

Executive Summary – Enforcement Matter – Case No. 41726
Gulf Coast Waste Disposal Authority
RN100219211
Docket No. 2011-0837-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Bayport Facility, 10800 Bay Area Boulevard, Pasadena, Harris County

Type of Operation:

Industrial wastewater treatment facility

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: August 15, 2014

Comments Received: No

Penalty Information

Total Penalty Assessed: \$8,600

Amount Deferred for Expedited Settlement: \$1,720

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$6,880

Name of SEP: Anahuac Independent School District (Third-Party Pre-Approved)

Compliance History Classifications:

Person/CN - Average

Site/RN - Average

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: May 25, 2011

Date(s) of NOE(s): May 25, 2011

**Executive Summary – Enforcement Matter – Case No. 41726
Gulf Coast Waste Disposal Authority
RN100219211
Docket No. 2011-0837-AIR-E**

Violation Information

Failed to comply with allowable emission rates. Specifically, on September 13, 2010, the Respondent calculated the volatile organic compound ("VOC") emission rates from the Cooling Tower, Emission Point Number ("EPN") COOLTWER, and determined that the allowable VOC hourly emission rate of 0.41 pound per hour ("lb/hr") was exceeded by 7.63 lbs/hr, resulting in 14.5 tons of unauthorized VOC [30 TEX. ADMIN. CODE §§116.116(b)(1) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), New Source Review ("NSR") Permit No. 40782, Special Conditions No. 1, and Federal Operating Permit No. O1708, General Terms and Conditions and Special Terms and Conditions No. 8].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

On May 17, 2012, the Respondent obtained an amendment for NSR Permit No. 40782 to update the Cooling Tower, EPN COOLTWER, hourly VOC emission rate and to revise the compliance test method.

Technical Requirements:

The Order will require the Respondent to implement and complete a Supplemental Environmental Project ("SEP"). (See SEP Attachment A)

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: Amancio R. Gutierrez, Enforcement Division, Enforcement Team 5, MC 149, (512) 239-3921; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456

TCEQ SEP Coordinator: Stuart Beckley, SEP Coordinator, Enforcement Division, MC 219, (512) 239-3565

Respondent: Ricky Clifton, General Manager, Gulf Coast Waste Disposal Authority, 910 Bay Area Boulevard, Houston, Texas 77058

Phyllis Frank, Compliance Director, Gulf Coast Waste Disposal Authority, 910 Bay Area Boulevard, Houston, Texas 77058

Respondent's Attorney: N/A

Attachment A
Docket Number: 2011-0837-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Gulf Coast Waste Disposal Authority
Penalty Amount:	Six Thousand Eight Hundred Eighty Dollars (\$6,880)
SEP Offset Amount:	Six Thousand Eight Hundred Eighty Dollars (\$6,880)
Type of SEP:	Contribution to a Third-Party Administrator SEP
Third-Party Administrator:	Anahuac Independent School District
Project Name:	<i>Clean School Bus Project</i>
Location of SEP:	Chambers County; Neches-Trinity Coastal Basin and Trinity River Basin

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset 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 **Anahuac Independent School District** for the *Clean School Bus Project*. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the "Project"). Specifically, the SEP Offset Amount will be used to purchase a lower-emission school bus that is model year 2010 or newer ("Replacement Bus") to replace a bus that is model year 1995 ("Older Bus"), thus removing the Older Bus from the roads. The Third-Party Administrator shall ensure that the Replacement Bus has an engine that meets 2010 EPA Standards. The Third-Party Administrator certifies that the Older Bus is currently in use, driven on a regular route on a weekly basis for at least the past two years. The Third-Party Administrator shall own and operate the Replacement Bus for at least five years following the date of purchase. 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 implementing the Project, including, but not limited to supplies, materials, and equipment. Any portion of this contribution that is not spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

Gulf Coast Waste Disposal Authority
Agreed Order - Attachment A

The Respondent's signature affixed to this Agreed Order certifies that the Respondent 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

The SEP will benefit air quality by reducing harmful exhaust emissions from an older school bus. Older school bus engines emit larger amounts of nitrogen oxides and particulate matter, as well as other harmful pollutants such as volatile organic compounds and carbon monoxide than new buses. These pollutants contribute to the formation of ozone and may cause or exacerbate a number of respiratory diseases, including asthma, especially in children. The Project will reduce these emissions by replacing a model year 1995 school bus with a new, lower-emission bus.

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 **Anahuac Independent School District SEP** and shall mail the contribution with a copy of the Agreed Order to:

Anahuac Independent School District
Attention: Rosie Womack, Business Manager
P.O. Box 638
Anahuac, Texas 77514

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:

Gulf Coast Waste Disposal Authority
Agreed Order - Attachment A

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 and submittal of the required reporting 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 SEP, 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:

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. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, 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 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 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	26-May-2011	Screening	26-May-2011	EPA Due	
	PCW	1-Jul-2014				

RESPONDENT/FACILITY INFORMATION	
Respondent	Gulf Coast Waste Disposal Authority
Reg. Ent. Ref. No.	RN100219211
Facility/Site Region	12-Houston
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	41726	No. of Violations	1
Docket No.	2011-0837-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Amancio R. Gutierrez
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$5,000
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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	72.0% Enhancement	Subtotals 2, 3, & 7	\$3,600
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Notes: Enhancement for 16 NOVs with dissimilar violations and two orders with denial of liability.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$1,055
 Approx. Cost of Compliance: \$10,000
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$8,600
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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:

Final Penalty Amount	\$8,600
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$8,600
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DEFERRAL	20.0% Reduction	Adjustment	-\$1,720
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$6,880
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Screening Date 26-May-2011

Docket No. 2011-0837-AIR-E

PCW

Respondent Gulf Coast Waste Disposal Authority

Policy Revision 2 (September 2002)

Case ID No. 41726

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100219211

Media [Statute] Air

Enf. Coordinator Amancio R. Gutierrez

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	16	32%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	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%

Please Enter Yes or No

Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 72%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for 16 NOVs with dissimilar violations and two orders with denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 72%

Screening Date 26-May-2011

Docket No. 2011-0837-AIR-E

PCW

Respondent Gulf Coast Waste Disposal Authority

Policy Revision 2 (September 2002)

Case ID No. 41726

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100219211

Media [Statute] Air

Enf. Coordinator Amancio R. Gutierrez

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 116.116(b)(1) and 122.143(4), Tex. Health & Safety Code § 382.085(b), New Source Review No. 40782, Special Conditions No. 1, and Federal Operating Permit No. O1708, General Terms and Conditions and Special Terms and Conditions No. 8

Violation Description Failed to comply with allowable emission rates. Specifically, on September 13, 2010, the Respondent calculated the volatile organic compound ("VOC") emission rates from the Cooling Tower, Emissions Point Number COOLTWER, and determined that the allowable VOC hourly emission rate of 0.41 pound per hour ("lb/hr") was exceeded by 7.63 lbs/hr, resulting in 14.5 tons of unauthorized VOC.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

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

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 2

158 Number of violation days

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

Violation Base Penalty \$5,000

Two quarterly events are recommended from the unit start-up date of April 8, 2010 to the unit shutdown date of September 13, 2010.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

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

Violation Subtotal \$5,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,055

Violation Final Penalty Total \$8,600

This violation Final Assessed Penalty (adjusted for limits) \$8,600

Economic Benefit Worksheet

Respondent Gulf Coast Waste Disposal Authority
Case ID No. 41726
Reg. Ent. Reference No. RN100219211
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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)	\$10,000	8-Apr-2010	17-May-2012	2.11	\$1,055	n/a	\$1,055

Notes for DELAYED costs

Estimated cost to obtain a permit amendment. The Date Required is the initial date of non-compliance.
The Date Required is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$1,055

Compliance History

Customer/Respondent/Owner-Operator: CN600126163 Gulf Coast Waste Disposal Authority Classification: AVERAGE Rating: 1.38
 Regulated Entity: RN100219211 BAYPORT FACILITY Classification: AVERAGE Site Rating: 1.91

ID Number(s):	INDUSTRIAL AND HAZARDOUS WASTE INDUSTRIAL AND HAZARDOUS WASTE AIR OPERATING PERMITS AIR OPERATING PERMITS AIR NEW SOURCE PERMITS AIR NEW SOURCE PERMITS AIR NEW SOURCE PERMITS PUBLIC WATER SYSTEM/SUPPLY PRETREATMENT PRETREATMENT WASTEWATER WASTEWATER STORMWATER WATER LICENSING WASTEWATER LICENSING AIR EMISSIONS INVENTORY	EPA ID SOLID WASTE REGISTRATION # (SWR) ACCOUNT NUMBER PERMIT PERMIT ACCOUNT NUMBER AFS NUM REGISTRATION EPA ID PERMIT PERMIT EPA ID PERMIT LICENSE LICENSE ACCOUNT NUMBER	TXD980626170 37822 HG02500 1708 40782 HG02500 4820100379 1012802 TX0005380000 WQ0001054000 WQ0001054000 TX0005380 TXR05V175 1012802 WQ0001054000 HG02500
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Location: 10800 BAY AREA BLVD, PASADENA, TX, 77507

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: May 26, 2011

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: May 26, 2006 to May 26, 2011

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: John Muennink Phone: (713) 422-8970

Site Compliance History Components

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, who is the current owner/operator?
N/A
4. If Yes, who was/were the prior owner(s)/operator(s)?
N/A
5. When did the change(s) in owner or operator occur?
N/A
6. Rating Date: 9/1/2010 Repeat Violator: NO

Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.

Effective Date: 01/28/2010 ADMINORDER 2009-1076-AIR-E
 Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THSC Chapter 382 382.085(b)
 Rqmt Prov: 40782, Special Condition No. 1 PERMIT
 Description: Failed to prevent unauthorized emissions.

Effective Date: 02/05/2011 ADMINORDER 2010-1032-IWD-E
 Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Rqmt Prov: Effluent Limits PERMIT

Description: Failure to comply with permit effluent limits for total organic carbons as documented by a TCEQ record review of self-reported data.

- B. Any criminal convictions of the state of Texas and the federal government.
N/A
- C. Chronic excessive emissions events.
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	05/31/2006	(459917)
2	08/14/2006	(479866)
3	06/15/2006	(498162)
4	07/17/2006	(498163)
5	12/21/2006	(519413)
6	08/18/2006	(520170)
7	09/19/2006	(520171)
8	10/19/2006	(520172)
9	01/09/2007	(532476)
10	02/20/2007	(539776)
11	02/20/2007	(544454)
12	11/20/2006	(544455)
13	12/20/2006	(544456)
14	01/18/2007	(544457)
15	08/22/2007	(573107)
16	03/21/2007	(575237)
17	04/19/2007	(575238)
18	05/21/2007	(575239)
19	06/21/2007	(575240)
20	07/19/2007	(575241)
21	08/16/2007	(607540)
22	09/20/2007	(607541)
23	10/22/2007	(607542)
24	03/25/2008	(616746)
25	11/20/2007	(619500)
26	12/19/2007	(619501)
27	01/18/2008	(619502)
28	05/06/2008	(640306)
29	02/21/2008	(672008)
30	03/19/2008	(672009)
31	04/15/2008	(672010)
32	06/03/2008	(680346)
33	06/14/2008	(681382)
34	08/29/2008	(681441)
35	07/01/2008	(682808)
36	07/22/2008	(683740)
37	05/22/2008	(689925)
38	06/23/2008	(689926)
39	07/21/2008	(689927)
40	10/02/2008	(700153)
41	08/29/2008	(701723)
42	02/27/2009	(705700)
43	12/18/2008	(708154)
44	01/13/2009	(710140)
45	08/20/2008	(710711)
46	09/22/2008	(710712)
47	10/22/2008	(710713)
48	11/21/2008	(727464)
49	12/23/2008	(727465)
50	01/20/2009	(727466)
51	06/30/2009	(745531)
52	07/07/2009	(749560)
53	02/20/2009	(750248)
54	03/23/2009	(750249)
55	04/20/2009	(750250)
56	07/08/2009	(761000)
57	05/20/2009	(768337)
58	06/11/2009	(768338)
59	10/23/2009	(779379)
60	02/09/2010	(789549)
61	02/19/2010	(792210)
62	06/14/2010	(800952)
63	06/10/2010	(803805)

64 02/17/2010 (804584)
 65 07/22/2009 (804585)

66 08/24/2009 (804586)
 67 09/22/2009 (804587)
 68 10/19/2009 (804588)
 69 11/23/2009 (804589)
 70 12/17/2009 (804590)
 71 01/21/2010 (804591)
 72 03/18/2010 (830858)
 73 04/14/2010 (830859)
 74 05/14/2010 (830860)
 75 06/16/2010 (846260)
 76 12/23/2010 (860446)
 77 07/19/2010 (860855)
 78 08/23/2010 (866821)
 79 12/15/2010 (871591)
 80 09/15/2010 (873894)
 81 10/18/2010 (881494)
 82 11/18/2010 (888023)
 83 12/15/2010 (896228)
 84 03/01/2011 (900724)
 85 01/14/2011 (902297)
 86 02/21/2011 (909073)
 87 03/15/2011 (916336)
 88 05/11/2011 (919426)

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

Date: 08/14/2006 (479866) CN600126163
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 O-01708, Special Condition 7 OP
 TCEQ Permit NO. 40782, SC7 PERMIT
 Description: Failure to monitor the mixed liquor total suspended solids (MLSS) measurement in the first step aeration on August 11, 2005.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 O-01708, Special Condition 7 OP
 TCEQ Permit NO. 40782, SC 9.A PERMIT
 Description: Failure to contact the TCEQ Houston regional office to schedule the pretest meeting for cooling tower testing.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter C 122.222(k)(2)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Description: Failure to make off-permit notification for seven PBRs claimed from March, 2003 through January, 2006.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
 5C THC Chapter 382, SubChapter D 382.085(b)
 O-01708, General Terms and Conditions OP
 Description: Failure to report the deviations regarding the off-permit notifications for PBRs and diversion of wastewater and activated sludge to the open ponds in the deviation report dated October 5, 2005.

Date: 12/21/2006 (519413) CN600126163
 Self Report? NO Classification: Minor
 Citation: 40 CFR Chapter 403, SubChapter N, PT 403.403.8(f)(2)(vii)
 Description: Failure to collect wastewater samples in a manner to provide evidence admissible in court or other legal proceeding.

Date: 03/24/2008 (616746) CN600126163

Self Report? NO Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
2D TWC Chapter 26, SubChapter A 26.121(a)(1)
2D TWC Chapter 26, SubChapter A 26.121(a)(3)
2D TWC Chapter 26, SubChapter A 26.121(b)
2D TWC Chapter 26, SubChapter A 26.121(c)
2D TWC Chapter 26, SubChapter A 26.121(d)
2D TWC Chapter 26, SubChapter A 26.121(e)
30 TAC Chapter 305, SubChapter F 305.125(4)
30 TAC Chapter 305, SubChapter F 305.125(5)
TWC Chapter 26 26.121
TWC Chapter 26 26.121(a)(2)
Description: Failure to prevent the unauthorized discharge of wastewater.

Date: 05/06/2008 (640306) CN600126163

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)
Description: GCA failed to include the preconstruction authorization number or rule citation of the permit governing the facility in the final report.

Date: 08/29/2008 (701723) CN600126163

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 315, SubChapter A 315.1
40 CFR Chapter 403, SubChapter N, PT 403 403.8(f)(1)(iii)(B)
40 CFR Chapter 403, SubChapter N, PT 403 403.8(f)(2)(iii)
Description: The Control Authority failed to issue Hoyer Global, Inc. (Hoyer) a permit that contains the applicable categorical pretreatment standards for a facility subject to the Transportation Equipment Cleaning (TEC) Point Source Category; 40 CFR Part 442, Subpart A, and failed to include in the ten SIU permits that were reviewed by the auditors, the sample type for each parameter that needs to be sampled.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 315, SubChapter A 315.1
40 CFR Chapter 403, SubChapter N, PT 403 403.8(f)(2)(v)
Description: The Control Authority failed to inspect Superior Carriers, Inc., American Plating, and Sanyo Chemicals Texas Inc. (a new SIU) at least once during the 2007 pretreatment year.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 315, SubChapter A 315.1
40 CFR Chapter 403, SubChapter N, PT 403 403.8(f)(2)(vi)
Description: The Control Authority failed to adequately review the slug discharge control plan submitted by Huish Detergents to identify that it was not complete.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 315, SubChapter A 315.1
40 CFR Chapter 403, SubChapter N, PT 403 403.8(f)(2)
40 CFR Chapter 403, SubChapter N, PT 403 403.8(f)(2)(v)
Description: The Control Authority failed to analyze the effluent from the Hoyer facility for the non-polar material (SGT-HEM) pollutant during the 2007 pretreatment year, in order to determine compliance or noncompliance with the applicable categorical pretreatment standards for a TEC facility subject to 40 CFR §442.15.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 315, SubChapter A 315.1
40 CFR Chapter 403, SubChapter N, PT 403 403.8(f)(2)
40 CFR Chapter 403, SubChapter N, PT 403 403.8(f)(2)(iv)
40 CFR Chapter 403, SubChapter N, PT 403 403.8(f)(5)
Description: The Control Authority failed to identify the reporting violation, escalate enforcement actions (as specified in the ERG), and publish the Galveston Company in the newspaper for meeting the criteria of SNC for late submittal of an Annual Industrial User report; failed to identify that Lubrizol did not submit an application for permit renewal as specified by their previous issued permit.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 315, SubChapter A 315.1
40 CFR Chapter 403, SubChapter N, PT 403 403.8(f)(2)(vii)
Description: The CA failed to perform a through inspection of the Petroleum Refining System, Inc. (PRSI) facility in order to identify noncompliance with the issued permit and

other applicable regulations and failed to ensure that a portion of the chain-of-custody (COC) forms were properly signed to document the custody of the sample

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 315, SubChapter A 315.1
40 CFR Chapter 122, SubChapter D, PT 122, SubPT C 122.41
40 CFR Chapter 403, SubChapter N, PT 403 403.12(m)
Description: The CA failed to properly certify the pretreatment program annual status reports submitted to the Approval Authority.

Date: 09/30/2008 (710713) CN600126163
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

Date: 11/14/2008 (572152) CN600126163
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.6(e)
5C THSC Chapter 382 382.085(b)
FOP O-01708 SC 6 OP
Description: Failure to revise the Startup, Shutdown, Malfunction Plan (SSMP) within 45 days after an event that meets the characteristics of a malfunction, but was not included in the SSMP.

Date: 02/27/2009 (705700) CN600126163
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
STC 7 OP
Description: Failure to operate RTO2601 & RTO2602 within the minimum temperature represented in Standard Permit. [FOP O-01708]

Date: 04/30/2009 (768337) CN600126163
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

Date: 10/31/2009 (804589) CN600126163
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

Date: 12/31/2009 (804591) CN600126163
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

Date: 01/31/2010 (804584) CN600126163
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

Date: 02/28/2010 (830858) CN600126163
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

Date: 07/31/2010 (866821) CN600126163
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

Date: 08/31/2010 (873894) CN600126163
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

Date: 12/14/2010 (871591) CN600126163
Self Report? NO Classification: Minor
Citation: 40 CFR Chapter 403, SubChapter N, PT 403 403.12(g)(2)
Description: Failure to resample an industrial user's wastewater within thirty days of becoming aware of a non-compliance with an applicable pretreatment standard.

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
GULF COAST WASTE DISPOSAL	§	
AUTHORITY	§	ENVIRONMENTAL QUALITY
RN100219211	§	

AGREED ORDER
DOCKET NO. 2011-0837-AIR-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Gulf Coast Waste Disposal Authority ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates an industrial wastewater treatment facility at 10800 Bay Area Boulevard in Pasadena, Harris County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about July 23, 2011.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Eight Thousand Six Hundred Dollars (\$8,600) is assessed by the Commission in settlement of the violations alleged in Section

II ("Allegations"). One Thousand Seven Hundred Twenty Dollars (\$1,720) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty. Six Thousand Eight Hundred Eighty Dollars (\$6,880) shall be conditionally offset by the Respondents completion of a Supplemental Environmental Project ("SEP").

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that on May 17, 2012, the Respondent obtained an amendment for New Source Review ("NSR") Permit No. 40782 to update the Cooling Tower, Emission Point Number ("EPN") COOLTWER, hourly volatile organic compound ("VOC") emission rate and to revise the compliance test method.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have failed to comply with allowable emission rates, in violation of 30 TEX. ADMIN. CODE §§ 116.116(b)(1) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), NSR Permit No. 40782, Special Conditions No. 1, and Federal Operating Permit No. O1708, General Terms and Conditions and Special Terms and Conditions No. 8, as documented during a record review conducted on May 25, 2011. Specifically, on September 13, 2010, the Respondent calculated the VOC emission rates from the Cooling Tower, EPN COOLTWER, and determined that the allowable VOC hourly emission rate of 0.41 pound per hour ("lb/hr") was exceeded by 7.63 lbs/hr, resulting in 14.5 tons of unauthorized VOC.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Gulf Coast Waste Disposal Authority, Docket No. 2011-0837-AIR-E" to:

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

2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Six Thousand Eight Hundred Eighty Dollars (\$6,880) 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 Respondent. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission


For the Executive Director

9/25/14
Date

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

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

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

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


Signature

7-14-14
Date

Ricky Clifton
Name (Printed or typed)
Authorized Representative of
Gulf Coast Waste Disposal Authority

General Manager
Title

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

Attachment A

Docket Number: 2011-0837-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Gulf Coast Waste Disposal Authority
Penalty Amount:	Six Thousand Eight Hundred Eighty Dollars (\$6,880)
SEP Offset Amount:	Six Thousand Eight Hundred Eighty Dollars (\$6,880)
Type of SEP:	Contribution to a Third-Party Administrator SEP
Third-Party Administrator:	Anahuac Independent School District
Project Name:	<i>Clean School Bus Project</i>
Location of SEP:	Chambers County; Neches-Trinity Coastal Basin and Trinity River Basin

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset 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 **Anahuac Independent School District** for the *Clean School Bus Project*. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the "Project"). Specifically, the SEP Offset Amount will be used to purchase a lower-emission school bus that is model year 2010 or newer ("Replacement Bus") to replace a bus that is model year 1995 ("Older Bus"), thus removing the Older Bus from the roads. The Third-Party Administrator shall ensure that the Replacement Bus has an engine that meets 2010 EPA Standards. The Third-Party Administrator certifies that the Older Bus is currently in use, driven on a regular route on a weekly basis for at least the past two years. The Third-Party Administrator shall own and operate the Replacement Bus for at least five years following the date of purchase. 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 implementing the Project, including, but not limited to supplies, materials, and equipment. Any portion of this contribution that is not spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

Gulf Coast Waste Disposal Authority
Agreed Order - Attachment A

The Respondent's signature affixed to this Agreed Order certifies that the Respondent 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

The SEP will benefit air quality by reducing harmful exhaust emissions from an older school bus. Older school bus engines emit larger amounts of nitrogen oxides and particulate matter, as well as other harmful pollutants such as volatile organic compounds and carbon monoxide than new buses. These pollutants contribute to the formation of ozone and may cause or exacerbate a number of respiratory diseases, including asthma, especially in children. The Project will reduce these emissions by replacing a model year 1995 school bus with a new, lower-emission bus.

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 **Anahuac Independent School District SEP** and shall mail the contribution with a copy of the Agreed Order to:

Anahuac Independent School District
Attention: Rosie Womack, Business Manager
P.O. Box 638
Anahuac, Texas 77514

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:

Gulf Coast Waste Disposal Authority
Agreed Order - Attachment A

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 and submittal of the required reporting 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 SEP, 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:

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. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, 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 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.