

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE No. 48950
LULING O&G LLC and Delton Bishop
RN107228421
Docket No. 2014-1030-MLM-E

Order Type:

Agreed Order

Media:

MLM: IHW, WQ, and PST

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

1237 Hoover Street, Luling, Caldwell County

Type of Operation:

oilfield services company

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: January 29, 2016

Comments Received: None

Penalty Information

Total Penalty Assessed: \$22,500

Total Paid to General Revenue: \$1,500

Total Due to General Revenue: \$21,00

Payment Plan: 35 payments of \$600 each

Compliance History Classifications:

Person/CN – N/A (Both Respondents)

Site/RN – N/A

Major Source: No

Statutory Limit Adjustment: None

Applicable Penalty Policy: April 2014

Investigation Information

Complaint Date(s): March 24, 2014; October 30, 2014
Complaint Information: Alleged company was disposing of hazardous waste in a pit and dumping paint chemicals onto the ground at the Site.

Date(s) of Investigation: April 18, 2014

Date(s) of NOV(s): N/A

Date(s) of NOE(s): June 16, 2014

Violation Information

1. Failed to prevent the disposal of industrial hazardous waste at an unauthorized facility (hazardous solvents and paint waste were disposed of and buried in multiple locations) [30 TEX. ADMIN. CODE § 335.2(a) and (b)].
2. Failed to immediately abate and contain a spill or discharge and failed to begin reasonable response actions (spent solvents and paint waste had discharged from drums in accumulation areas) [30 TEX. ADMIN. CODE § 327.5(a)].
3. Failed to maintain records of waste generation and accumulation activities [30 TEX. ADMIN. CODE § 335.9(a)(1)].
4. Failed to conduct hazardous waste determinations and waste classifications for all solid waste streams [40 C.F.R. § 262.11 and 30 TEX. ADMIN. CODE §§ 335.62, 335.503, 335.504 and 335.511].
5. Failed to obtain authorization to discharge storm water associated with industrial activities under Texas Pollutant Discharge Elimination System (“TPDES”) Multi-Sector General Permit (“MSGP”) No. TXR050000 [40 C.F.R. § 122.26(c) and 30 TEX. ADMIN. CODE § 281.25(a)(4)].
6. Failed to contain and immediately clean up a spill or overflow of a petroleum substance from an aboveground storage tank (“AST”) [30 TEX. ADMIN. CODE § 334.75(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

Submitted a Notice of Intent to obtain authorization to discharge storm water associated with industrial activities under TPDES MSGP No. TXR050000 on March 18, 2015 (Violation No. 5).

Technical Requirements:

1. Immediately:
 - a. Cease disposing any additional solid waste, including industrial hazardous waste, at the Site (Violation No. 1); and
 - b. Begin maintaining records of waste generation and accumulation activities (Violation No. 3).
2. Within 30 days:
 - a. Conduct waste determinations and classifications for all wastes generated at the Site (Violation No. 4); and
 - b. Contain and cleanup all spills from the AST (Violation No. 6).
3. Within 60 days:
 - a. Complete response actions for the discharge of spent solvents and paint waste from the drums in the accumulation areas (Violation No. 2); and
 - b. Provide a statement that the discharge or spill response action has been completed and a description of how the response action was conducted for the discharge of spent solvents and paint waste from the drums in the accumulation areas (Violation No. 2).

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE No. 48950
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RN107228421
Docket No. 2014-1030-MLM-E

4. Within 105 days, remove all unauthorized solid waste from the Site, including industrial hazardous waste, and dispose of it at an authorized facility (Violation No. 1).
5. Within 150 days, submit an Affected Property Assessment Report to address all areas where hazardous solvents and paint waste were disposed of at the Site. If response actions are necessary, comply with all applicable requirements of the Texas Risk Reduction Program.
6. Within 165 days, submit written certification to demonstrate compliance.

Litigation Information

Date Petition(s) Filed: May 12, 2015
Date Answer Filed: May 29, 2015 (LULING O&G LLC); June 1, 2015 (Delton Bishop)
SOAH Referral Date: July 3, 2015
Hearing Date(s):
Preliminary hearing: August 20, 2015 (waived)
Evidentiary hearing: January 14-15, 2016 (scheduled)
Settlement Date: December 1, 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: Rebecca Boyett, Enforcement Division, 512-239-2503
TCEQ Regional Contact: David Mann, Austin Regional Office, 512-339-2929
LULING O&G LLC Contact: Ed Evans, Vice President, LULING O&G LLC, 1237 Hoover St., Luling, Texas 78648
LULING O&G LLC's Attorney: Wayne R. Mathis, The Law Offices of Wayne R. Mathis, LLP, 2803 Highway 473, Kendalia, Texas 78027
Delton Bishop Contact: Delton Bishop, P.O. Box 331, Luling, Texas 78648
Delton Bishop's Attorney: Allen Eli Bell, RICHARDS RODRIGUEZ & SKEITH, LLP, 816 Congress, Suite 1200, Austin, Texas 78701

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Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

DATES	Assigned	23-Jun-2014	Screening	26-Jun-2014	EPA Due	
	PCW	9-Oct-2015				

RESPONDENT/FACILITY INFORMATION	
Respondent	Luling O&G LLC and Delton Bishop
Reg. Ent. Ref. No.	RN107228421
Facility/Site Region	11-Austin
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	48950	No. of Violations	6
Docket No.	2014-1030-MLM-E	Order Type	1660
Media Program(s)	Industrial and Hazardous Waste	Government/Non-Profit	No
Multi-Media	Water Quality and PST	Enf. Coordinator	Rebecca Boyett
		EC's Team	Enforcement Team 7
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$22,500
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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	0.0% Enhancement	Subtotals 2, 3, & 7	\$0
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Notes: No adjustment for compliance history.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes: The Respondents do not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$1,495
Estimated Cost of Compliance	\$32,200

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$22,500
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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: (Empty box)

Final Penalty Amount	\$22,500
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$22,500
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DEFERRAL	0.0% Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: Deferral not offered for non-expedited settlement.

PAYABLE PENALTY	\$22,500
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Screening Date 26-Jun-2014

Docket No. 2014-1030-MLM-E

PCW

Respondent Luling O&G LLC and Delton Bishop

Policy Revision 4 (April 2014)

Case ID No. 48950

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN107228421

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Rebecca Boyett

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 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) 0%

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

N/A

Adjustment Percentage (Subtotal 3) 0%

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

N/A

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

No adjustment for compliance history.

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

>> **Final Compliance History Adjustment**

Final Adjustment Percentage *capped at 100% 0%

Screening Date 26-Jun-2014

Docket No. 2014-1030-MLM-E

PCW

Respondent Luling O&G LLC and Delton Bishop

Policy Revision 4 (April 2014)

Case ID No. 48950

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN107228421

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Rebecca Boyett

Violation Number 1

Rule Cite(s)

30 Tex. Admin Code § 335.2(a) and (b)

Violation Description

Failed to prevent the disposal of industrial hazardous waste at an unauthorized facility. Specifically, hazardous solvents and paint waste were disposed of and buried in multiple locations at the Site. Analytical results for soil samples reported detectable 2-Butanone at levels ranging from 860 micrograms per kilogram ("µg/Kg") to 44,600 µg/Kg; 4-Methyl-2-Pentanone at levels ranging from 1,130 µg/Kg to 1,200 µg/Kg; m,p-Xylene at 77.4 µg/Kg; o-Xylene at 270 µg/Kg; and Xylene at 347 µg/Kg.

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 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 \$11,250

Three monthly events are recommended from the April 18, 2014 investigation date to the June 26, 2014 screening date.

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 Respondents do not meet the good faith criteria for this violation.

Violation Subtotal \$11,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,161

Violation Final Penalty Total \$11,250

This violation Final Assessed Penalty (adjusted for limits) \$11,250

Economic Benefit Worksheet

Respondent Luling O&G LLC and Delton Bishop
Case ID No. 48950
Reg. Ent. Reference No. RN107228421
Media Violation No. 1 Industrial and Hazardous Waste

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	\$25,000	18-Apr-2014	23-Mar-2015	0.93	\$1,161	n/a	\$1,161
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to prepare and submit an Affected Property Assessment Report and remediate the Site. The Date Required is the investigation date and the Final Date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$25,000

TOTAL

\$1,161

Screening Date 26-Jun-2014

Docket No. 2014-1030-MLM-E

PCW

Respondent Luling O&G LLC and Delton Bishop

Policy Revision 4 (April 2014)

Case ID No. 48950

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN107228421

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Rebecca Boyett

Violation Number 2

Rule Cite(s)

30 Tex. Admin Code § 327.5(a)

Violation Description

Failed to immediately abate and contain a spill or discharge and failed to begin reasonable response actions. Specifically, spent solvents and paint waste had discharged from drums in accumulation areas.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 5.0%

>> 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 \$23,750

\$1,250

Violation Events

Number of Violation Events 1

69 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$1,250

One quarterly event is recommended from the April 18, 2014 investigation date to the June 26, 2014 screening date.

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 Respondents do not meet the good faith criteria for this violation.

Violation Subtotal \$1,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$1,250

This violation Final Assessed Penalty (adjusted for limits) \$1,250

Economic Benefit Worksheet

Respondent Luling O&G LLC and Delton Bishop
Case ID No. 48950
Reg. Ent. Reference No. RN107228421
Media Violation No. Industrial and Hazardous Waste
 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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

Economic benefit included in 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 26-Jun-2014

Docket No. 2014-1030-MLM-E

PCW

Respondent Luling O&G LLC and Delton Bishop

Policy Revision 4 (April 2014)

Case ID No. 48950

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN107228421

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Rebecca Boyett

Violation Number 3

Rule Cite(s)

30 Tex. Admin Code § 335.9(a)(1)

Violation Description

Failed to maintain records of waste generation and accumulation activities.

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 rule requirement was not met.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1

69 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$1,250

One single event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

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

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondents do not meet the good faith criteria for this violation.

Violation Subtotal \$1,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$46

Violation Final Penalty Total \$1,250

This violation Final Assessed Penalty (adjusted for limits) \$1,250

Economic Benefit Worksheet

Respondent Luling O&G LLC and Delton Bishop
Case ID No. 48950
Reg. Ent. Reference No. RN107228421
Media Violation No. Industrial and Hazardous Waste
 3

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	\$1,000	18-Apr-2014	23-Mar-2015	0.93	\$46	n/a	\$46
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 maintain records of waste generation and accumulation activities. The Date Required is the investigation date and the Final Date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs:

Approx. Cost of Compliance \$1,000

TOTAL \$46

Screening Date 26-Jun-2014

Docket No. 2014-1030-MLM-E

PCW

Respondent Luling O&G LLC and Delton Bishop

Policy Revision 4 (April 2014)

Case ID No. 48950

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN107228421

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Rebecca Boyett

Violation Number 4

Rule Cite(s) 30 Tex. Admin Code §§ 335.62, 335.503, 335.504, and 335.511, and 40 Code of Federal Regulations ("CFR") § 262.11

Violation Description Failed to conduct hazardous waste determinations and waste classifications for all solid waste streams. Specifically, a hazardous waste determination and waste classification was not conducted for the unknown waste stream at the Site.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

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

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1

69 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$3,750

One single event is recommended for the one waste stream.

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 Respondents do not meet the good faith criteria for this violation.

Violation Subtotal \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$195

Violation Final Penalty Total \$3,750

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

Economic Benefit Worksheet

Respondent Luling O&G LLC and Delton Bishop
Case ID No. 48950
Reg. Ent. Reference No. RN107228421
Media Violation No. 4 Industrial and Hazardous Waste

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	\$4,200	18-Apr-2014	23-Mar-2015	0.93	\$195	n/a	\$195
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 a waste determination and classification on one waste stream. The Date Required is the investigation date and the Final Date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$4,200

TOTAL

\$195

Screening Date 26-Jun-2014

Docket No. 2014-1030-MLM-E

PCW

Respondent Luling O&G LLC and Delton Bishop

Policy Revision 4 (April 2014)

Case ID No. 48950

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN107228421

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Rebecca Boyett

Violation Number 5

Rule Cite(s)

30 Tex. Admin Code § 281.25(a)(4) and 40 CFR § 122.26(c)

Violation Description

Failed to obtain authorization to discharge storm water associated with industrial activities under Texas Pollutant Discharge Elimination System ("TPDES") Multi-Sector General Permit ("MSGP") No. TXR050000.

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 rule requirement was not met.

Adjustment \$23,750

\$1,250

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 \$3,750

Three monthly events are recommended from the April 18, 2014 investigation date to the June 26, 2014 screening date.

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 Respondents do not meet the good faith criteria for this violation.

Violation Subtotal \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$93

Violation Final Penalty Total \$3,750

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

Economic Benefit Worksheet

Respondent Luling O&G LLC and Delton Bishop
Case ID No. 48950
Reg. Ent. Reference No. RN107228421
Media Violation No. Industrial and Hazardous Waste
 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)				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	\$2,000	18-Apr-2014	23-Mar-2015	0.93	\$93	n/a	\$93
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs
 Estimated cost to obtain a permit and develop and implement a storm water pollution prevention plan. The Date Required is the investigation date and the Final date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance	\$2,000	TOTAL	\$93
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Screening Date 26-Jun-2014

Docket No. 2014-1030-MLM-E

PCW

Respondent Luling O&G LLC and Delton Bishop

Policy Revision 4 (April 2014)

Case ID No. 48950

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN107228421

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Rebecca Boyett

Violation Number 6

Rule Cite(s)

30 Tex. Admin Code § 334.75(b)

Violation Description

Failed to contain and immediately clean up a spill or overfill of a petroleum substance from an AST. Specifically, diesel fuel spilled from the AST.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 5.0%

>> 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 \$23,750

\$1,250

Violation Events

Number of Violation Events 1

69 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$1,250

One quarterly event is recommended from the April 18, 2014 investigation date to the June 26, 2014 screening date.

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 Respondents do not meet the good faith criteria for this violation.

Violation Subtotal \$1,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$1,250

This violation Final Assessed Penalty (adjusted for limits) \$1,250

Economic Benefit Worksheet

Respondent Luling O&G LLC and Delton Bishop
Case ID No. 48950
Reg. Ent. Reference No. RN107228421
Media Violation No. Industrial and Hazardous Waste
 6

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

Economic benefit included in 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

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 CN604559351, RN107228421, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

Customer, Respondent, or Owner/Operator: CN604559351, LULING O&G LLC **Classification:** NOT APPLICABLE **Rating:** N/A

Regulated Entity: RN107228421, Caldwell County PID 22920 **Classification:** NOT APPLICABLE **Rating:** N/A

Complexity Points: N/A **Repeat Violator:** N/A

CH Group: 09 - Construction

Location: 1237 HOOVER ST LULING, TX 78648-2025, CALDWELL COUNTY

TCEQ Region: REGION 11 - AUSTIN

ID Number(s): **INDUSTRIAL AND HAZARDOUS WASTE NONPERMITTED** ID NUMBER R11107228421

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

Date Compliance History Report Prepared: July 01, 2014

Agency Decision Requiring Compliance History: Enforcement

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

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

Name: Rebecca Boyett

Phone: (512) 239-2503

Site and Owner/Operator History:

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

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

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

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

N/A

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

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

N/A

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

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 CN604559393, RN107228421, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

Customer, Respondent, or Owner/Operator: CN604559393, Bishop, Delton **Classification:** NOT APPLICABLE **Rating:** N/A

Regulated Entity: RN107228421, Caldwell County PID 22920 **Classification:** NOT APPLICABLE **Rating:** N/A

Complexity Points: N/A **Repeat Violator:** N/A

CH Group: 09 - Construction

Location: 1237 HOOVER ST LULING, TX 78648-2025, CALDWELL COUNTY

TCEQ Region: REGION 11 - AUSTIN

ID Number(s): **INDUSTRIAL AND HAZARDOUS WASTE NONPERMITTED** ID NUMBER R11107228421

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

Date Compliance History Report Prepared: July 01, 2014

Agency Decision Requiring Compliance History: Enforcement

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

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

Name: Rebecca Boyett

Phone: (512) 239-2503

Site and Owner/Operator History:

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

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

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

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

N/A

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

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

N/A

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
LULING O&G LLC AND
DELTON BISHOP;
RN107228421**

**§
§
§
§
§
§**

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

AGREED ORDER

DOCKET NO. 2014-1030-MLM-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding LULING O&G LLC ("LOG") and Delton Bishop ("Bishop") (collectively "Respondents") under the authority of TEX. WATER CODE chs. 7 and 26 and TEX. HEALTH & SAFETY CODE ch. 361. The Executive Director of the TCEQ, represented by the Litigation Division, LOG, represented by Wayne R. Mathis of The Law Offices of Wayne R. Mathis, LLP, and Bishop, represented by Allen Eli Bell of the law firm RICHARDS RODRIGUEZ & SKEITH, LLP together stipulate that:

1. Bishop owns real property located at 1237 Hoover Street in Luling, Caldwell County, Texas (the "Site"). LOG operates an oil field services company at the Site. The Site contains and/or involves the management of industrial hazardous waste ("IHW"), as defined in TEX. HEALTH & SAFETY CODE ch. 361. The Site is near or adjacent to water in the state as defined in TEX. WATER CODE § 26.001(5). Respondents own and operate, as defined in 30 TEX. ADMIN. CODE § 334.2(73) and (70), an aboveground storage tank ("AST") located at the Site. The AST at the Site is not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission, and contains or contained a regulated petroleum substance as defined in the rules of the TCEQ.
2. The Executive Director and Respondents agree that TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that Respondents are subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. WATER CODE ch. 26, TEX. HEALTH & SAFETY CODE ch. 361, and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by Respondents of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of twenty-two thousand five hundred dollars (\$22,500.00) is assessed by the Commission in settlement of the violations alleged in Section II. Respondents paid one thousand five hundred dollars (\$1,500.00) of the penalty. The remaining amount of twenty-one thousand dollars (\$21,000.00) shall be paid in thirty-five (35) monthly payments of six hundred dollars (\$600.00) 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 Respondents fail 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, Respondents' failure to meet the payment schedule of this Order and/or the acceleration of any remaining balance constitutes the failure by Respondents to timely and satisfactorily comply with all the terms of this Order.

5. The Executive Director and Respondents agree on a settlement of the matters addressed in this Order, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.
6. The Executive Director 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 Respondents have not complied with one or more of the terms or conditions contained in this Order.
7. 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.
8. This Order shall terminate five years from its effective date or upon full compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that LOG submitted a Notice of Intent to obtain authorization to discharge storm water associated with industrial activities under Texas Pollutant Discharge Elimination System ("TPDES") Multi-Sector General Permit ("MSGP") No. TXR050000 on March 18, 2015 (Allegation No. 1.e.).

II. ALLEGATIONS

1. During an investigation conducted on April 18, 2014, an investigator documented that Respondents:
 - a. Failed to prevent the disposal of industrial hazardous waste at an unauthorized facility, in violation of 30 TEX. ADMIN. CODE § 335.2(a) and (b). Specifically, hazardous solvents and paint waste were disposed of and buried in multiple locations at the Site. Analytical results for soil samples reported detectable 2-Butanone at levels ranging from 860 micrograms per kilogram ("µg/Kg") to 44,600 µg/Kg; 4-Methyl-2-Pentanone at levels ranging from 1,130 µg/Kg to 1,200 µg/Kg; m,p-Xylene at 77.4 µg/Kg; o-Xylene at 270 µg/Kg; and Xylene at 347 µg/Kg;
 - b. Failed to immediately abate and contain a spill or discharge and failed to begin reasonable response actions, in violation of 30 TEX. ADMIN. CODE § 327.5(a). Specifically, spent solvents and paint waste had discharged from drums in accumulation areas;
 - c. Failed to maintain records of waste generation and accumulation activities, in violation of 30 TEX. ADMIN. CODE § 335.9(a)(1);
 - d. Failed to conduct hazardous waste determinations and waste classifications for all solid waste streams, in violation of 40 C.F.R. § 262.11 and 30 TEX. ADMIN. CODE §§ 335.62, 335.503, 335.504 and 335.511. Specifically, a hazardous waste determination and waste classification was not conducted for the unknown waste stream at the Site;

- e. Failed to obtain authorization to discharge storm water associated with industrial activities under TPDES MSGP No. TXR050000, in violation of 40 C.F.R. § 122.26(c) and 30 TEX. ADMIN. CODE § 281.25(a)(4); and
- f. Failed to contain and immediately clean up a spill or overflow of a petroleum substance from an AST, in violation of 30 TEX. ADMIN. CODE § 334.75(b). Specifically, diesel fuel spilled from the AST.

III. DENIALS

Respondents generally deny each Allegation in Section II.

IV. ORDERING PROVISIONS

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

- 1. Respondents are assessed an administrative penalty as set forth in Section I, Paragraph 4. The payment of this penalty and Respondents' compliance with all of the requirements set forth in this Order resolve only the Allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations which are not raised here. Penalty payments shall be made payable to TCEQ and shall be sent with the notation "Re: LULING O&G LLC and Delton Bishop, Docket No. 2014-1030-MLM-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. Respondents shall undertake the following technical requirements:
 - a. Immediately upon the effective date this Order:
 - i. Cease disposing any additional solid waste, including industrial hazardous waste, at the Site (Allegation No. 1.a.); and
 - ii. Begin maintaining records of waste generation and accumulation activities, in accordance with 30 TEX. ADMIN. CODE § 335.9(a)(1) (Allegation No. 1.c.).
 - b. Within 30 days after the effective date of this Order:
 - i. Conduct waste determinations and classifications for all wastes generated at the Site, in accordance with 40 C.F.R. § 262.11 and 30 TEX. ADMIN. CODE §§ 335.62, 335.503, 335.504 and 335.511 (Allegation No. 1.d.); and
 - ii. Contain and cleanup all spills from the AST, in accordance with 30 TEX. ADMIN. CODE § 334.75 (Allegation No. 1.f.).
 - c. Within 60 days after the effective date of this Order:
 - i. Complete response actions for the discharge of spent solvents and paint waste from the drums in the accumulation areas, in accordance with 30 TEX. ADMIN. CODE § 327.5(a) (Allegation No. 1.b.); and
 - ii. Provide a statement that the discharge or spill response action has been completed and a description of how the response action was conducted for the discharge of spent solvents and paint waste from the drums in the accumulation areas, in accordance with 30 TEX. ADMIN. CODE § 327.5(c)(1) (Allegation No. 1.b.). The statement shall be submitted to:

Waste Section Manager
Austin Regional Office, MC R11
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

and:

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

- d. Within 105 days after the effective date of this Order remove all unauthorized solid waste from the Site, including industrial hazardous waste, and dispose of it at an authorized facility (Allegation No. 1.a.).
- e. Within 150 days after the effective date of this Order, submit an Affected Property Assessment Report ("APAR"), pursuant to 30 TEX. ADMIN. CODE § 350.91, to the Executive Director for approval. The APAR shall address all areas where hazardous solvents and paint waste were disposed of on the Site (Allegation No. 1.a.). The APAR shall be submitted to:

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

If response actions are necessary, comply with all applicable requirements of the Texas Risk Reduction Program found in 30 TEX. ADMIN. CODE ch. 350, which may include: plans, reports and notices under Subchapter E (30 TEX. ADMIN. CODE §§ 350.92 to 350.96), financial assurance (30 TEX. ADMIN. CODE § 350.33(1)), and Institutional Controls under Subchapter F.

- f. Within 165 days after the effective date of this Order, submit written certification to demonstrate compliance with Ordering Provisions Nos. 2.a. through 2.e. The certification shall be accompanied by detailed supporting documentation, including photographs, receipts, and/or other records, shall be signed by Respondents, and shall include the following certification language:

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

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:

Waste Section Manager
Austin Regional Office, MC R11
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

3. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon Respondents. Respondents are ordered to give notice of this Order to personnel who maintain day-to-day control over the Site 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 Respondents shall be made in writing to the Executive Director. Extensions are not effective until Respondents receive 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 Respondents fail 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, Respondents' failure to comply is not a violation of this Order. Respondents shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Respondents shall notify the Executive Director within seven days after Respondents become 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 Respondents in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order, or (2) pursue violations of a statute within TCEQ's jurisdiction or of a rule adopted or an order or permit issued by the TCEQ under such a statute.
8. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
9. 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

For the Executive Director

Date



January 28, 2016

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

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

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

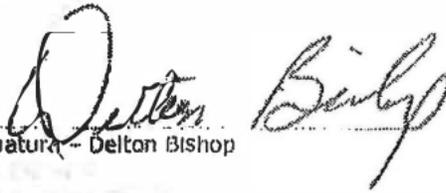
In addition, I understand that any falsification of any compliance documents may result in criminal prosecution.

Signature – Ed Evans, Vice President
LULING O&G LLC
1237 Hoover St.
Luling, Texas 78648

Date

12/1/15

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


Signature - Delton Bishop

11-30-2015
Date

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

.....