

Executive Summary – Enforcement Matter – Case No. 58326
Rock Dicke Incorporated dba RDI Fabricators
RN103788162
Docket No. 2019-1402-IHW-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

IHW

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

RDI Fabricators, 1402 Fort McKavitt Road, Mason, Mason County

Type of Operation:

Oil and gas industry equipment fabrication shop

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: November 27, 2020

Comments Received: No

Penalty Information

Total Penalty Assessed: \$37,332

Amount Deferred for Expedited Settlement: \$7,466

Total Paid to General Revenue: \$851

Total Due to General Revenue: \$29,015

Payment Plan: 35 payments of \$829 each

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: July 24, 2019

Date(s) of NOE(s): September 3, 2019

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Rock Dicke Incorporated dba RDI Fabricators
RN103788162
Docket No. 2019-1402-IHW-E

Violation Information

1. Caused, suffered, allowed, or permitted the unauthorized disposal of industrial solid waste ("ISW"). Specifically, the Respondent disposed of approximately 10,740 pounds of ISW consisting of soil contaminated by air compressor oil in concentrations greater than 1,500 milligrams per kilogram total petroleum hydrocarbons at the City of Mason Landfill on June 20, 2019, which was not authorized to receive the waste [30 TEX. ADMIN. CODE § 335.4].

2. Failed to conduct hazardous waste determinations and waste classifications. Specifically, waste determinations and waste classifications were either improperly classified, incomplete, or not conducted on the following ten waste streams: particulate discharge from the dust collector system, oily discharge from the air compressor line, used paint filters, discarded personal protective equipment, discarded rags from the paint booth, discarded paint material, spent filters from the paint booth's ventilation system, cardboard, dust collector filters, and plant trash [30 TEX. ADMIN. CODE §§ 335.62, 335.503(a), and 335.504 and 40 CODE OF FEDERAL REGULATIONS § 262.11].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent conducted waste classifications and determinations for the following waste streams on October 28, 2019: discharge associated with the operation of the dust collector system, oily discharge from the air compressor line, used paint filters, discarded personal protective equipment, discarded rags from the paint booth, discarded paint material, spent filters from the paint booth's ventilation system, cardboard, dust collector filters, and plant trash.

Technical Requirements:

The Order will require the Respondent to:

- a. Within 30 days, develop and implement procedures designed to ensure that all ISW generated at the Facility is disposed of at authorized facilities;
- b. Within 45 days, submit written certification to demonstrate compliance with a.

Executive Summary – Enforcement Matter – Case No. 58326
Rock Dicke Incorporated dba RDI Fabricators
RN103788162
Docket No. 2019-1402-IHW-E

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Ken Moller, Enforcement Division, Enforcement Team 7, MC 219, (512) 239-6111; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Jason Bradley, President, Rock Dicke Incorporated, 52 Dry Prong, Mason, Texas 76856-4420

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

DATES	Assigned	9-Sep-2019	Screening	17-Sep-2019	EPA Due	
	PCW	25-Sep-2019				

RESPONDENT/FACILITY INFORMATION	
Respondent	Rock Dicke Incorporated dba RDI Fabricators
Reg. Ent. Ref. No.	RN103788162
Facility/Site Region	8-San Angelo
Major/Minor Source	Minor

CASE INFORMATION		No. of Violations	2
Enf./Case ID No.	58326	Order Type	1660
Docket No.	2019-1402-IHW-E	Government/Non-Profit	No
Media Program(s)	Industrial and Hazardous Waste	Enf. Coordinator	Ken Moller
Multi-Media		EC's Team	Enforcement Team 6
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$38,750
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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	5.0% Adjustment	Subtotals 2, 3, & 7
		\$1,937

Notes: Enhancement for one written NOV with same/similar violations.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$3,750
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
Total EB Amounts	\$1,529	*Capped at the Total EB \$ Amount	
Estimated Cost of Compliance	\$42,490		

SUM OF SUBTOTALS 1-7	Final Subtotal	\$36,937
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OTHER FACTORS AS JUSTICE MAY REQUIRE	1.1%	Adjustment	\$395
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Enhancement to capture the avoided cost of compliance associated with Violation No. 1.

Final Penalty Amount	\$37,332
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$37,332
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DEFERRAL	20.0%	Reduction	Adjustment	-\$7,466
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY	\$29,866
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Screening Date 17-Sep-2019

Docket No. 2019-1402-IHW-E

PCW

Respondent Rock Dicke Incorporated dba RDI Fabricators

Policy Revision 4 (April 2014)

Case ID No. 58326

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN103788162

Media Industrial and Hazardous Waste

Enf. Coordinator Ken Moller

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	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>)	1	5%
	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%
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) 5%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for one written NOV with same/similar violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 5%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 5%

Screening Date 17-Sep-2019

Docket No. 2019-1402-IHW-E

PCW

Respondent Rock Dicke Incorporated dba RDI Fabricators

Policy Revision 4 (April 2014)

Case ID No. 58326

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN103788162

Media Industrial and Hazardous Waste

Enf. Coordinator Ken Moller

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 335.4

Violation Description

The Respondent caused, suffered, allowed, or permitted the unauthorized disposal of industrial solid waste ("ISW"). Specifically, the Respondent disposed of approximately 10,740 pounds of ISW consisting of soil contaminated by air compressor oil in concentrations greater than 1,500 mg/kg total petroleum hydrocarbons at the City of Mason Landfill on June 20, 2019, which was not authorized to receive the waste.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 5.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment will or could be exposed to significant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1

89 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$1,250

One quarterly event is recommended from the June 20, 2019 unauthorized disposal date to the September 17, 2019 screening date.

Good Faith Efforts to Comply

0.0%

Reduction \$0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	

Notes

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

Violation Subtotal \$1,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$401

Violation Final Penalty Total \$1,327

This violation Final Assessed Penalty (adjusted for limits) \$1,327

Economic Benefit Worksheet

Respondent Rock Dicke Incorporated dba RDI Fabricators
Case ID No. 58326
Reg. Ent. Reference No. RN103788162
Media Industrial and Hazardous Waste
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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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)	\$100	15-Apr-2019	5-Jul-2020	1.22	\$6	n/a	\$6

Notes for DELAYED costs Estimated delayed cost to develop and implement procedures designed to ensure that all ISW generated at the Facility is disposed of only at facilities authorized to accept it. The Date Required is the initial investigation date, and the Final Date is the estimated date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs	\$390	20-Jun-2019	17-Sep-2019	0.24	\$5	\$390	\$395
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs Estimated avoided cost of disposing the ISW at a facility authorized to receive the waste instead of disposing it at an unauthorized ISW disposal facility (estimated disposal cost for an authorized ISW disposal facility (\$497) minus the actual cost of disposing the ISW at an unauthorized facility (\$107)). The Date Required is the date of the unauthorized disposal, and the Final Date is the screening date.

Approx. Cost of Compliance	\$490	TOTAL	\$401
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Screening Date 17-Sep-2019

Docket No. 2019-1402-IHW-E

PCW

Respondent Rock Dicke Incorporated dba RDI Fabricators

Policy Revision 4 (April 2014)

Case ID No. 58326

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN103788162

Media Industrial and Hazardous Waste

Enf. Coordinator Ken Moller

Violation Number 2

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

Violation Description

Failed to conduct hazardous waste determinations and waste classifications. Specifically, waste determinations and waste classifications were either improperly classified, incomplete, or not conducted on the following ten waste streams: particulate discharge from the dust collector system, oily discharge from the air compressor line, used paint filters, discarded personal protective equipment, discarded rags from the paint booth, discarded paint material, spent filters from the paint booth's ventilation system, cardboard, dust collector filters, and plant trash.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

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

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 10

55 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$37,500

Ten single events are recommended (one event per waste stream).

Good Faith Efforts to Comply

10.0%

Reduction \$3,750

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

Extraordinary		
Ordinary		x
N/A		

Notes The Respondent came into compliance on October 28, 2019, after the September 3, 2019 Notice of Enforcement and prior to the settlement offer.

Violation Subtotal \$33,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,128

Violation Final Penalty Total \$36,006

This violation Final Assessed Penalty (adjusted for limits) \$36,006

Economic Benefit Worksheet

Respondent Rock Dicke Incorporated dba RDI Fabricators
Case ID No. 58326
Reg. Ent. Reference No. RN103788162
Media Industrial and Hazardous Waste
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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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)	\$42,000	15-Apr-2019	28-Oct-2019	0.54	\$1,128	n/a	\$1,128

Notes for DELAYED costs
 Estimated delayed cost to conduct waste determinations and waste classifications on ten waste streams (\$4,200 per waste stream). The Date Required is the initial investigation date, and the Final Date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs
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Approx. Cost of Compliance	\$42,000	TOTAL	\$1,128
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To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



TCEQ Compliance History Report

Compliance History Report for CN605203181, RN103788162, Rating Year 2019 which includes Compliance History (CH) components from September 1, 2014, through August 31, 2019.

Customer, Respondent, or Owner/Operator: CN605203181, Rock Dicke Incorporated **Classification:** SATISFACTORY **Rating:** 2.40

Regulated Entity: RN103788162, RDI Fabricators **Classification:** SATISFACTORY **Rating:** 2.40

Complexity Points: 5 **Repeat Violator:** NO

CH Group: 14 - Other

Location: 1402 Fort McKavitt Street, Mason, Mason County, Texas 76856

TCEQ Region: REGION 08 - SAN ANGELO

ID Number(s):

STORMWATER PERMIT TXR05CT62

**INDUSTRIAL AND HAZARDOUS WASTE
NONPERMITTED EPA ID TXR000084967**

**INDUSTRIAL AND HAZARDOUS WASTE
NONPERMITTED ID NUMBER R08103788162**

Compliance History Period: September 01, 2014 to August 31, 2019 **Rating Year:** 2019 **Rating Date:** 09/01/2019

Date Compliance History Report Prepared: September 17, 2019

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: September 17, 2014 to September 17, 2019

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

Name: Ken Moller

Phone: (512) 239-6111

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

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

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

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

N/A

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

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

- 1 Date: 05/29/2019 (1556080)
 - Self Report? NO Classification: Moderate
 - Citation: 30 TAC Chapter 335, SubChapter A 335.4
 - Description: Failure to comply with the general prohibitions regarding solid waste.
 - Self Report? NO Classification: Moderate
 - Citation: 30 TAC Chapter 335, SubChapter C 335.62
40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11
 - Description: Failure to conduct Hazardous Waste Determinations for wastes generated at the site.
 - Self Report? NO Classification: Moderate
 - Citation: 30 TAC Chapter 335, SubChapter R 335.503(a)
 - Description: Failure to conduct Waste Classification Determinations for wastes generated at the site.

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
ROCK DICKE INCORPORATED
DBA RDI FABRICATORS
RN103788162**

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§

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2019-1402-IHW-E**

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Rock Dicke Incorporated dba RDI Fabricators (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 361 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates an oil and gas industry equipment fabrication shop located at 1402 Fort McKavitt Road in Mason, Mason County, Texas (the "Facility"). The Facility involves or involved the management of industrial solid waste ("ISW") as defined in TEX. HEALTH & SAFETY CODE ch. 361.
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 361 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$37,332 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$851 of the penalty and \$7,466 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order and shall be waived only upon full compliance with all the terms and conditions of this Order.

The remaining amount of \$29,015 of the undeferred penalty shall be paid in 35 monthly payments of \$829 each. The first monthly payment shall be paid within 30 days after the effective date of this Order. The subsequent payments shall each be paid not later

than 30 days following the due date of the previous payment until the penalty is paid in full. If the Respondent fails to comply with the payment requirements of this Order, including the payment schedule, the Executive Director may accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. The Respondent's failure to meet the payment schedule of this Order and/or the acceleration of any remaining balance constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms and conditions of this Order and the Executive Director may demand payment of all or part of the deferred penalty amount.

5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more-timely resolution of the matter.
6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that the Respondent conducted waste classifications and determinations for the following waste streams on October 28, 2019: discharge associated with the operation of the dust collector system, oily discharge from the air compressor line, used paint filters, discarded personal protective equipment, discarded rags from the paint booth, discarded paint material, spent filters from the paint booth's ventilation system, cardboard, dust collector filters, and plant trash.

II. ALLEGATIONS

During an investigation conducted on July 24, 2019, an investigator documented that the Respondent:

1. Caused, suffered, allowed, or permitted the unauthorized disposal of ISW, in violation of 30 TEX. ADMIN. CODE § 335.4. Specifically, the Respondent disposed of approximately 10,740 pounds of ISW consisting of soil contaminated by air compressor oil in concentrations greater than 1,500 mg/kg total petroleum hydrocarbons at the City of Mason Landfill on June 20, 2019, which was not authorized to receive the waste.
2. Failed to conduct hazardous waste determinations and waste classifications, in violation of 30 TEX. ADMIN. CODE §§ 335.62, 335.503(a), and 335.504 and 40 CODE OF FEDERAL REGULATIONS § 262.11. Specifically, waste determinations and waste classifications were

either improperly classified, incomplete, or not conducted on the following ten waste streams: particulate discharge from the dust collector system, oily discharge from the air compressor line, used paint filters, discarded personal protective equipment, discarded rags from the paint booth, discarded paint material, spent filters from the paint booth's ventilation system, cardboard, dust collector filters, and plant trash.

III. DENIALS

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

IV. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Rock Dicke Incorporated dba RDI Fabricators, Docket No. 2019-1402-IHW-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 Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Order, develop and implement procedures designed to ensure that all ISW generated at the Facility is disposed of at authorized facilities, in accordance with 30 TEX. ADMIN. CODE § 335.4;
 - b. Within 45 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be signed by the Respondent and shall include the following certification language:

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

Waste Section Manager
San Angelo Regional Office
Texas Commission on Environmental Quality
622 South Oakes, Suite K
San Angelo, Texas 76903-7035

3. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
5. If the Respondent fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this 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.
6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by 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. Extension requests shall be sent to the Order Compliance Team at the address listed above.
7. This 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 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.
8. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or

issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

9. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



Date

4/12/2021

For the Executive Director

Date

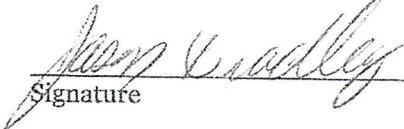
I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, 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



Date

10-21-2020

Name (Printed or typed)
Authorized Representative of
Rock Dicke Incorporated dba RDI Fabricators

Jason Bradley

Title

President

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

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