

Executive Summary – Enforcement Matter – Case No. 50838
TPC Group LLC and John Edward Frantz
RN103872503
Docket No. 2015-1074-IWD-E

Order Type:

Findings Agreed Order

Findings Order Justification:

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

Media:

IWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

Texas Petrochemicals Houston Plant, located at 8600 Park Place Boulevard, approximately 1.5 mile south-southwest of the intersection of Goodyear Drive and State Highway 225, Houston, Harris County

Type of Operation:

Wastewater treatment plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: February 19, 2016

Comments Received: No

Penalty Information

Total Penalty Assessed: \$63,250

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$31,625

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project (“SEP”) Conditional Offset: \$31,625

Name of SEP: Texas Association of Resource Conservation and Development Areas, Inc. (Third-Party Pre-Approved)

Compliance History Classifications (CN603624289):

Person/CN - Satisfactory

Site/RN - High

Compliance History Classifications (CN603823881):

Person/CN - High

Site/RN - High

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014

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TPC Group LLC and John Edward Frantz
RN103872503
Docket No. 2015-1074-IWD-E

Investigation Information

Complaint Date(s): N/A
Complaint Information: N/A
Date(s) of Investigation: May 18, 2015
Date(s) of NOE(s): June 4, 2015

Violation Information

Failed to comply with permitted effluent limits for 5-day biochemical oxygen demand [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System (“TPDES”) Permit No. WQ0000587000, Effluent Limitations and Monitoring Requirements No. 1, Outfall No. 002].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondents implemented the following corrective measures:

- a. By April 30, 2015:
 - i. Removed and properly disposed of solids that were fouling the trays in the 7D53 tower; and
 - ii. Installed a new total organic carbon (“TOC”) analyzer to improve monitoring capabilities of organic loading.
- b. By July 31, 2015, implemented a new training course to improve general awareness of wastewater treatment techniques and provide additional clarity on how to best mitigate high TOC concentrations in incoming wastewater prior to it entering the Facility.

Technical Requirements:

1. The Order will require the Respondents to implement and complete a SEP (See SEP Attachment A).
2. The Order will also require the Respondents to, within 380 days, submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0000587000, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limits.

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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: Ross Luedtke, Enforcement Division,
Enforcement Team 1, MC 169, (512) 239-3157; Michael Parrish, Enforcement Division,
MC 219, (512) 239-2548
TCEQ SEP Coordinator: Stuart Beckley, SEP Coordinator, Enforcement Division,
MC 219, (512) 239-3565
Respondent: Miguel Desdin, Acting Chief Executive Officer, TPC Group LLC, 500
Dallas Street, Suite 1000, Houston, Texas 77002
Michael Bankston, Plant Manager, TPC Group LLC, 8600 Park Place Boulevard,
Houston, Texas 77017-2513
John Edward Frantz, Land Owner, 2345 Quenby Street, Houston, Texas 77005
Respondent's Attorney: N/A

Attachment A
Docket Number: 2015-1074-IWD-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	TPC Group LLC and John Edward Frantz
Penalty Amount:	Sixty-Three Thousand Two Hundred Fifty Dollars (\$63,250)
SEP Offset Amount:	Thirty-One Thousand Six Hundred Twenty-Five Dollars (\$31,625)
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Texas Association of Resource Conservation and Development Areas, Inc.
Project Name:	<i>Wastewater Treatment Assistance</i>
Location of SEP:	Harris County - San Jacinto River Basin, Gulf Coast Aquifer

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project (“SEP”). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Texas Association of Resource Conservation and Development Areas, Inc. (“RC&D”)** for the *Wastewater Treatment Assistance* project. The contribution will be used in accordance with the SEP Agreement between the Third-Party Administrator and the TCEQ (the “Project”). Specifically, the SEP Offset Amount will be used to coordinate with city and county government officials and private entities to repair or replace failing or inadequately designed on-site wastewater treatment systems such as septic systems for low-income households (the “Project”). Low-income households fall at or below the 80 percent median income level for households in the county where they live.

The Third-Party Administrator shall ensure that all repairs, replacements, and installations are performed in compliance with local, state, and federal rules relating to on-site wastewater treatment systems. The Third-Party Administrator shall ensure that only properly licensed contractors are utilized for repair of existing on-site wastewater treatment systems and installation of new on-site wastewater treatment systems.

TPC Group LLC and John Edward Frantz
Agreed Order - Attachment A

An on-site wastewater treatment system is a system of treatment devices or disposal facilities that (1) is used for the disposal of domestic sewage, excluding liquid waste resulting from the processes used in industrial and commercial establishments; (2) is located on the site where the sewage is produced; and (3) produces not more than 5,000 gallons of waste a day. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of the Project, including but not limited to supplies, materials, and equipment. Any portion of this contribution that is not able to be spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

The Respondent's signature affixed to this Agreed Order certifies that it has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

This SEP will provide a benefit to the environment by preventing the release of sewage into the environment and by protecting human health. Raw sewage can carry bacteria, viruses, protozoa (parasitic organisms), helminthes (intestinal worms), and bioaerosols (inhalable molds and fungi). The diseases they may cause range in severity from mild gastroenteritis to life-threatening ailments such as cholera, dysentery, infectious hepatitis, and severe gastroenteritis. People can be exposed through sewage in drinking water sources, direct contact from water in lawns or streets, and inhalation and skin absorption.

Sewage overflows may cause damage to the environment. Sewage overflows may reach rivers, lakes, streams, or aquifer systems. In addition to potential spread of disease, sewage in the environment contributes excess nutrients, metals, and toxic pollutants that contaminate water quality, cause algae blooms, and kill fish and other organisms in aquatic habitats.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Texas Association of RC&D SEP** and shall mail the contribution with a copy of the Agreed Order to:

Texas Association of RC&D Areas, Inc.
Attn.: Jerry Pearce, Executive Director
P.O. Box 2533
Victoria, Texas 77902

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. The Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality
Enforcement Division
Attention: SEP Coordinator, MC 219
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount, as described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the Project, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality"; and shall mail it to:

TPC Group LLC and John Edward Frantz
Agreed Order - Attachment A

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP and/or project, made by or on behalf of the Respondent must include a clear statement that **the project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

6. Recognition

The Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

DATES	Assigned	23-Jun-2015	Screening	16-Jun-2015	EPA Due	5-Sep-2015
	PCW	9-Dec-2015				

RESPONDENT/FACILITY INFORMATION

Respondent	TPC Group LLC and John Edward Frantz		
Reg. Ent. Ref. No.	RN103872503		
Facility/Site Region	12-Houston	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	50838	No. of Violations	2
Docket No.	2015-1074-IWD-E	Order Type	Findings
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Christopher Bost
		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**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **10.0%** Enhancement **Subtotals 2, 3, & 7** **\$5,750**

Notes: Enhancement for two months of self-reported effluent violations.

Culpability **No** **0.0%** Enhancement **Subtotal 4** **\$0**

Notes: The Respondents do not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** **\$0**

Economic Benefit **0.0%** Enhancement* **Subtotal 6** **\$0**

Total EB Amounts	\$1,836
Estimated Cost of Compliance	\$16,250

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$63,250**

OTHER FACTORS AS JUSTICE MAY REQUIRE **0.0%** **Adjustment** **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount **\$63,250**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$63,250**

DEFERRAL **0.0%** Reduction **Adjustment** **\$0**

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 **\$63,250**

Screening Date 16-Jun-2015

Docket No. 2015-1074-IWD-E

PCW

Respondent TPC Group LLC and John Edward Frantz

Policy Revision 4 (April 2014)

Case ID No. 50838

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN103872503

Media [Statute] Water Quality

Enf. Coordinator Christopher Bost

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>)	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) 10%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 4)

Satisfactory Performer

Adjustment Percentage (Subtotal 4) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for two months of self-reported effluent violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 4) 10%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 10%

Screening Date 16-Jun-2015

Docket No. 2015-1074-IWD-E

PCW

Respondent TPC Group LLC and John Edward Frantz

Policy Revision 4 (April 2014)

Case ID No. 50838

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN103872503

Media [Statute] Water Quality

Enf. Coordinator Christopher Bost

Violation Number 1

Rule Cite(s) Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0000587000, Effluent Limitations and Monitoring Requirements No. 1, Outfall No. 002

Violation Description Failed to comply with permitted effluent limits, as documented during a record review conducted on May 18, 2015 and shown in the attached table.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	x			100.0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes A simplified model was utilized to evaluate the values for five-day biochemical oxygen demand to determine whether the discharged amounts exceeded levels protective of human health or the environment. The amounts discharged at the time of the violation were significant and exceeded levels protective of human health or the environment.

Adjustment \$0

\$25,000

Violation Events

Number of Violation Events 2 Number of violation days 59

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

Violation Base Penalty \$50,000

Two monthly events are recommended for the months of February 2015 and March 2015.

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 \$50,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,836

Violation Final Penalty Total \$55,000

This violation Final Assessed Penalty (adjusted for limits) \$55,000

Economic Benefit Worksheet

Respondent TPC Group LLC and John Edward Frantz
Case ID No. 50838
Reg. Ent. Reference No. RN103872503
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment	\$5,000	30-Jun-2014	30-Apr-2015	0.83	\$14	\$278	\$292
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	\$250	30-Jun-2014	31-Jul-2015	1.08	\$14	n/a	\$14
Remediation/Disposal	\$1,000	30-Jun-2014	30-Apr-2015	0.83	\$42	n/a	\$42
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	30-Jun-2014	21-Jun-2017	2.98	\$1,489	n/a	\$1,489

Notes for DELAYED costs

The first delayed cost includes the estimated amount to install a new total organic carbon ("TOC") analyzer to improve monitoring capabilities of organic loading. Date required is the first date of non-compliance. Final date is the date the corrective action was completed.

The second delayed cost includes the estimated amount to implement a new training course to improve general awareness of wastewater treatment techniques and provide additional clarity on how to best mitigate high TOC concentrations in incoming wastewater prior to it entering the Facility. Date required is the first date of non-compliance. Final date is the date the corrective action was completed.

The third delayed cost includes the estimated amount to remove and properly dispose of solids that were fouling the trays in the 7D53 tower. Date required is the first date of non-compliance. Final date is the date the corrective action was completed.

The fourth delayed cost includes the estimated amount to determine the cause of non-compliance and implement corrective actions. Date required is the first date of non-compliance. 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

\$16,250

TOTAL

\$1,836

Screening Date 16-Jun-2015

Docket No. 2015-1074-IWD-E

PCW

Respondent TPC Group LLC and John Edward Frantz

Policy Revision 4 (April 2014)

Case ID No. 50838

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN103872503

Media [Statute] Water Quality

Enf. Coordinator Christopher Bost

Violation Number 2

Rule Cite(s) Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0000587000, Effluent Limitations and Monitoring Requirements No. 1, Outfall No. 002

Violation Description Failed to comply with permitted effluent limits, as documented during a record review conducted on May 18, 2015 and shown in the attached table.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual		X		30.0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes A simplified model was utilized to evaluate the values for five-day biochemical oxygen demand to determine whether the discharged amounts exceeded levels protective of human health or the environment. The amounts discharged at the time of the violation were significant and did not exceed levels protective of human health or the environment.

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 1 30 Number of violation days

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

Violation Base Penalty \$7,500

One monthly event is recommended for the month of June 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 Respondents do 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 \$8,250

This violation Final Assessed Penalty (adjusted for limits) \$8,250

Economic Benefit Worksheet

Respondent TPC Group LLC and John Edward Frantz
Case ID No. 50838
Reg. Ent. Reference No. RN103872503
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Cost **Date Required** **Final Date** **Yrs** **Interest Saved** **Onetime Costs** **EB Amount**
Item Description 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 the 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

EFFLUENT VIOLATION TABLE		
TPC Group LLC and John Edward Frantz		
TPDES Permit No. WQ0000587000		
Docket No. 2015-1074-IWD-E		
Outfall No. 002		
Months	BOD ₅ Daily Avg. Loading	BOD ₅ Daily Max. Loading
	Limit = 574 lbs/day	Limit = 1,412 lbs/day
June 2014	c	3,252
February 2015	1,004	4,270
March 2015	1,259	5,320

BOD₅ = biochemical oxygen demand (five-day)

Max. = maximum

Avg. = average

lbs/day = pounds per day



Compliance History Report

PUBLISHED Compliance History Report for CN603624289, RN103872503, Rating Year 2014 which includes Compliance History (CH) components from September 1, 2009, through August 31, 2014.

Customer, Respondent, or Owner/Operator:	CN603624289, TPC Group LLC	Classification: SATISFACTORY	Rating: 4.08
Regulated Entity:	RN103872503, KEMIRA WATER SOLUTIONS	Classification: HIGH	Rating: 0.00
Complexity Points:	10	Repeat Violator: NO	
CH Group:	05 - Chemical Manufacturing		
Location:	Located at 8600 Park Place Boulevard, approximately 1.5 miles south-southwest of the intersection of Goodyear Drive and State Highway 225, in Houston, Harris County, Texas		
TCEQ Region:	REGION 12 - HOUSTON		
ID Number(s):			
WASTEWATER PERMIT WQ0000587000		WASTEWATER EPA ID TX0004961	
Compliance History Period:	September 01, 2009 to August 31, 2014	Rating Year: 2014	Rating Date: 09/01/2014
Date Compliance History Report Prepared:	August 28, 2015		
Agency Decision Requiring Compliance History:	Enforcement		
Component Period Selected:	August 28, 2010 to August 28, 2015		
TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.			
Name:	Christopher Bost	Phone:	(512) 239-4575

Site and Owner/Operator History:

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

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

- A. Final Orders, court judgments, and consent decrees:**
N/A
- B. Criminal convictions:**
N/A
- C. Chronic excessive emissions events:**
N/A
- D. The approval dates of investigations (CCEDS Inv. Track. No.):**

Item 1	September 17, 2010	(873889)
Item 2	October 19, 2010	(881490)
Item 3	November 18, 2010	(888019)
Item 4	February 17, 2011	(909069)
Item 5	June 16, 2011	(945336)
Item 6	July 14, 2011	(952610)
Item 7	August 11, 2011	(959291)
Item 8	September 14, 2011	(965324)

Item 9	October 18, 2011	(971364)
Item 10	September 18, 2012	(1046659)
Item 11	October 17, 2012	(1060832)
Item 12	November 15, 2012	(1060833)
Item 13	December 11, 2012	(1060834)
Item 14	January 17, 2013	(1078939)
Item 15	February 14, 2013	(1078938)
Item 16	March 20, 2013	(1089292)
Item 17	April 18, 2013	(1095688)
Item 18	May 15, 2013	(1106611)
Item 19	June 18, 2013	(1110288)
Item 20	July 18, 2013	(1117172)
Item 21	August 19, 2013	(1124928)
Item 22	September 17, 2013	(1129528)
Item 23	October 18, 2013	(1135258)
Item 24	November 19, 2013	(1140657)
Item 25	December 19, 2013	(1147116)
Item 26	January 18, 2014	(1153185)
Item 27	February 18, 2014	(1160520)
Item 28	March 19, 2014	(1167165)
Item 29	April 17, 2014	(1174298)
Item 30	May 19, 2014	(1180486)
Item 31	June 17, 2014	(1187384)
Item 32	August 14, 2014	(1198518)
Item 33	September 16, 2014	(1205789)
Item 34	October 17, 2014	(1212201)
Item 35	November 18, 2014	(1218453)
Item 36	December 15, 2014	(1224232)
Item 37	January 20, 2015	(1230759)
Item 38	February 17, 2015	(1242269)
Item 39	April 23, 2015	(1242020)
Item 40	May 19, 2015	(1262208)
Item 41	June 18, 2015	(1269377)

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: | 02/28/2015 | (1248598) | CN603624289 | |
| | 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: | 03/31/2015 | (1255498) | CN603624289 | |
| | 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



Compliance History Report

PUBLISHED Compliance History Report for CN603823881, RN103872503, Rating Year 2014 which includes Compliance History (CH) components from September 1, 2009, through August 31, 2014.

Customer, Respondent, or Owner/Operator:	CN603823881, Frantz, John Edward	Classification: HIGH	Rating: 0.00
Regulated Entity:	RN103872503, KEMIRA WATER SOLUTIONS	Classification: HIGH	Rating: 0.00
Complexity Points:	10	Repeat Violator: NO	
CH Group:	05 - Chemical Manufacturing		
Location:	Located at 8600 Park Place Boulevard, approximately 1.5 miles south-southwest of the intersection of Goodyear Drive and State Highway 225, in Houston, Harris County, Texas		
TCEQ Region:	REGION 12 - HOUSTON		
ID Number(s):			
WASTEWATER PERMIT WQ0000587000		WASTEWATER EPA ID TX0004961	
Compliance History Period:	September 01, 2009 to August 31, 2014	Rating Year: 2014	Rating Date: 09/01/2014
Date Compliance History Report Prepared:	August 28, 2015		
Agency Decision Requiring Compliance History:	Enforcement		
Component Period Selected:	August 28, 2010 to August 28, 2015		

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

Name: Christopher Bost

Phone: (512) 239-4575

Site and Owner/Operator History:

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

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

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

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	September 17, 2010	(873889)
Item 2	October 19, 2010	(881490)
Item 3	November 18, 2010	(888019)
Item 4	February 17, 2011	(909069)
Item 5	June 16, 2011	(945336)
Item 6	July 14, 2011	(952610)
Item 7	August 11, 2011	(959291)
Item 8	September 14, 2011	(965324)

Item 9	October 18, 2011	(971364)
Item 10	September 18, 2012	(1046659)
Item 11	October 17, 2012	(1060832)
Item 12	November 15, 2012	(1060833)
Item 13	December 11, 2012	(1060834)
Item 14	January 17, 2013	(1078939)
Item 15	February 14, 2013	(1078938)
Item 16	March 20, 2013	(1089292)
Item 17	April 18, 2013	(1095688)
Item 18	May 15, 2013	(1106611)
Item 19	June 18, 2013	(1110288)
Item 20	July 18, 2013	(1117172)
Item 21	August 19, 2013	(1124928)
Item 22	September 17, 2013	(1129528)
Item 23	October 18, 2013	(1135258)
Item 24	November 19, 2013	(1140657)
Item 25	December 19, 2013	(1147116)
Item 26	January 18, 2014	(1153185)
Item 27	February 18, 2014	(1160520)
Item 28	March 19, 2014	(1167165)
Item 29	April 17, 2014	(1174298)
Item 30	May 19, 2014	(1180486)
Item 31	June 17, 2014	(1187384)
Item 32	August 14, 2014	(1198518)
Item 33	September 16, 2014	(1205789)
Item 34	October 17, 2014	(1212201)
Item 35	November 18, 2014	(1218453)
Item 36	December 15, 2014	(1224232)
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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.

- | | | | | | |
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| 1 | Date: | 02/28/2015 | (1248598) | CN603823881 | |
| | 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: | 03/31/2015 | (1255498) | CN603823881 | |
| | 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
TPC GROUP LLC AND JOHN
EDWARD FRANTZ
RN103872503**

**§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§
§ ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2015-1074-IWD-E**

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding TPC Group LLC and John Edward Frantz ("Respondents") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondents presented this agreement to the Commission.

The Respondents understand that they have certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondents agree to waive all notice and procedural rights.

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

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

I. FINDINGS OF FACT

1. The Respondents own and operate a wastewater treatment plant located at 8600 Park Place Boulevard, approximately 1.5 miles south-southwest of the intersection of Goodyear Drive and State Highway 225, in Houston, Harris County, Texas (the "Facility").
2. The Respondents have discharged industrial waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. During a record review conducted on May 18, 2015, TCEQ staff documented that the Respondents did not comply with permitted effluent limits, as documented in the table below:

EFFLUENT VIOLATION TABLE		
Outfall No. 002		
Months	BOD ₅ Daily Avg. Loading	BOD ₅ Daily Max. Loading
	Limit = 574 lbs/day	Limit = 1,412 lbs/day
June 2014	c	3,252
February 2015	1,004	4,270
March 2015	1,259	5,320

BOD₅ = biochemical oxygen demand (five-day)
 Max. = maximum
 Avg. = average
 lbs/day = pounds per day

4. The Executive Director recognizes that the Respondents have implemented the following corrective measures at the Facility:
 - a. By April 30, 2015:
 - i. Removed and properly disposed of solids that were fouling the trays in the 7D53 tower; and
 - ii. Installed a new total organic carbon ("TOC") analyzer to improve monitoring capabilities of organic loading.
 - b. By July 31, 2015, implemented a new training course to improve general awareness of wastewater treatment techniques and provide additional clarity on how to best mitigate high TOC concentrations in incoming wastewater prior to it entering the Facility.

5. The Respondents received notices of the violations on June 8, 2015.

II. CONCLUSIONS OF LAW

1. The Respondents are subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7 and 26 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the Respondents failed to comply with permitted effluent limits, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0000587000, Effluent Limitations and Monitoring Requirements No. 1, Outfall No. 002.
3. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondents for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
4. An administrative penalty in the amount of Sixty-Three Thousand Two Hundred Fifty Dollars (\$63,250) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondents have paid Thirty-One Thousand Six Hundred Twenty-Five Dollars (\$31,625) of the administrative penalty and Thirty-One Thousand Six Hundred Twenty-Five Dollars (\$31,625) shall be conditionally offset by the Respondents' completion of a Supplemental Environmental Project ("SEP").

III. ORDERING PROVISIONS

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

1. The Respondents are assessed an administrative penalty in the amount of Sixty-Three Thousand Two Hundred Fifty Dollars (\$63,250) as set forth in Section II, Paragraph 4 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondents' compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: TPC Group LLC and John Edward Frantz, Docket No. 2015-1074-IWD-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. The Respondents are jointly and severally liable for the violations documented in this Agreed Order, and are jointly and severally liable for timely and satisfactory compliance with all terms and conditions of this Agreed Order.
3. The Respondents shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section II, Paragraph 4 above, Thirty-One Thousand Six Hundred Twenty-Five Dollars (\$31,625) of the assessed administrative penalty shall be offset with the condition that the SEP defined in Attachment A, incorporated herein by reference, is implemented by the Respondents. The Respondents' obligation to pay the conditionally offset portion of the assessed administrative penalty shall be discharged upon final completion of all provisions of the SEP agreement.
4. It is further ordered that within 380 days after the effective date of this Agreed Order, the Respondents shall submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0000587000, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limits. The certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with this Ordering Provision. 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 this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, 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:

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

5. The provisions of this Agreed Order shall apply to and be binding upon the Respondents. The Respondents are ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
6. If the Respondents fail 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 Respondents' failure to comply is not a violation of this Agreed Order. The Respondents shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondents shall notify the Executive Director within seven days after the Respondents become aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
7. 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 Respondents shall be made in writing to the Executive Director. Extensions are not effective until the Respondents receive written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
8. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondents if the Executive Director determines that the Respondents have not complied with one or more of the terms or conditions in this Agreed Order.
9. 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.

10. This Agreed Order, issued by the Commission, shall not be admissible against the Respondents 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.
11. 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.
12. 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

Jacyn Miller for Ramiro Garcia, Jr.

For the Executive Director

Date

9.22.16

Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of TPC Group LLC and John Edward Frantz. I am authorized to agree to the attached Agreed Order on behalf of TPC Group LLC, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, TPC Group LLC waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

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.

Michael Bankston

Signature

7/13/2016

Date

Michael Bankston

Name (Printed or typed)
Authorized Representative of
TPC Group LLC

Plant Manager

Title

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

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Jacy Miller for Ramiro Garcia, Jr.

For the Executive Director

Date

9.22.16

Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of TPC Group LLC and John Edward Frantz. I am authorized to agree to the attached Agreed Order on behalf of John Edward Frantz, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, John Edward Frantz waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

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- A negative impact on compliance history;
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- 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.

Signature

7/19/16

Date

John Frantz

Name (Printed or typed)
Authorized Representative of
John Edward Frantz

Owner

Title

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

Attachment A
Docket Number: 2015-1074-IWD-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	TPC Group LLC and John Edward Frantz
Penalty Amount:	Sixty-Three Thousand Two Hundred Fifty Dollars (\$63,250)
SEP Offset Amount:	Thirty-One Thousand Six Hundred Twenty-Five Dollars (\$31,625)
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Texas Association of Resource Conservation and Development Areas, Inc.
Project Name:	<i>Wastewater Treatment Assistance</i>
Location of SEP:	Harris County - San Jacinto River Basin, Gulf Coast Aquifer

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project (“SEP”). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Texas Association of Resource Conservation and Development Areas, Inc. (“RC&D”)** for the *Wastewater Treatment Assistance* project. The contribution will be used in accordance with the SEP Agreement between the Third-Party Administrator and the TCEQ (the “Project”). Specifically, the SEP Offset Amount will be used to coordinate with city and county government officials and private entities to repair or replace failing or inadequately designed on-site wastewater treatment systems such as septic systems for low-income households (the “Project”). Low-income households fall at or below the 80 percent median income level for households in the county where they live.

The Third-Party Administrator shall ensure that all repairs, replacements, and installations are performed in compliance with local, state, and federal rules relating to on-site wastewater treatment systems. The Third-Party Administrator shall ensure that only properly licensed contractors are utilized for repair of existing on-site wastewater treatment systems and installation of new on-site wastewater treatment systems.

TPC Group LLC and John Edward Frantz
Agreed Order - Attachment A

An on-site wastewater treatment system is a system of treatment devices or disposal facilities that (1) is used for the disposal of domestic sewage, excluding liquid waste resulting from the processes used in industrial and commercial establishments; (2) is located on the site where the sewage is produced; and (3) produces not more than 5,000 gallons of waste a day. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of the Project, including but not limited to supplies, materials, and equipment. Any portion of this contribution that is not able to be spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

The Respondent's signature affixed to this Agreed Order certifies that it has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

This SEP will provide a benefit to the environment by preventing the release of sewage into the environment and by protecting human health. Raw sewage can carry bacteria, viruses, protozoa (parasitic organisms), helminthes (intestinal worms), and bioaerosols (inhalable molds and fungi). The diseases they may cause range in severity from mild gastroenteritis to life-threatening ailments such as cholera, dysentery, infectious hepatitis, and severe gastroenteritis. People can be exposed through sewage in drinking water sources, direct contact from water in lawns or streets, and inhalation and skin absorption.

Sewage overflows may cause damage to the environment. Sewage overflows may reach rivers, lakes, streams, or aquifer systems. In addition to potential spread of disease, sewage in the environment contributes excess nutrients, metals, and toxic pollutants that contaminate water quality, cause algae blooms, and kill fish and other organisms in aquatic habitats.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Texas Association of RC&D SEP** and shall mail the contribution with a copy of the Agreed Order to:

Texas Association of RC&D Areas, Inc.
Attn.: Jerry Pearce, Executive Director
P.O. Box 2533
Victoria, Texas 77902

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. The Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality
Enforcement Division
Attention: SEP Coordinator, MC 219
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount, as described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the Project, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality"; and shall mail it to:

TPC Group LLC and John Edward Frantz
Agreed Order - Attachment A

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP and/or project, made by or on behalf of the Respondent must include a clear statement that **the project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

6. Recognition

The Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.