliance History Classifications:

Person/CN – High

Site/RN – High

Major Source: No

Statutory Limit Adjustment: None

Applicable Penalty Policy: September 2011

United State Department of the Air Force

RN100212356

Docket No. 2013-2072-WQ-E

Investigation Information

Complaint Date(s): N/A
Date(s) of Investigation: June 27, 2013
Date(s) of NOV(s): N/A
Date(s) of NOE(s): August 28, 2013

Violation Information

Failed to prevent an unauthorized discharge of contaminated groundwater into or adjacent to water in the state [TEX. WATER CODE § 26.121(a); and Texas Pollutant Discharge Elimination System Stormwater Multi-Sector General Permit No. TXR05M673, Part II Sections B.5. and B.6. and Part III Sections A.1.a., A.4., B.1.b., E.1.a.2., and E.2.c.].

Corrective Actions/Technical Requirements**Corrective Action(s) Completed:**

1. Ceased the injection of glycerin mixture into the Superfund remediation site;
2. By July 1, 2013, installed a floating boom to impede flow of contaminated water and removed approximately 100,000 gallons of contaminated water from Meandering Road Creek;
3. By July 6, 2013, conducted aerating activities in multiple locations in Meandering Road Creek to raise and stabilize the minimum dissolved oxygen concentration levels;
4. By July 10, 2013, cleaned the stormwater pipe, identified leaking joints in the stormwater pipe, and sealed the joints in the stormwater pipe; and
5. By December 19, 2013, properly disposed of all contaminated water.

Technical Requirements:

N/A

Litigation Information

Date Petition(s) Filed: N/A
Settlement Date: March 6, 2015

Contact Information

TCEQ Attorneys: Jim Sallans, Litigation Division, (512) 239-3400
Lena Roberts, Litigation Division, (512) 239-3400
Rudy Calderon, Public Interest Counsel, (512) 239-6363

TCEQ Enforcement Coordinator: Jill Russell, Enforcement Division, (512) 239-4564

TCEQ Regional Contact: Jeff Tate, Dallas/Fort Worth Regional Office, (817) 588-5800

Respondent Contacts: John Wolfe, United States Department of the Air Force, AFCEC/CZOM-GOCO, 1981 Monahan Way, Building 12, Wright-Patterson Air Force Base, Ohio 45433;

Alex Briskin, Chief, Acquisition Environmental & Industrial Facilities Division, AFPEO Agile Combat Support, United States Department of the Air Force, AFLCMC/WNV, 1801 Tenth Street, Building 8, Wright-Patterson Air Force Base, Ohio 45433-7626

Respondent's Attorney: John R. Sokhol, Captain, USAF, Regional Counsel, AFLOA/JACE-CR, 2261 Hughes Avenue, Suite 154, Lackland AFB, Texas 78236-9852

Exhibit A

Texas Commission on Environmental Quality
Administrative Costs for Compliance & Enforcement

**United States Department of the Air Force
TCEQ Docket No. 2013-2072-WQ-E**

Position	Employee	Title	Division	Rate/Hr	Time	Total
1	Eric Agnew	Investigator	OCE	\$23.21	16.5	382.96
2	Bizmark Otorino	Investigator	OCE	\$23.21	3	69.63
3	Dominique Lucio	Investigator	OCE	\$17.78	30	533.4
4	Karen Julissen	Investigator	OCE	\$23.21	1	23.21
5	Greg Diehl	Investigator	OCE	\$24.09	2	48.18
6	Jill Russell	Enf. Coordinator	OCE	\$32.08	63	2021.04
7	Laurie Eaves	Enf. Team Leader	OCE	\$28.19	16	451.04
8	Sandy Van Cleave	Enf. Manager	OCE	\$34.82	10	348.2
9	David Bower	Enf. Manager	OCE	\$47.41	12	568.92
10	Bryan Sinclair	Deputy Director	OCE	\$54.87	2.5	137.17
					TOTAL	\$4,583.75

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Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

DATES	Assigned	7-Oct-2013	Screening	28-Oct-2013	EPA Due	
	PCW	18-Mar-2014				

RESPONDENT/FACILITY INFORMATION	
Respondent	United States Department of the Air Force
Reg. Ent. Ref. No.	RN100212356
Facility/Site Region	4-Dallas/Fort Worth
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	47931	No. of Violations	1
Docket No.	2013-2072-WQ-E	Order Type	Findings
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Jill Russell
		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$67,500
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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	-10.0% Reduction	Subtotals 2, 3, & 7	-\$6,750
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Notes	Reduction for high performer classification.
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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	\$6,750
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts \$6,221
 Approx. Cost of Compliance \$259,486
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$54,000
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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	\$54,000
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$54,000
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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.
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PAYABLE PENALTY	\$54,000
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Screening Date 28-Oct-2013

Docket No. 2013-2072-WQ-E

PCW

Respondent United States Department of the Air Force
Case ID No. 47931
Reg. Ent. Reference No. RN100212356
Media [Statute] Water Quality
Enf. Coordinator Jill Russell

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

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>)	2	-2%
	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>)	2	-4%

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)

>> Repeat Violator (Subtotal 3)

Adjustment Percentage (Subtotal 3)

>> Compliance History Person Classification (Subtotal 7)

Adjustment Percentage (Subtotal 7)

>> Compliance History Summary

Compliance History Notes

Reduction for high performer classification.

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

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100%

Screening Date 28-Oct-2013

Docket No. 2013-2072-WQ-E

PCW

Respondent United States Department of the Air Force

Policy Revision 3 (September 2011)

Case ID No. 47931

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100212356

Media [Statute] Water Quality

Enf. Coordinator Jill Russell

Violation Number 1

Rule Cite(s) Tex. Water Code § 26.121(a)(2) and Texas Pollutant Discharge Elimination System Stormwater Multi-Sector General Permit No. TXR05M673, Part II. Sections B.5 and B.6 and Part III. Sections A.1.a, A.4, B.1.b, E.1.a.2, and E.2.c

Violation Description Failed to prevent an unauthorized discharge of contaminated groundwater into or adjacent to water in the state, as documented during an investigation conducted on June 27, 2013. Specifically, approximately 100,000 gallons of contaminated groundwater was discharged from a federal Superfund remediation site through the Storm Sewer Outfall into Meandering Road Creek and subsequently into Lake Worth resulting in several dead fish. Discolored black water and sediment were observed at the outfall, continuing to the inlet of Lake Worth. Concentration levels of receiving stream samples taken were: biochemical oxygen demand (5-day) 18,600 milligrams per liter ("mg/L"), chemical oxygen demand 30,000 mg/L, total organic carbon 9,480 mg/L, dissolved oxygen ("D.O.") 0.53 mg/L, vinyl chloride 0.0132 mg/L, and 6.3 pH standard units.

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	Major	Moderate	Minor	Percent
	Failure to prevent an unauthorized discharge into water in the state that resulted in the release of pollutants which exceeded levels that are protective of human health and the environment.				

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 9 Number of violation days 9

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

Violation Base Penalty \$67,500

Nine daily events are recommended from the investigation date (June 27, 2013) to the date the D.O. measured concentration levels were within range to support aquatic life (July 6, 2013).

Good Faith Efforts to Comply

10.0% Reduction

\$6,750

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

Notes The Respondent returned to compliance on December 19, 2013.

Violation Subtotal \$60,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$6,221

Violation Final Penalty Total \$54,000

This violation Final Assessed Penalty (adjusted for limits) \$54,000

Economic Benefit Worksheet

Respondent United States Department of the Air Force
Case ID No. 47931
Reg. Ent. Reference No. RN100212356
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	\$259,486	27-Jun-2013	19-Dec-2013	0.48	\$6,221	n/a	\$6,221
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to aerate multiple locations in Meandering Road Creek to raise and stabilize the D.O. concentration levels, remove approximately 100,000 gallons of contaminated groundwater, clean and repair the stormwater pipe and pipe joints, and dispose of the contaminated groundwater. Date required is the investigation date and the final date is the compliance date.

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

\$259,486

TOTAL

\$6,221

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 CN600919401, RN100212356, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

Customer, Respondent, or Owner/Operator: CN600919401, US Department of the Air Force **Classification:** HIGH **Rating:** 0.01
Regulated Entity: RN100212356, Air Force Plant 4 Lockheed Martin **Classification:** HIGH **Rating:** 0.00
Complexity Points: 34 **Repeat Violator:** NO
CH Group: 14 - Other
Location: 1 LOCKHEED BOULEVARD, FORT WORTH, TARRANT COUNTY, TEXAS
TCEQ Region: REGION 04 - DFW METROPLEX

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER TA0156K
POLLUTION PREVENTION PLANNING ID NUMBER P00389
INDUSTRIAL AND HAZARDOUS WASTE EPA ID TX7572024605
AIR NEW SOURCE PERMITS REGISTRATION 24383
AIR NEW SOURCE PERMITS REGISTRATION 31946
AIR NEW SOURCE PERMITS ACCOUNT NUMBER TA0156K
AIR NEW SOURCE PERMITS REGISTRATION 52441
AIR NEW SOURCE PERMITS REGISTRATION 78493
AIR NEW SOURCE PERMITS REGISTRATION 80044
AIR NEW SOURCE PERMITS REGISTRATION 82767
AIR NEW SOURCE PERMITS REGISTRATION 88036
AIR NEW SOURCE PERMITS REGISTRATION 91742
AIR NEW SOURCE PERMITS REGISTRATION 93665
AIR NEW SOURCE PERMITS REGISTRATION 97521
AIR NEW SOURCE PERMITS REGISTRATION 111732
PETROLEUM STORAGE TANK REGISTRATION REGISTRATION 42176
STORMWATER PERMIT TXR05M673
UNDERGROUND INJECTION CONTROL PERMIT 4R00005 5X2600486
UNDERGROUND INJECTION CONTROL PERMIT 5X2600483
UNDERGROUND INJECTION CONTROL PERMIT 5X2600484
UNDERGROUND INJECTION CONTROL PERMIT 5X2600690
WATER QUALITY NON PERMITTED ID NUMBER R04100212356

AIR OPERATING PERMITS PERMIT 1294
POLLUTION PREVENTION PLANNING ID NUMBER P07404
INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 30584
AIR NEW SOURCE PERMITS REGISTRATION 31505
AIR NEW SOURCE PERMITS PERMIT 36888
AIR NEW SOURCE PERMITS PERMIT 16862
AIR NEW SOURCE PERMITS AFS NUM 4843900003
AIR NEW SOURCE PERMITS REGISTRATION 78993
AIR NEW SOURCE PERMITS REGISTRATION 82551
AIR NEW SOURCE PERMITS REGISTRATION 85998
AIR NEW SOURCE PERMITS PERMIT 92599
AIR NEW SOURCE PERMITS REGISTRATION 93858
AIR NEW SOURCE PERMITS REGISTRATION 94333
AIR NEW SOURCE PERMITS REGISTRATION 111738
AIR NEW SOURCE PERMITS REGISTRATION 109324
IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION # (SWR) 30584
SUPERFUND ID NUMBER SUP094
UNDERGROUND INJECTION CONTROL PERMIT
UNDERGROUND INJECTION CONTROL PERMIT 5X2600485
UNDERGROUND INJECTION CONTROL PERMIT 5X2600661
AIR EMISSIONS INVENTORY ACCOUNT NUMBER TA0156K
WATER QUALITY NON PERMITTED ID NUMBER R04

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

Date Compliance History Report Prepared: October 08, 2013

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: October 08, 2008 to October 08, 2013

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

Name: Jill Russell

Phone: (512) 239-4564

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.):

Item 1	September 15, 2009	(767063)
Item 2	June 10, 2010	(797097)
Item 3	May 11, 2011	(880257)

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:

Notice of Intent Date: 09/04/2008 (704625)

Disclosure Date: 03/09/2009

Viol. Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.120
30 TAC Chapter 122, SubChapter B 122.121

Description: Failure to include cold solvent cleaner 10137052 in Title V permit O-1294.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter K 106.261
30 TAC Chapter 106, SubChapter K 106.262

Description: Failure to obtain authorization for the operation of the vacuum chamber Argon emissions.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)

Description: Failure to include/report audit items in the Semiannual deviation report.

Notice of Intent Date: 11/15/2010 (886799)

Disclosure Date: 03/24/2011

Viol. Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter E 115.421(a)(9)(A)(iv)
30 TAC Chapter 122, SubChapter C 122.217(a)(2)

Description: Failed to adhere to the VOC emission limit from the coating of miscellaneous metal parts and products ("MMPP"). Specifically the limit was 3.0 pounds per gallon of coating for all other coating applications, including high bake coatings that pertain to MMPP. In addition, a Title V Permit Revision identified only two of the six vents associated with the F-16 Central Vacuum System prior to the start of operation of the source.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)

Description: Failure to conduct visible emissions observations on two vents associated with the AFF (Bldg 175) Central Vacuum Systems.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter C 122.217

Description: Failure to submit a Title V Permit Revision prior to operation of two vents associated with the AFF (Bldg 175) Central Vacuum Systems prior to start of operation of the source.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)

Description: Failure to conduct visible emissions observations for the vent associated with CFF (Bldg 234) Central Vacuum System, Unit ID No. PE001417.

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
UNITED STATES DEPARTMENT OF
THE AIR FORCE;
RN100212356**

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**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER

DOCKET NO. 2013-2072-WQ-E

At its _____ agenda meeting, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding United States Department of the Air Force ("Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, represented by the Litigation Division, and Respondent presented this Order to the Commission.

Respondent understands that it has certain procedural rights at certain points in the enforcement process, including the right to formal notice of violations, the right to an evidentiary hearing, notice of an evidentiary hearing, and a right to appeal. By entering into this Order, Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated agreement of the parties. 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. The duties and responsibilities imposed by this Order are binding upon Respondent.

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

FINDINGS OF FACT

1. Respondent owns a federal Superfund groundwater remediation site and stormwater system located at Air Force Plant 4, Lockheed Martin Facility, 1 Lockheed Boulevard in Fort Worth, Tarrant County, Texas (the "Site"). The Site adjoins, is contiguous with, surrounds, or is near or adjacent to state water as defined in TEX. WATER CODE § 26.001(5).
2. During an investigation conducted on June 27, 2013, an investigator documented that Respondent failed to prevent an unauthorized discharge of contaminated groundwater into or adjacent to water in the state. Specifically, approximately 100,000 gallons of contaminated groundwater containing a glycerin mixture from a remediation procedure at the Site was discharged through the storm sewer outfall into Meandering Road Creek—a direct tributary of Lake Worth. The discharge of black water and sediment were observed at the outfall along with several dead fish. Concentration levels of the receiving stream samples taken were: biochemical oxygen demand (5-day) 18,600 milligrams per liter ("mg/L"); chemical oxygen demand 30,000 mg/L; total organic carbon 9,480 mg/L; dissolved oxygen ("DO") 0.53 mg/L; vinyl chloride 0.0132 mg/L; and 6.3 pH standard units.

3. The Executive Director recognizes that Respondent implemented the following corrective measures in response to this enforcement action:
 - a. Immediately ceased the injection of glycerin mixture into the Superfund remediation site;
 - b. By July 1, 2013, installed a floating boom to impede flow of contaminated water and removed approximately 100,000 gallons of contaminated water from Meandering Road Creek;
 - c. By July 6, 2013, conducted aerating activities in multiple locations in Meandering Road Creek to raise and stabilize the minimum DO concentration levels;
 - d. By July 10, 2013, cleaned the stormwater pipe, identified leaking joints in the stormwater pipe, and sealed joints in the stormwater pipe; and
 - e. By December 19, 2013, properly disposed of all contaminated water.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE ch. 26 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2, Respondent failed to prevent an unauthorized discharge of contaminated groundwater into or adjacent to water in the state, in violation of TEX. WATER CODE § 26.121(a); and Texas Pollutant Discharge Elimination System Stormwater Multi-Sector General Permit No. TXR05M673 Part II Sections B.5. and B.6. and Part III Sections A.1.a., A.4., B.1.b., E.1.a.2., and E.2.c.
3. Pursuant to TEX. WATER CODE § 5.233, the Commission has the authority to receive payment of reasonable service charges from Respondent to enforce compliance with violations of statutes within the Commission's jurisdiction, or of rules adopted or orders or permits issued by the Commission under such a statute. This Agreed Order and the payment of reasonable service charges do not constitute a waiver of federal sovereign immunity for civil penalties under the Clean Water Act, nor shall this Agreed Order constitute an admission by Respondent that such a waiver of federal sovereign immunity exists.
4. The violations required the TCEQ to expend capital and resources and incur costs in the administration of its regulatory program. Specifically, the TCEQ has documented costs in the amount of four thousand five hundred eighty-three dollars and seventy-five cents (\$4,583.75), which are described in Exhibit A attached to this Agreed Order. The TCEQ agrees to accept four thousand five hundred eighty-three dollars and seventy-five cents (\$4,583.75) in compromise and satisfaction of potential claims for reimbursement for reasonable service charges or administrative costs relating to the violations herein that may exceed four thousand five hundred eighty-three dollars and seventy-five cents (\$4,583.75).

ORDERING PROVISIONS

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

1. It is, therefore, ordered by the TCEQ that, within 90 days after the effective date of this Agreed Order, Respondent shall pay reasonable service charges as set forth in Conclusion of Law No. 4, above. The payment of these reasonable service charges and Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the matters set forth by this Agreed Order in this action. The Commission shall not be constrained in any manner from considering or

requiring corrective actions, reasonable service charges, or penalties for violations which are not raised here. Payments shall be made payable to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: United States Department of the Air Force, Docket No. 2013-2021-WQ-E" to:

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

2. All relief not expressly granted in this Order is denied.
3. The provisions of 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 Site operations referenced in this Order.
4. This Order, issued by the Commission, shall not be admissible against Respondent in a civil proceeding, unless the proceeding is brought by the Office of the Attorney General of the State of Texas ("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 TCEQ under such a statute. The Executive Director may, without further notice or hearing, refer this matter to the OAG for further enforcement proceedings if the Executive Director determines that Respondent has not complied with one or more of the terms or conditions in this Order.
5. 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.
6. 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.
7. 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.
8. 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

OT Dweeney
For the Executive Director

Date

May 29, 2015

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.

Alex Briskin
Signature

6 Mar 15
Date

Alex Briskin
Name (Printed or typed)
Authorized representative of
United States Department of the Air Force

*Chief, Acquisition Environmental &
Industrial Facilities Division
AFPEO Agile Combat Support*
Title

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

Exhibit A

Texas Commission on Environmental Quality
Administrative Costs for Compliance & Enforcement

**United States Department of the Air Force
TCEQ Docket No. 2013-2072-WQ-E**

Position	Employee	Title	Division	Rate/Hr	Time	Total
1	Eric Agnew	Investigator	OCE	\$23.21	16.5	382.96
2	Bizmark Otorino	Investigator	OCE	\$23.21	3	69.63
3	Dominique Lucio	Investigator	OCE	\$17.78	30	533.4
4	Karen Julissen	Investigator	OCE	\$23.21	1	23.21
5	Greg Diehl	Investigator	OCE	\$24.09	2	48.18
6	Jill Russell	Enf. Coordinator	OCE	\$32.08	63	2021.04
7	Laurie Eaves	Enf. Team Leader	OCE	\$28.19	16	451.04
8	Sandy Van Cleave	Enf. Manager	OCE	\$34.82	10	348.2
9	David Bower	Enf. Manager	OCE	\$47.41	12	568.92
10	Bryan Sinclair	Deputy Director	OCE	\$54.87	2.5	137.17
					TOTAL	\$4,583.75