

Executive Summary – Enforcement Matter – Case No. 50355
Atlantic Coffee Industrial Solutions, LLC
RN100214931
Docket No. 2015-0542-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Maximus Coffee Group, 3900 Harrisburg Boulevard, Houston, Harris County

Type of Operation:

Coffee and rice processing plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: August 7, 2015

Comments Received: No

Penalty Information

Total Penalty Assessed: \$23,900

Amount Deferred for Expedited Settlement: \$4,780

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$19,120

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project ("SEP") Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014

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RN100214931
Docket No. 2015-0542-AIR-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: March 3, 2015 through March 10, 2015

Date(s) of NOE(s): April 2, 2015

Violation Information

1. Failed to maintain compliance with the maximum allowable emission rates ("MAER") for Boiler 6, Emission Point Number ("EPN") 404. Specifically, the Respondent exceeded the EPN 404 carbon monoxide ("CO") MAER of 7.21 pounds per hour ("lbs/hr") and the nitrogen oxides ("NOx") MAER of 45.44 lbs/hr by an average of 3.98 lbs/hr for 66 hours and by an average of 2.62 lbs/hr for 141 hours, respectively, from February 1, 2014 through January 31, 2015, resulting in the unauthorized release of approximately 262.68 pounds of CO and 369.42 pounds of NOx [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F), 116.115(c), and 122.143(4), New Source Review Permit No. 56398, Special Conditions No. 1, Federal Operating Permit ("FOP") No. O1018, Special Terms and Conditions ("STC") No. 7, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

2. Failed to include all the required information in the summary report of the Excessive Emissions and Monitoring System Performance. Specifically, the Respondent submitted summary reports for the Boiler 6 Continuous Emissions Monitoring System ("CEMS") dated April 30, July 30, and October 30, 2014 and January 28, 2015 that did not contain the required monitor manufacturer and model number and date of the latest certification or audit for the CEMS [30 TEX. ADMIN. CODE §§ 101.20(1) and 122.143(4), 40 CODE OF FEDERAL REGULATIONS § 60.7(d), FOP No. O1018, STC No. 4A, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

On April 7, 2015, the Respondent submitted revised summary reports of the Excessive Emissions and Monitoring System Performance that included all the required information.

Technical Requirements:

The Order will require the Respondent to:

- a. Within 30 days, implement measures and/or procedures to ensure compliance with permitted MAERs for CO and NOx, or submit an administratively complete permit amendment application for New Source Review Permit No. 56398;

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- b. If a permit amendment application is submitted, then respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit amendment application within 30 days after the date of such requests, or by any other deadline specified in writing;
- c. Within 45 days, submit written certification demonstrating compliance with a.; and
- d. If a permit amendment application is submitted, then within 180 days, submit written certification that a permit amendment has been obtained or that operation has ceased until such time that an appropriate authorization is obtained.

Litigation Information

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

Contact Information

TCEQ Attorney: N/A
TCEQ Enforcement Coordinator: Jennifer Nguyen, Enforcement Division, Enforcement Team 5, MC 149, (512) 239-6160; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456
TCEQ SEP Coordinator: N/A
Respondent: R. Daniel Hickman, Senior Technical Services Manager, Atlantic Coffee Industrial Solutions, LLC, 3900 Harrisburg Boulevard, Houston, Texas 77003
David Martinez, Chief Executive Officer, Atlantic Coffee Industrial Solutions, LLC, 3900 Harrisburg Boulevard, Houston, Texas 77003
Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

DATES	Assigned	6-Apr-2015	Screening	8-Apr-2015	EPA Due	
	PCW	4-May-2015				

RESPONDENT/FACILITY INFORMATION

Respondent	Atlantic Coffee Industrial Solutions, LLC		
Reg. Ent. Ref. No.	RN100214931		
Facility/Site Region	12-Houston	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	50355	No. of Violations	2
Docket No.	2015-0542-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Jennifer Nguyen
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History Enhancement **Subtotals 2, 3, & 7**

Notes

Culpability Enhancement **Subtotal 4**

Notes

Good Faith Effort to Comply Total Adjustments **Subtotal 5**

Economic Benefit Enhancement* **Subtotal 6**

Total EB Amounts	\$593	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$6,000	

SUM OF SUBTOTALS 1-7 **Final Subtotal**

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL Reduction **Adjustment**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

PAYABLE PENALTY

Screening Date 8-Apr-2015

Docket No. 2015-0542-AIR-E

PCW

Respondent Atlantic Coffee Industrial Solutions, LLC

Policy Revision 4 (April 2014)

Case ID No. 50355

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100214931

Media [Statute] Air

Enf. Coordinator Jennifer Nguyen

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>)	2	10%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	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) 50%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for one NOV with same or similar violations, one NOV with dissimilar violations, and two orders with denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 50%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 50%

Screening Date 8-Apr-2015 **Docket No.** 2015-0542-AIR-E **PCW**
Respondent Atlantic Coffee Industrial Solutions, LLC *Policy Revision 4 (April 2014)*
Case ID No. 50355 *PCW Revision March 26, 2014*
Reg. Ent. Reference No. RN100214931
Media [Statute] Air
Enf. Coordinator Jennifer Nguyen

Violation Number 1
Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(b)(2)(F), 116.115(c), and 122.143(4), New Source Review Permit No. 56398, Special Conditions No. 1, Federal Operating Permit ("FOP") No. O1018, Special Terms and Conditions ("STC") No. 7, and Tex. Health & Safety Code § 382.085(b)
Violation Description Failed to maintain compliance with the maximum allowable emission rates ("MAER") for Boiler 6, Emission Point Number ("EPN") 404. Specifically, the Respondent exceeded the EPN 404 carbon monoxide ("CO") MAER of 7.21 pounds per hour ("lbs/hr") and the nitrogen oxides ("NOx") MAER of 45.44 lbs/hr by an average of 3.98 lbs/hr for 66 hours and by an average of 2.62 lbs/hr for 141 hours, respectively, from February 1, 2014 through January 31, 2015, resulting in the unauthorized release of approximately 262.68 pounds of CO and 369.42 pounds of NOx.
Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual			X	15.0%
	Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes Human health or the environment has been exposed to insignificant amounts of pollutants that do not 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: 4 364 Number of violation days
 mark only one with an x

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$15,000

Four quarterly events are recommended for the period of non-compliance that occurred from February 1, 2014 through January 31, 2015.

Good Faith Efforts to Comply 0.0% Reduction \$0

Before NOE/NOV NOE/NOV to EDRP/Settlement Offer
 Extraordinary
 Ordinary
 N/A (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 \$546 **Violation Final Penalty Total** \$22,500
This violation Final Assessed Penalty (adjusted for limits) \$22,500

Economic Benefit Worksheet

Respondent Atlantic Coffee Industrial Solutions, LLC
Case ID No. 50355
Reg. Ent. Reference No. RN100214931
Media Air
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
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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	\$5,000	1-Feb-2014	8-Apr-2016	2.18	\$546	n/a	\$546
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to implement measures and/or procedures to ensure compliance with permitted MAERs for CO and NOx or obtain a permit amendment. The Date Required is the initial date of non-compliance. 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

\$5,000

TOTAL

\$546

Screening Date 8-Apr-2015

Docket No. 2015-0542-AIR-E

PCW

Respondent Atlantic Coffee Industrial Solutions, LLC

Policy Revision 4 (April 2014)

Case ID No. 50355

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100214931

Media [Statute] Air

Enf. Coordinator Jennifer Nguyen

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(1) and 122.143(4), 40 Code of Federal Regulations § 60.7(d), FOP No. O1018, STC No. 4A, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to include all the required information in the summary report of the Excessive Emissions and Monitoring System Performance. Specifically, the Respondent submitted summary reports for the Boiler 6 Continuous Emissions Monitoring System ("CEMS") dated April 30, July 30, and October 30, 2014 and January 28, 2015 that did not contain the required monitor manufacturer and model number and date of the latest certification or audit for the CEMS.

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 1.0%

Matrix Notes

The Respondent failed to meet less than 30% of the rule requirement.

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 4

455 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$1,000

Four single events are recommended for the four incomplete summary reports.

Good Faith Efforts to Comply

10.0%

Reduction \$100

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

Extraordinary	
Ordinary	x
N/A	(mark with x)

Notes

The Respondent completed corrective actions on April 7, 2015, after the April 2, 2015 Notice Of Enforcement.

Violation Subtotal \$900

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$47

Violation Final Penalty Total \$1,400

This violation Final Assessed Penalty (adjusted for limits) \$1,400

Economic Benefit Worksheet

Respondent Atlantic Coffee Industrial Solutions, LLC

Case ID No. 50355

Reg. Ent. Reference No. RN100214931

Media Air

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
<small>No commas or \$</small>							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	N/A	\$0
Record Keeping System				0.00	\$0	N/A	\$0
Training/Sampling				0.00	\$0	N/A	\$0
Remediation/Disposal				0.00	\$0	N/A	\$0
Permit Costs				0.00	\$0	N/A	\$0
Other (as needed)	\$1,000	1-May-2014	7-Apr-2015	0.93	\$47	N/A	\$47

Notes for DELAYED costs

Estimated cost to submit revised summary reports of the Excessive Emissions and Monitoring System Performance that included all the required information. The Date Required was the date that the first summary report of Excessive Emissions and Monitoring System Performance was due. The Final Date is the date that corrective actions were completed.

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

\$1,000

TOTAL

\$47

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.



TCEQ Compliance History Report

PUBLISHED Compliance History Report for CN604261453, RN100214931, Rating Year 2014 which includes Compliance History (CH) components from September 1, 2009, through August 31, 2014.

Customer, Respondent, or Owner/Operator: CN604261453, Atlantic Coffee Industrial Solutions, LLC **Classification:** SATISFACTORY **Rating:** 8.10

Regulated Entity: RN100214931, MAXIMUS COFFEE GROUP **Classification:** SATISFACTORY **Rating:** 8.10

Complexity Points: 14 **Repeat Violator:** NO

CH Group: 14 - Other

Location: 3900 HARRISBURG BLVD HOUSTON, TX 77003-2638, HARRIS COUNTY

TCEQ Region: REGION 12 - HOUSTON

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER HG0473P
POLLUTION PREVENTION PLANNING ID NUMBER P03226
INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 32011
AIR NEW SOURCE PERMITS REGISTRATION 37950
AIR NEW SOURCE PERMITS REGISTRATION 46557
AIR NEW SOURCE PERMITS REGISTRATION 46558
AIR NEW SOURCE PERMITS REGISTRATION 47197
AIR NEW SOURCE PERMITS AFS NUM 4820100106
AIR NEW SOURCE PERMITS REGISTRATION 70058
AIR NEW SOURCE PERMITS REGISTRATION 111439
AIR NEW SOURCE PERMITS REGISTRATION 111441
AIR EMISSIONS INVENTORY ACCOUNT NUMBER HG0473P

AIR OPERATING PERMITS PERMIT 1018
INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD057185654
AIR NEW SOURCE PERMITS REGISTRATION 12356

AIR NEW SOURCE PERMITS REGISTRATION 45721
AIR NEW SOURCE PERMITS REGISTRATION 46556
AIR NEW SOURCE PERMITS REGISTRATION 46897
AIR NEW SOURCE PERMITS ACCOUNT NUMBER HG0473P
AIR NEW SOURCE PERMITS PERMIT 56398
AIR NEW SOURCE PERMITS REGISTRATION 54368
AIR NEW SOURCE PERMITS REGISTRATION 111604
STORMWATER PERMIT TXR05BS71

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

Date Compliance History Report Prepared: April 06, 2015

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: April 06, 2010 to April 06, 2015

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

Name: Jennifer Nguyen

Phone: (512) 239-6160

Site and Owner/Operator History:

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

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

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

- 1 Effective Date: 11/15/2010 ADMINORDER 2010-0457-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

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

Rqmt Prov:Special Condition 1 ORDER
Special Term and Condition 5 OP

Description: Failure to maintain PM emissions below the permitted limits for EPN 104A. (Category A8(c)(2)(A)(ii) violation - HPV)

Classification: Moderate

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

Rqmt Prov:Special Condition 1 PERMIT
Special Term and Condition 5 OP

Description: Failure to maintain emissions for PM and SO2 below the permitted limits for EPN 404. (Category A8(c)(2)(A)(ii) violation - HPV)

Classification: Minor

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

Rqmt Prov:General Terms and Conditions OP

Description: Failure to report exceedance of emission limits for PM and SO2 as a deviation. (Category B3 violation - repeat violation)

2 Effective Date: 09/30/2013 ADMINORDER 2012-1316-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

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

Rqmt Prov:Special Condition 1 PA
Special Term and Condition 5 OP

Description: Failed to maintain compliance with the maximum allowable emission rates ("MAER") for Emission Point Numbers ("EPNs") 103, 107, 108, 259, and 262.

Classification: Minor

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

Rqmt Prov:General Terms and Conditions OP

Description: Failed to report all instances of deviations within 30 days after the end of the reporting period.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1 January 03, 2011 (886792)

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

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

1 Date: 08/12/2014 (1172260) CN604261453
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
FOP General Terms and Conditions OP
Description: Failure to report all instances of deviations. (Category C3)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP ST&C 2F OP
Description: Failure to create a final record of a non-reportable emissions event no later than

two weeks after the end of the event. (Category C3)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP ST&C 2F OP

Description: Failure to include the required information in final non-reportable emission event records. (Category C3)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP ST&C 7 OP
NSR SC 1 PERMIT

Description: Failure to comply with the nitrogen oxides and carbon monoxide lb./hr. emission limits for Boiler 6 (EPN 404). (Category B13)

2 Date: 10/24/2014 (1193017) CN604261453

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.345(d)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
ST&C 1A OP

Description: Failure to submit semi-annual monitoring reports for BOILER6 (EPN: 404)
Category B3

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	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	
ATLANTIC COFFEE INDUSTRIAL	§	TEXAS COMMISSION ON
SOLUTIONS, LLC	§	
RN100214931	§	ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2015-0542-AIR-E

I. JURISDICTION AND STIPULATIONS

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

1. The Respondent owns and operates a coffee and rice processing plant located at 3900 Harrisburg Boulevard in Houston, Harris County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about April 7, 2015.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Twenty-Three Thousand Nine Hundred Dollars (\$23,900) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Nineteen Thousand One

Hundred Twenty Dollars (\$19,120) of the administrative penalty and Four Thousand Seven Hundred Eighty Dollars (\$4,780) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director recognizes that on April 7, 2015, the Respondent submitted revised summary reports of the Excessive Emissions and Monitoring System Performance that included all the required information.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

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

1. Failed to maintain compliance with the maximum allowable emission rates ("MAER") for Boiler 6, Emission Point Number ("EPN") 404, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F), 116.115(c), and 122.143(4), New Source Review Permit No. 56398, Special Conditions No. 1, Federal Operating Permit ("FOP") No. O1018, Special Terms and Conditions ("STC") No. 7, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted from March 3, 2015 through March 10, 2015. Specifically, the Respondent exceeded the EPN 404 carbon monoxide ("CO") MAER of 7.21 pounds per hour ("lbs/hr") and the nitrogen oxides ("NOx") MAER of 45.44 lbs/hr by an average of 3.98 lbs/hr for 66 hours and by an average of 2.62 lbs/hr for 141 hours, respectively, from February 1, 2014 through January 31, 2015, resulting in the unauthorized release of approximately 262.68 pounds of CO and 369.42 pounds of NOx.

2. Failed to include all the required information in the summary report of the Excessive Emissions and Monitoring System Performance, in violation of 30 TEX. ADMIN. CODE §§ 101.20(1) and 122.143(4), 40 CODE OF FEDERAL REGULATIONS § 60.7(d), FOP No. O1018, STC No. 4A, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted from March 3, 2015 through March 10, 2015. Specifically, the Respondent submitted summary reports for the Boiler 6 Continuous Emissions Monitoring System ("CEMS") dated April 30, July 30, and October 30, 2014 and January 28, 2015 that did not contain the required monitor manufacturer and model number and date of the latest certification or audit for the CEMS.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Atlantic Coffee Industrial Solutions, LLC, Docket No. 2015-0542-AIR-E" to:

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

2. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, implement measures and/or procedures to ensure compliance with permitted MAERs for CO and NOx, or submit an administratively complete permit amendment application for New Source Review Permit No. 56398, in accordance with 30 TEX. ADMIN. CODE § 116.111, to:

Air Permits Division, MC 163
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

- b. If a permit amendment application is submitted, then respond completely and adequately, as determined by the TCEQ, to all requests for information

concerning the permit amendment application within 30 days after the date of such requests, or by any other deadline specified in writing;

- c. Within 45 days after the effective date of this Agreed Order submit written certification as described in Ordering Provision No. 2. d. below demonstrating compliance with Ordering Provision No. 2.a.; and
- d. If a permit amendment application is submitted, then within 180 days after the effective date of this Agreed Order, submit written certification that a permit amendment has been obtained or that operation has ceased until such time that an appropriate authorization is obtained. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

Air Section Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas 77023-1486

- 3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
- 4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
8. The effective date of this Order is the date it is signed by the Commission. 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

Date

Ronn Mawie J
For the Executive Director

10/30/15
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

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

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

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

David Martinez
Signature

10-7-15
Date

DAVID MARTINEZ
Name (Printed or typed)
Authorized Representative of
Atlantic Coffee Industrial Solutions, LLC

C.E.O.
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section IV, Paragraph 1 of this Agreed Order.