

Nerro Supply, LLC
RN102342268
Docket No. 2014-1602-MWD-E

Order Type:

Agreed Order

Media:

MWD

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

approximately 1.5 miles southeast of the intersection of Farm-to-Market Roads 2354 and 1405, on the south side of Farm-to-Market Road 2354, Baytown, Chambers County

Type of Operation:

wastewater treatment plant

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: October 9, 2015

Comments Received: None

Penalty Information

Total Penalty Assessed: \$70,625

Total Paid to General Revenue: \$3,075

Total Due to General Revenue: \$67,550

Payment Plan: 35 payments of \$1,930 each

Compliance History Classifications:

Person/CN – Satisfactory

Site/RN – Satisfactory

Major Source: No

Statutory Limit Adjustment: None

Applicable Penalty Policy: April 2014

Investigation Information

Complaint Date(s): N/A

Date(s) of Investigation: August 12, 2014

Date(s) of NOV(s): See Compliance History – 10 related NOVs

Date(s) of NOE(s): October 3, 2014

Nerro Supply, LLC
RN102342268
Docket No. 2014-1602-MWD-E

Violation Information

1. Failed to comply with permitted effluent limitations [TEX. WATER CODE § 26.121(a)(1); 30 TEX. ADMIN. CODE § 305.125(1); and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0013643001 Effluent Limitations and Monitoring Requirements Nos. 1 and 2].
2. Failed to report any effluent violation which deviates from the permitted limitation by more than 40% in writing to the Houston Regional office and the Enforcement Division within five working days of becoming aware of the non-compliance [30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0013643001 Monitoring Requirements No. 7.c.].
3. Failed to ensure that the Facility and all its systems of collection, treatment and disposal are properly operated and maintained [30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. WQ0013643001 Operational Requirements No. 1].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

1. Submitted the non-compliance notifications for the effluent violations which deviated from the permitted limitation by 40% or greater by September 25, 2014; and
2. Replaced a bearing in the motor, installed a new blower with a new element, and tied the blower into the existing header on October 16, 2014.

Technical Requirements:

Within 90 days, submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0013643001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported DMRs, demonstrating at least three consecutive months of compliance with all permitted effluent limitations.

Litigation Information

Date Petition(s) Filed:	June 11, 2015
Date Answer Filed:	July 2, 2015
SOAH Referral Date:	August 26, 2015
Hearing Date(s):	
Preliminary hearing:	October 1, 2015 (remanded)
Settlement Date:	September 2, 2015

Contact Information

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

TCEQ Enforcement Coordinator: Jennifer Graves, Enforcement Division, (956) 430-6023

TCEQ Regional Contact: Bryan Eastham, Houston Regional Office, (713) 767-3500

Respondent Contact: Charles Peterson, Manager, Nerro Supply, LLC, P.O. Box 691008, Houston, Texas 77269

Respondent's Attorney: Gregory M. Klipp, The Jones Law Firm, 1703 West Ave., Austin, Texas 78701-1036



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

DATES	Assigned	6-Oct-2014		
	PCW	21-Apr-2015	Screening	20-Oct-2014
			EPA Due	

RESPONDENT/FACILITY INFORMATION	
Respondent	Nerro Supply, LLC
Reg. Ent. Ref. No.	RN102342268
Facility/Site Region	12-Houston
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	49547	No. of Violations	5
Docket No.	2014-1602-MWD-E	Order Type	Findings
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Jennifer Graves
		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$57,500
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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	70.0% Enhancement	Subtotals 2, 3, & 7	\$40,250
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Notes: Enhancement for one order with denial of liability and 10 months of self-reported effluent 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	-\$3,125
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$1,276
 Estimated Cost of Compliance: \$15,580
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$94,625
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OTHER FACTORS AS JUSTICE MAY REQUIRE	-25.4%	Adjustment	-\$24,000
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Reduction in the penalty so that reporting violations do not overly impact the penalty amount.

Final Penalty Amount	\$70,625
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$70,625
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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	\$70,625
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Screening Date 20-Oct-2014

Docket No. 2014-1602-MWD-E

PCW

Respondent Nerro Supply, LLC

Policy Revision 4 (April 2014)

Case ID No. 49547

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102342268

Media [Statute] Water Quality

Enf. Coordinator Jennifer Graves

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>)	10	50%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	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>)	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) 70%

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

No

Adjustment Percentage (Subtotal 3) 0%

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

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

Enhancement for one order with denial of liability and 10 months of self-reported effluent violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 70%

>> **Final Compliance History Adjustment**

Final Adjustment Percentage *capped at 100% 70%

Screening Date	20-Oct-2014	Docket No.	2014-1602-MWD-E	PCW
Respondent	Nerro Supply, LLC			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	49547			<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No.	RN102342268			
Media [Statute]	Water Quality			
Enf. Coordinator	Jennifer Graves			

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="text"/>	<input type="text"/>	<input type="text" value="x"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>
				Percent <input type="text" value="5.0%"/>

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0.0%"/>

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

<i>mark only one with an x</i>	daily	<input type="text"/>
	weekly	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text" value="x"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>

Violation Base Penalty

Good Faith Efforts to Comply

Reduction

	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input type="text" value="x"/>	(mark with x)

Notes

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Nerro Supply, LLC
Case ID No. 49547
Reg. Ent. Reference No. RN102342268
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)	\$10,000	31-Dec-2013	1-Sep-2015	1.67	\$56	\$1,112	\$1,168
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
 Estimated cost to conduct an evaluation of the wastewater treatment system to determine the cause of noncompliance and complete corrective actions. Date required is the initial month of noncompliance. Final date is the expected date of compliance.

Avoided Costs

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

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 \$10,000

TOTAL \$1,168

Screening Date 20-Oct-2014

Docket No. 2014-1602-MWD-E

PCW

Respondent Nerro Supply, LLC

Policy Revision 4 (April 2014)

Case ID No. 49547

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102342268

Media [Statute] Water Quality

Enf. Coordinator Jennifer Graves

Violation Number 2

Rule Cite(s)

Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0013643001 Effluent Limitations and Monitoring Requirements No. 1

Violation Description

Failed to comply with permitted effluent limitations during the months of February 2014 and March 2014, as documented during an investigation conducted on August 12, 2014.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		x	
Potential			

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 2

59 Number of violation days

mark only one with an x

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$7,500

Two monthly events are recommended for the months of February 2014 and March 2014.

Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

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

Violation Subtotal \$7,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$9,516

This violation Final Assessed Penalty (adjusted for limits) \$9,516

Economic Benefit Worksheet

Respondent Nerro Supply, LLC
Case ID No. 49547
Reg. Ent. Reference No. RN102342268
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

See Economic Benefit for Violation No. 1

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 \$0

TOTAL \$0

Screening Date 20-Oct-2014

Docket No. 2014-1602-MWD-E

PCW

Respondent Nerro Supply, LLC

Policy Revision 4 (April 2014)

Case ID No. 49547

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102342268

Media [Statute] Water Quality

Enf. Coordinator Jennifer Graves

Violation Number 3

Rule Cite(s)

Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0013643001 Effluent Limitations and Monitoring Requirements No. 1

Violation Description

Failed to comply with permitted effluent limitations during the months of January 2014 and April 2014, as documented during an investigation conducted on August 12, 2014.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual	x		
Potential			

Percent 30.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to significant amounts of pollutants which exceed levels that are protective of human health or environmental receptors.

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 2

89 Number of violation days

mark only one with an x

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$15,000

Two monthly events are recommended for the months of January 2014 and April 2014.

Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

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

Violation Subtotal \$15,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$19,032

This violation Final Assessed Penalty (adjusted for limits) \$19,032

Economic Benefit Worksheet

Respondent Nerro Supply, LLC
Case ID No. 49547
Reg. Ent. Reference No. RN102342268
Media Water Quality
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

See Economic Benefit for Violation No. 1

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 \$0

TOTAL \$0

Screening Date 20-Oct-2014

Docket No. 2014-1602-MWD-E

PCW

Respondent Nerro Supply, LLC

Policy Revision 4 (April 2014)

Case ID No. 49547

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102342268

Media [Statute] Water Quality

Enf. Coordinator Jennifer Graves

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. WQ0013643001 Monitoring and Reporting Requirements No. 7.c

Violation Description

Failed to report any effluent violation which deviates from the permitted limitation by more than 40% in writing to the Houston Regional Office and the Enforcement Division within five working days of becoming aware of the non-compliance, as documented during an investigation conducted on August 12, 2014.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 5.0%

Matrix Notes

100% of the permit requirement was not met.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 16

327 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$20,000

Sixteen single events are recommended, one for each report.

Good Faith Efforts to Comply

10.0%

Reduction \$2,000

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		x
N/A		(mark with x)

Notes

The Respondent achieved compliance by November 4, 2014.

Violation Subtotal \$18,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$47

Violation Final Penalty Total \$23,884

This violation Final Assessed Penalty (adjusted for limits) \$23,884

Economic Benefit Worksheet

Respondent Nerro Supply, LLC
Case ID No. 49547
Reg. Ent. Reference No. RN102342268
Media Water Quality
Violation No. 4

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)	\$400	12-Aug-2013	25-Sep-2014	1.12	\$1	\$30	\$31
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	\$250	7-Aug-2013	4-Nov-2014	1.24	\$16	n/a	\$16
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

Estimated cost to submit the non-compliance notifications for the effluent violations which deviate from the permitted effluent limitations by 40% or greater (\$25 x 16 notifications). Date required is the date the first non-compliance notification was due. Final date is the date the non-compliance notification was submitted. Estimated cost to update the Facility's operational guidance and conduct employee training to ensure that all self-reporting requirements are properly accomplished, including the timely submittal of effluent violation reports which deviate from the permitted effluent limitations by 40% or greater. Date required is the first date of the non-compliance. Final date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$650

TOTAL \$47

Screening Date 20-Oct-2014

Docket No. 2014-1602-MWD-E

PCW

Respondent Nerro Supply, LLC

Policy Revision 4 (April 2014)

Case ID No. 49547

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102342268

Media [Statute] Water Quality

Enf. Coordinator Jennifer Graves

Violation Number 5

Rule Cite(s)

30 Tex. Admin. Code § 305.125(1) and 305.125(5), and TPDES Permit No. WQ0013643001, Operational Requirements No. 1

Violation Description

Failed to ensure that the Facility and all its systems of collection, treatment, and disposal are properly operated and maintained, as documented during an investigation conducted on August 12, 2014. Specifically, only one functional blower was present in the aeration basin.

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 that 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 3

69 Number of violation days

mark only one with an x

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$11,125

Three monthly events are recommended from the investigation date (August 12, 2014) to the date of compliance (October 16, 2014).

Good Faith Efforts to Comply

10.0%

Reduction \$1,125

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		x
N/A		(mark with x)

Notes

The Respondent achieved compliance by October 16, 2014.

Violation Subtotal \$10,125

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$61

Violation Final Penalty Total \$13,435

This violation Final Assessed Penalty (adjusted for limits) \$13,435

Economic Benefit Worksheet

Respondent Nerro Supply, LLC
Case ID No. 49547
Reg. Ent. Reference No. RN102342268
Media Water Quality
Violation No. 5

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)	\$4,930	12-Aug-2014	16-Oct-2014	0.18	\$3	\$59	\$61
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: Estimated cost to replace a bearing in the motor, install a new blower with a new element, and tie into the existing header. Date required is the investigation date. Final date is the date of compliance.

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

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

Notes for AVOIDED costs:

Approx. Cost of Compliance	\$4,930	TOTAL	\$61
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The TCEQ is committed to accessibility.

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



Compliance History Report

PUBLISHED Compliance History Report for CN603827353, RN102342268, Rating Year 2014 which includes Compliance History (CH) components from September 1, 2009, through August 31, 2014.

Customer, Respondent, or Owner/Operator: CN603827353, Nerro Supply, LLC **Classification:** SATISFACTORY **Rating:** 2.39
Regulated Entity: RN102342268, Bayridge Sewer Treatment Plant **Classification:** SATISFACTORY **Rating:** 4.23
Complexity Points: 5 **Repeat Violator:** NO
CH Group: 08 - Sewage Treatment Facilities
Location: Approx. 1.5 m SE of the INTX of FM RDS 2354 and 1405, on the S side of FM RD 2354 in Baytown, Chambers Co, TX
TCEQ Region: REGION 12 - HOUSTON
ID Number(s): WASTEWATER PERMIT WQ0013643001
WASTEWATER EPA ID TX0042081

Compliance History Period: September 01, 2009 to August 31, 2014 **Rating Year:** 2014 **Rating Date:** 09/01/2014

Date Compliance History Report Prepared: January 26, 2015

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: January 26, 2010 to January 26, 2015

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

Name: Jennifer Graves

Phone: (956) 430-6023

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? YES
- 3) If YES for #2, who is the current owner/operator? Nerro Supply, LLC OWNER since 9/7/2011
Gulf Utility Service, Inc. OWNER OPERATOR since 4/11/2003
- 4) If YES for #2, who was/were the prior owner(s)/operator(s)? T & I Taylor, Inc., OWNER OPERATOR, 7/1/2008 to 9/6/2011
- 5) If YES, when did the change(s) in owner or operator occur? 9/7/2011

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

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

1 Effective Date: 04/25/2010 ADMINORDER 2009-1118-MWD-E (1660 Order-Agreed Order With Denial)

Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(9)
Rqmt Prov: MRR, No. 7a, p. 5 PERMIT
Description: Failure to submit noncompliance notifications for unauthorized discharges as required.
Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(4)
TWC Chapter 26- 26.121
Rqmt Prov: TPDES Permit No. 13643001 PERMIT
Description: Failure to prevent unauthorized discharges from the collection system.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	February 19, 2010	(808753)	Item 17	June 20, 2011	(945917)	Item 33	October 19, 2012	(1063366)
Item 2	March 23, 2010	(832369)	Item 18	July 19, 2011	(953174)	Item 34	November 20, 2012	(1063367)
Item 3	April 20, 2010	(832370)	Item 19	August 30, 2011	(959815)	Item 35	December 19, 2012	(1063368)
Item 4	May 20, 2010	(832371)	Item 20	September 01, 2011	(951147)	Item 36	January 18, 2013	(1080101)
Item 5	June 20, 2010	(846727)	Item 21	September 20, 2011	(965856)	Item 37	February 19, 2013	(1080100)
Item 6	July 20, 2010	(861255)	Item 22	October 19, 2011	(971898)	Item 38	March 20, 2013	(1089843)
Item 7	September 01, 2010	(867400)	Item 23	November 19, 2011	(978065)	Item 39	April 19, 2013	(1096236)
Item 8	September 17, 2010	(874426)	Item 24	December 15, 2011	(984834)	Item 40	May 20, 2013	(1107183)
Item 9	October 19, 2010	(882006)	Item 25	January 17, 2012	(991124)	Item 41	June 20, 2013	(1110829)
Item 10	November 19, 2010	(888484)	Item 26	February 17, 2012	(998487)	Item 42	August 30, 2013	(1125506)
Item 11	December 20, 2010	(896809)	Item 27	March 19, 2012	(1004022)	Item 43	September 20, 2013	(1130074)
Item 12	January 19, 2011	(902776)	Item 28	May 18, 2012	(1016962)	Item 44	October 16, 2013	(1135823)
Item 13	February 21, 2011	(909611)	Item 29	June 19, 2012	(1024720)	Item 45	November 18, 2013	(1141217)
Item 14	March 18, 2011	(916835)	Item 30	July 20, 2012	(1032081)	Item 46	December 20, 2013	(1147682)
Item 15	April 20, 2011	(926470)	Item 31	August 31, 2012	(1038508)	Item 47	December 17, 2014	(1224784)
Item 16	May 18, 2011	(938547)	Item 32	September 20, 2012	(1047324)	Item 48	January 16, 2015	(1231504)

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: 01/31/2014 (1161067) CN603827353**
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 2 Date: 02/28/2014 (1167723) CN603827353**
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
- 3 Date: 03/31/2014 (1174847) CN603827353**
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: 04/30/2014 (1181046) CN603827353**
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: 05/31/2014 (1187951) CN603827353**
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
- 6 Date: 06/30/2014 (1193934) CN603827353**
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
- 7 Date: 07/31/2014 (1199428) CN603827353**
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
- 8 Date: 08/31/2014 (1206339) CN603827353**
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
- 9 Date: 09/30/2014 (1212747) CN603827353**
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
- 10 Date: 10/31/2014 (1219002) CN603827353**
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
NERRO SUPPLY, LLC;
RN102342268**

§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER

DOCKET NO. 2014-1602-MWD-E

On _____, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Nerro Supply, LLC ("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, represented by Gregory M. Klipp of The Jones Law Firm, 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, to request an evidentiary hearing, receive notice of an evidentiary hearing, and a right to appeal. By entering into this Order, Respondent agrees to waive all notice and procedural rights which might otherwise be authorized or required in this action.

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 wastewater treatment plant located approximately 1.5 miles southeast of the intersection of Farm-to-Market Roads 2354 and 1405, on the south side of Farm-to-Market Road 2354 in Baytown, Chambers County, Texas (the "Facility"). The Facility is near or adjacent to water in the state as defined in TEX. WATER CODE § 26.001(5).
2. During an investigation conducted on August 12, 2014, an investigator documented that Respondent:
 - a. Failed to comply with permitted effluent limitations. Specifically, self-reported monthly discharge monitoring reports ("DMRs") and grab samples documented the following exceedances:

EFFLUENT VIOLATION TABLE							
Months	BOD ₅ Daily Avg. Conc.	BOD ₅ Single Grab	Enterococci Daily Avg.	Enterococci Single Grab	TSS Daily Avg. Conc.	TSS Single Grab*	Chlorine Residual*
	Limit = 10 mg/L	Limit = 35 mg/L	Limit = 35 CFU/100 mL	Limit = 104 CFU/100 mL	Limit = 15 mg/L	Limit = 60 mg/L	Limit = 4 mg/L
December 2013	c	c	c	108	c	N/A	N/A
January 2014	c	c	50.2	2,419.6	c	N/A	N/A
February 2014	c	c	142.8	755.6	c	N/A	N/A
March 2014	c	c	166.9	547.5	c	N/A	N/A
April 2014	17.1	49.8	58.3	2,419.6	27	N/A	N/A
May 2014	c	c	c	106.7	16.6	N/A	N/A
June 2014	c	c	55.5	231	c	N/A	N/A
July 2014	c	c	c	198.9	c	N/A	N/A
*August 12, 2014	c	c	c	c	c	62	5.13

* = grab samples taken at time of the investigation
Conc. = Concentration
BOD₅ = five-day biochemical oxygen demand
mg/L = milligrams per liter
TSS = total suspended solids
c = compliant
Avg. = Average
N/A = not applicable
CFU/100 mL = colony forming units per 100 milliliters

- b. Failed to report any effluent violation which deviates from the permitted limitation by more than 40% in writing to the Houston Regional office and the Enforcement Division within five working days of becoming aware of the non-compliance. Specifically, the following exceedances were not timely reported:

EFFLUENT EXCEEDANCES BY MORE THAN 40% NOT REPORTED				
Parameter	Date of Exceedance	Authorized Limit	Measured Level	% Exceedance
Enterococci Daily Max.	August 7, 2013	104 CFU/100 mL	272 CFU/100 mL	161
Enterococci Daily Max.	January 31, 2014	104 CFU/100 mL	2,419.6 CFU/100 mL	2,227
Enterococci Daily Avg.	January 2014	35 CFU/100 mL	50.2 CFU/100 mL	43
Enterococci Daily Max.	February 12, 2014	104 CFU/100 mL	160.2 CFU/100 mL	53
Enterococci Daily Max.	February 19, 2014	104 CFU/100 mL	755.6 CFU/100 mL	627
Enterococci Daily Avg.	February 2014	35 CFU/100 mL	142.8 CFU/100 mL	308
Enterococci Daily Max.	March 19, 2014	104 CFU/100 mL	547.5 CFU/100 mL	426

Enterococci Daily Max.	March 26, 2014	104 CFU/100 mL	147 CFU/100 mL	41
Enterococci Daily Avg.	March 2014	35 CFU/100 mL	166.9 CFU/100 mL	377
Enterococci Daily Max.	April 25, 2014	104 CFU/100 mL	2,419.6 CFU/100 mL	2,227
Enterococci Daily Avg.	April 2014	35 CFU/100 mL	58.3 CFU/100 mL	67
BOD ₅ Daily Max. Conc.	April 25, 2014	35 mg/L	49.8 mg/L	42
BOD ₅ Daily Avg. Conc.	April 2014	10 mg/L	17.1 mg/L	71
TSS Daily Avg. Conc.	April 2014	15 mg/L	27 mg/L	80
Enterococci Daily Max.	June 25, 2014	104 CFU/100 mL	231 CFU/100 mL	122
Enterococci Daily Avg.	June 2014	35 CFU/100 mL	55.5 CFU/100 mL	59
Max. = Maximum				
% = Percent				

- c. Failed to ensure that the Facility and all its systems of collection, treatment and disposal are properly operated and maintained. Specifically, only one functional blower was present in the aeration basin.
3. The Executive Director recognizes that Respondent implemented the following corrective measures at the Facility:
 - a. Submitted the non-compliance notifications for the effluent violations which deviated from the permitted limitation by 40% or greater, by September 25, 2014; and
 - b. Replaced a bearing in the motor, installed a new blower with a new element, and tied the blower into the existing header, on October 16, 2014.

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.a., Respondent failed to comply with permitted effluent limitations, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0013643001 Effluent Limitations and Monitoring Requirements Nos. 1 and 2.
3. As evidenced by Finding of Fact No. 2.b., Respondent failed to report any effluent violation which deviates from the permitted limitation by more than 40% in writing to the Houston Regional office and the Enforcement Division within five working days of becoming aware of the non-compliance, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0013643001 Monitoring Requirements No. 7.c.
4. As evidenced by Finding of Fact No. 2.c., Respondent failed to ensure that the Facility and all its systems of collection, treatment and disposal are properly operated and maintained, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. WQ0013643001 Operational Requirements No. 1.
5. Pursuant to TEX. WATER CODE § 7.051, TCEQ has the authority to assess an administrative penalty against Respondent for violations of state statutes within

TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.

6. An administrative penalty in the amount of seventy thousand six hundred twenty-five dollars (\$70,625.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. Respondent paid three thousand seventy-five dollars (\$3,075.00) of the penalty. The remaining amount of sixty-seven thousand five hundred fifty dollars (\$67,550.00) shall be paid in thirty-five (35) monthly payments of one thousand nine hundred thirty dollars (\$1,930.00) 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. In addition, 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.

ORDERING PROVISIONS

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

1. Respondent is assessed an administrative penalty as set forth in Conclusion of Law No. 6 for violations of state statutes and rules of the TCEQ. The payment of this penalty and Respondent's compliance with all requirements set forth in this Order resolve only the matters set forth by this Order in this action. 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: Nerro Supply, LLC, Docket No. 2014-1602-MWD-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 90 days after the effective date of this Order, submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0013643001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported DMRs, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall be accompanied by detailed supporting documentation, including photographs, receipts, and/or other records, shall be signed by Respondent, 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.”

The written certification and supporting documentation necessary to demonstrate compliance with these Ordering Provisions shall be sent to: Order Compliance Team

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

and:

Water Section Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Street, Suite H
Houston, Texas 77023-1452

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 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.
8. 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.

9. 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.
10. 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.
11. 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 it is signed by the Commission or the Executive Director. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission
For the Commission

Date


For the Executive Director

~~9-2-15~~ October 16, 2015
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.



9-2-15
Date

Signature - ~~Charlie Gasper~~, Manager
Nerro Supply, LLC
P.O. Box ~~1629~~ 691008
Spring, Texas ~~77383~~ HOUSTON 77269
Charles Peterson

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

P.O. Box 691008 HOUSTON, TX 77269