

**Executive Summary – Enforcement Matter – Case No. 56769**

**OREAL, Inc.**

**RN101519064**

**Docket No. 2018-1377-MWD-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:**

MWD

**Small Business:**

Yes

**Location(s) Where Violation(s) Occurred:**

Twin Oaks MHP Oak Haven Subdivision, located on the west bank of Willis Creek, approximately one mile south of the Willis Creek crossing of Farm-to-Market Road 842 and approximately two miles northeast of the intersection of Farm-to-Market Road 842 and State Highway 103E near Lufkin, Angelina County

**Type of Operation:**

Wastewater treatment facility

**Other Significant Matters:**

Additional Pending Enforcement Actions: Yes, Docket No. 2021-1433-MLM-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** May 13, 2022

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$97,802

**Amount Deferred for Financial Inability to Pay:** \$94,202

Confidential information, which may include financial or medical information, has been provided to the Commission for their consideration.

**Total Paid to General Revenue:** \$100

**Total Due to General Revenue:** \$3,500

Payment Plan: 35 payments of \$100 each

**Compliance History Classifications:**

Person/CN - N/A

Site/RN - Unclassified

**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 12, 2018

**Date(s) of NOE(s):** September 10, 2018

**Executive Summary – Enforcement Matter – Case No. 56769**

**OREAL, Inc.**

**RN101519064**

**Docket No. 2018-1377-MWD-E**

***Violation Information***

1. Failed to submit complete monitoring results on the discharge monitoring report ("DMR") for the following months: January 2016 (daily average and daily maximum flow); October 2016 total suspended solids ("TSS") daily average and single grab concentrations); March 2017 biochemical oxygen demand five-day ("BOD5") daily average concentration and TSS daily average concentration; April 2017 (chlorine monthly minimum and maximum concentrations, dissolved oxygen monthly minimum concentration, and pH minimum); May 2017 (daily average and daily maximum flow; and BOD5 daily average concentration, single grab concentration, and daily average loading); August 2017 (TSS daily average concentration and single grab concentration, dissolved oxygen monthly minimum concentration, and pH minimum and maximum concentrations) [30 TEX. ADMIN. CODE §§ 305.125(1) and (17) and 319.7(d) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011588001, Monitoring and Reporting Requirements No. 1].
2. Failed to properly operate and maintain the Facility and all of its systems of collection, treatment, and disposal [30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. WQ0011588001, Operational Requirements No. 1].
3. Failed to properly operate and maintain the Facility and all of its systems of collection, treatment, and disposal [30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. WQ0011588001, Operational Requirements No. 1].
4. Failed to properly operate and maintain the Facility and all of its systems of collection, treatment, and disposal [30 TEX. ADMIN. CODE §§ 305.125(1) and (5), 317.3(e)(5) and TPDES Permit No. WQ0011588001, Operational Requirements No. 1].
5. Failed to comply with permitted effluent limitations for total residual chlorine, total suspended solids, dissolved oxygen, and *Escherichia coli* [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0011588001, Effluent Limitations and Monitoring Requirements Nos. 1, 2, and 6].
6. Failed to submit the annual sludge report for the monitoring periods ending July 31, 2016 and July 31, 2017 to the TCEQ Enforcement Division and the Beaumont Regional Office by September 30, 2016 and September 30, 2017, respectively [30 TEX. ADMIN. CODE § 305.125(1) and (17) and TPDES Permit No. WQ0011588001, Sludge Provisions].
7. Failed to submit monitoring results at the intervals specified in the permit [30 TEX. ADMIN. CODE §§ 305.125(1) and (17) and 319.7(d) and TPDES Permit No. WQ0011588001, Monitoring and Reporting Requirements No. 1].
8. Failed to ensure all records of monitoring information required by the permit are retained at the Facility and made readily available for review at the Facility [30 TEX. ADMIN. CODE § 305.125(1) and (11)(B) and TPDES Permit No. WQ0011588001, Monitoring and Reporting Requirements No. 3.b].

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9. Failed to report any effluent violation which deviates from the permitted effluent limitation by more than 40% in writing to the TCEQ Beaumont Regional Office and the Enforcement Division within five working days of becoming aware of the noncompliance [30 TEX. ADMIN. CODE § 305.125(1) and (9)(A) and TPDES Permit No. WQ0011588001, Monitoring and Reporting Requirements No. 7.c].

10. Failed to retain the annual backflow prevention assembly test and maintenance report forms for a minimum of three years [30 TEX. ADMIN. CODE § 317.4(a)(8)].

11. Failed to properly operate and maintain the Facility and all of its systems of collection, treatment, and disposal [30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. WQ0011588001, Operational Requirements No. 1].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

On September 23, 2019, the Respondent transferred ownership of the Facility.

**Technical Requirements:**

N/A

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Alejandro Laje, Enforcement Division, Enforcement Team 1, MC 219, (512) 239-2547; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

**Respondent:** Jay Bearden, President, OREAL, Inc., 101 West Tarrant Street, Bowie, Texas 76230

**Respondent's Attorney:** Timothy J. Karczewski, Skelton Slusher Barnhill Watkins Wells PLLC, 1616 South Chestnut Street, Lufkin, Texas 75901



# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	17-Sep-2018	<b>Screening</b>	26-Sep-2018	<b>EPA Due</b>	
	<b>PCW</b>	21-Oct-2021				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	OREAL, Inc.
<b>Reg. Ent. Ref. No.</b>	RN101519064
<b>Facility/Site Region</b>	10-Beaumont
<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	56769	<b>No. of Violations</b>	12
<b>Docket No.</b>	2018-1377-MWD-E	<b>Order Type</b>	Findings
<b>Media Program(s)</b>	Water Quality	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Alejandro Laje
		<b>EC's Team</b>	Enforcement Team 3
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	<b>\$70,750</b>
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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.

<b>Compliance History</b>	<b>15.0%</b> Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	<b>\$10,612</b>
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Notes: Enhancement for two months of self-reported effluent violations and one NOV with same/similar violations.

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

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	<b>\$0</b>
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<b>Economic Benefit</b>	<b>50.0%</b> Enhancement*	<b>Subtotal 6</b>	<b>\$16,440</b>
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Total EB Amounts: \$16,440  
 Estimated Cost of Compliance: \$15,800  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$97,802</b>
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	<b>0.0%</b> Adjustment	<b>\$0</b>
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Recommended enhancement to capture the avoided cost of compliance associated with Violation Nos. 1 through 5 and 7 through 12 is included in the Economic Benefit Enhancement (Subtotal 6).

<b>Final Penalty Amount</b>	<b>\$97,802</b>
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$97,802</b>
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<b>DEFERRAL</b>	<b>0.0%</b> Reduction Adjustment	<b>\$0</b>
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: No deferral is recommended for Findings Orders.

<b>PAYABLE PENALTY</b>	<b>\$97,802</b>
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**Screening Date** 26-Sep-2018

**Docket No.** 2018-1377-MWD-E

**PCW**

**Respondent** OREAL, Inc.

*Policy Revision 4 (April 2014)*

**Case ID No.** 56769

*PCW Revision March 26, 2014*

**Reg. Ent. Reference No.** RN101519064

**Media** Water Quality

**Enf. Coordinator** Alejandro Laje

### 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> )	3	15%
	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)** 15%

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

No

**Adjustment Percentage (Subtotal 3)** 0%

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

N/A

**Adjustment Percentage (Subtotal 7)** 0%

**>> Compliance History Summary**

**Compliance History Notes**

Enhancement for two months of self-reported effluent violations and one NOV with same/similar violations.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 15%

**>> Final Compliance History Adjustment**

**Final Adjustment Percentage \*capped at 100%** 15%

Screening Date 26-Sep-2018

Docket No. 2018-1377-MWD-E

PCW

Respondent OREAL, Inc.

Policy Revision 4 (April 2014)

Case ID No. 56769

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101519064

Media Water Quality

Enf. Coordinator Alejandro Laje

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1) and (17) and 319.7(d) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011588001, Monitoring and Reporting Requirements No. 1

Violation Description Failed to submit complete monitoring results on the discharge monitoring report ("DMR") for the following months: January 2016 (daily average and daily maximum flow); October 2016 (total suspended solids ("TSS") daily average and single grab concentrations); March 2017 (biochemical oxygen demand five-day ("BOD5") daily average concentration and TSS daily average concentration); April 2017 (chlorine monthly minimum and maximum concentrations, dissolved oxygen monthly minimum concentration, and pH minimum); May 2017 (daily average and daily maximum flow; BOD5 daily average concentration, single grab concentration, and daily average loading); August 2017 (TSS daily average concentration and single grab concentration, dissolved oxygen monthly minimum concentration, and pH minimum and maximum concentrations).

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual					0.0%
Potential					

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent

Between 30% and 70% of the rule requirements were not met.

Adjustment \$24,375

\$625

Violation Events

Number of Violation Events 6 Number of violation days 949

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$3,750

Six single events are recommended, one for each monitoring period.

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 \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$170

Violation Final Penalty Total \$5,683

This violation Final Assessed Penalty (adjusted for limits) \$5,683

## Economic Benefit Worksheet

**Respondent** OREAL, Inc.  
**Case ID No.** 56769  
**Reg. Ent. Reference No.** RN101519064  
**Media** Water Quality  
**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)				0.00	\$0	n/a	\$0
Notes for DELAYED costs							

### 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				0.00	\$0	\$0	\$0
Other (as needed)	\$150	20-Feb-2016	26-Sep-2018	2.60	\$20	\$150	\$170
Notes for AVOIDED costs							
Estimated cost to submit revised DMRs for the monitoring periods ending January 31, 2016; October 31, 2016; March 31, 2017; April 30, 2017; May 31, 2017; and August 31, 2017 (\$25 x six DMRs). Date required is the date the first results were due, and the final date is the screening date.							

Approx. Cost of Compliance	\$150	<b>TOTAL</b>	\$170
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**Screening Date** 26-Sep-2018  
**Respondent** OREAL, Inc.  
**Case ID No.** 56769  
**Reg. Ent. Reference No.** RN101519064  
**Media** Water Quality  
**Enf. Coordinator** Alejandro Laje

**Docket No.** 2018-1377-MWD-E

**PCW**

*Policy Revision 4 (April 2014)*  
*PCW Revision March 26, 2014*

**Violation Number** 2

**Rule Cite(s)** 30 Tex. Admin. Code § 305.125(1) and (5) and TPDES Permit No. WQ0011588001, Operational Requirements No. 1

**Violation Description**

Failed to properly operate and maintain the Facility and all of its systems of collection, treatment, and disposal. Specifically, the sludge depth was five feet in the chlorine contact chamber, and the aerated digester had complete surface coverage of dry, caked solids.

**Base Penalty** \$25,000

**>> Environmental, Property and Human Health Matrix**

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

**>> Programmatic Matrix**

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
					0.0%

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 6 76 Number of violation days

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

**Violation Base Penalty** \$22,500

Six monthly events, three months for each treatment unit, are recommended from the investigation date (July 12, 2018) to the screening date (September 26, 2018).

**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** \$22,500

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount** \$1,515

**Violation Final Penalty Total** \$27,245

**This violation Final Assessed Penalty (adjusted for limits)** \$27,245



## Economic Benefit Worksheet

**Respondent** OREAL, Inc.  
**Case ID No.** 56769  
**Reg. Ent. Reference No.** RN101519064  
**Media** Water Quality  
**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)				0.00	\$0	n/a	\$0
Notes for DELAYED costs							

### 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				0.00	\$0	\$0	\$0
Other (as needed)	\$1,500	12-Jul-2018	26-Sep-2018	0.21	\$15	\$1,500	\$1,515
Notes for AVOIDED costs							
Estimated cost to remove and properly dispose of the sludge from the chlorine contact chamber and the solids from the aerated digester. Date required is the investigation date, and the final date is the screening date.							

Approx. Cost of Compliance	\$1,500	<b>TOTAL</b>	\$1,515
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**Screening Date** 26-Sep-2018  
**Respondent** OREAL, Inc.  
**Case ID No.** 56769  
**Reg. Ent. Reference No.** RN101519064  
**Media** Water Quality  
**Enf. Coordinator** Alejandro Laje

**Docket No.** 2018-1377-MWD-E

**PCW**

*Policy Revision 4 (April 2014)*  
*PCW Revision March 26, 2014*

**Violation Number**

**Rule Cite(s)** 30 Tex. Admin. Code § 305.125(1) and (5) and TPDES Permit No. WQ0011588001, Operational Requirements No. 1

**Violation Description** Failed to properly operate and maintain the Facility and all of its systems of collection, treatment, and disposal. Specifically, the bucket used to store bar screenings was not covered.

**Base Penalty**

**>> Environmental, Property and Human Health Matrix**

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="3.0%"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text" value="X"/>	<input type="text"/>	

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>

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

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text" value="X"/>

**Violation Base Penalty**

One single event is recommended.

**Good Faith Efforts to Comply**

Reduction

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

Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input type="text" value="X"/>	<input type="text"/>

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

**Violation Subtotal**

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount**

**Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**

## Economic Benefit Worksheet

**Respondent** OREAL, Inc.  
**Case ID No.** 56769  
**Reg. Ent. Reference No.** RN101519064  
**Media** Water Quality  
**Violation No.** 3

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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

### 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	\$25	12-Jul-2018	26-Sep-2018	0.21	\$0	\$25	\$25
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated cost to affix a lid to the bucket used to store bar screenings. Date required is the investigation date, and the final date is the screening date.

Approx. Cost of Compliance

\$25

**TOTAL**

\$25

**Screening Date** 26-Sep-2018  
**Respondent** OREAL, Inc.  
**Case ID No.** 56769  
**Reg. Ent. Reference No.** RN101519064  
**Media** Water Quality  
**Enf. Coordinator** Alejandro Laje

**Docket No.** 2018-1377-MWD-E

**PCW**

*Policy Revision 4 (April 2014)*  
*PCW Revision March 26, 2014*

**Violation Number** 4

**Rule Cite(s)** 30 Tex. Admin. Code §§ 305.125(1) and (5), 317.3(e)(5), and TPDES Permit No. WQ0011588001, Operational Requirements No. 1

**Violation Description**

Failed to properly operate and maintain the Facility and all of its systems of collection, treatment, and disposal. Specifically, Lift Station No. 1 had greater than 50% coverage of grease accumulation in the wet well, and the lid of the wet well was not secured. Lift Station No. 2 did not have an operational audio/visual alarm, and the wet well was severely corroded. The lid of the wet well was not secured, and the control panel was not functioning properly as the pumps could not be manually turned on.

**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	Harm		
	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 2

76 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

**Violation Base Penalty** \$2,500

Two quarterly events are recommended, one for each lift station, from the investigation date (July 12, 2018) to the screening date (September 26, 2018).

**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** \$2,500

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount** \$1,768

**Violation Final Penalty Total** \$4,245

**This violation Final Assessed Penalty (adjusted for limits)** \$4,245

## Economic Benefit Worksheet

**Respondent** OREAL, Inc.  
**Case ID No.** 56769  
**Reg. Ent. Reference No.** RN101519064  
**Media** Water Quality  
**Violation No.** 4

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)				0.00	\$0	n/a	\$0
Notes for DELAYED costs							

### 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	\$250	12-Jul-2018	26-Sep-2018	0.21	\$3	\$250	\$253
Other (as needed)	\$1,500	12-Jul-2018	26-Sep-2018	0.21	\$15	\$1,500	\$1,515
Notes for AVOIDED costs  Estimated cost to remove and properly dispose of the excessive grease accumulation (\$200) and secure the lid of the wet well at Lift Station No. 1 (\$50). Date required is the investigation date, and the final date is the screening date.  Estimated cost to provide an audio/visual alarm, replace and secure the lid to the wet well, repair wet well corrosion, and repair the control panel at Lift Station No. 2. Date required is the investigation date, and the final date is the screening date.							

<b>Approx. Cost of Compliance</b>	\$1,750	<b>TOTAL</b>	\$1,768
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**Screening Date** 26-Sep-2018  
**Respondent** OREAL, Inc.  
**Case ID No.** 56769  
**Reg. Ent. Reference No.** RN101519064  
**Media** Water Quality  
**Enf. Coordinator** Alejandro Laje

**Docket No.** 2018-1377-MWD-E

**PCW**

*Policy Revision 4 (April 2014)*  
*PCW Revision March 26, 2014*

**Violation Number**

**Rule Cite(s)** Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0011588001, Effluent Limitations and Monitoring Requirements Nos. 1, 2, and 6

**Violation Description** Failed to comply with permitted effluent limitations, as shown in the attached table.

**Base Penalty**

**>> Environmental, Property and Human Health Matrix**

OR	Release	Harm			Percent
		Major	Moderate	Minor	
		Actual	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text" value="0.0%"/>

**Matrix Notes** Human health or the environment has been exposed to pollutants which exceed levels that are protective of human health or environmental receptors as a result of the violation.

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

daily	<input type="checkbox"/>
weekly	<input type="checkbox"/>
monthly	<input checked="" type="checkbox"/>
quarterly	<input type="checkbox"/>
semiannual	<input type="checkbox"/>
annual	<input type="checkbox"/>
single event	<input type="checkbox"/>

**Violation Base Penalty**

One monthly event is recommended for the month of July 2018.

**Good Faith Efforts to Comply**

Reduction

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

Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>
Ordinary	<input type="checkbox"/>	<input type="checkbox"/>
N/A	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

**Violation Subtotal**

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount**

**Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**

## Economic Benefit Worksheet

**Respondent** OREAL, Inc.  
**Case ID No.** 56769  
**Reg. Ent. Reference No.** RN101519064  
**Media** Water Quality  
**Violation No.** 5

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)				0.00	\$0	n/a	\$0
Notes for DELAYED costs							

### 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				0.00	\$0	\$0	\$0
Other (as needed)	\$10,000	30-Sep-2017	26-Sep-2018	0.99	\$494	\$10,000	\$10,494
Notes for AVOIDED costs Estimated cost to determine the cause of the noncompliance and to make any necessary repairs/adjustments to the Facility. Date required is the initial date of noncompliance, and the final date is the screening date.							

<b>Approx. Cost of Compliance</b>	\$10,000	<b>TOTAL</b>	\$10,494
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**Screening Date** 26-Sep-2018  
**Respondent** OREAL, Inc.  
**Case ID No.** 56769  
**Reg. Ent. Reference No.** RN101519064  
**Media** Water Quality  
**Enf. Coordinator** Alejandro Laje

**Docket No.** 2018-1377-MWD-E

**PCW**

*Policy Revision 4 (April 2014)*  
*PCW Revision March 26, 2014*

**Violation Number** 6

**Rule Cite(s)** Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0011588001, Effluent Limitations and Monitoring Requirements No. 6

**Violation Description** Failed to comply with permitted effluent limitations, as shown in the attached table.

**Base Penalty** \$25,000

**>> Environmental, Property and Human Health Matrix**

OR	Release	Harm			Percent
		Major	Moderate	Minor	
		Actual			
Potential					

**>> Programmatic Matrix**

Matrix Notes	Falsification	Major	Moderate	Minor	Percent

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

**Adjustment** \$23,750

\$1,250

**Violation Events**

Number of Violation Events: 1      30 Number of violation days

daily		<b>Violation Base Penalty</b> \$1,250
weekly		
monthly		
quarterly	X	
semiannual		
annual		
single event		

One quarterly event is recommended for the quarter containing the month of September 2017.

**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** \$0      **Violation Final Penalty Total** \$2,808

**This violation Final Assessed Penalty (adjusted for limits)** \$2,808



## Economic Benefit Worksheet

**Respondent** OREAL, Inc.  
**Case ID No.** 56769  
**Reg. Ent. Reference No.** RN101519064  
**Media** Water Quality  
**Violation No.** 6

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)				0.00	\$0	n/a	\$0
Notes for DELAYED costs							

### 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				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs							

Approx. Cost of Compliance	\$0	<b>TOTAL</b>	\$0
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**Screening Date** 26-Sep-2018  
**Respondent** OREAL, Inc.  
**Case ID No.** 56769  
**Reg. Ent. Reference No.** RN101519064  
**Media** Water Quality  
**Enf. Coordinator** Alejandro Laje

**Docket No.** 2018-1377-MWD-E

**PCW**

*Policy Revision 4 (April 2014)*  
*PCW Revision March 26, 2014*

**Violation Number** 7

**Rule Cite(s)** 30 Tex. Admin. Code § 305.125(1) and (17) and TPDES Permit No. WQ0011588001, Sludge Provisions

**Violation Description**

Failed to submit the annual sludge report for the monitoring periods ending July 31, 2016 and July 31, 2017 to the TCEQ Enforcement Division and the Beaumont Regional Office by September 30, 2016 and September 30, 2017, respectively.

**Base Penalty** \$25,000

**>> Environmental, Property and Human Health Matrix**

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0.0%
Potential				

**>> Programmatic Matrix**

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
			X		
100% of the rule requirements were not met.					

**Adjustment** \$23,750

\$1,250

**Violation Events**

Number of Violation Events 2      726 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	X
single event	

**Violation Base Penalty** \$2,500

Two annual events are recommended, one for each report.

**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** \$2,500

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount** \$308

**Violation Final Penalty Total** \$4,245

**This violation Final Assessed Penalty (adjusted for limits)** \$4,245

## Economic Benefit Worksheet

**Respondent** OREAL, Inc.  
**Case ID No.** 56769  
**Reg. Ent. Reference No.** RN101519064  
**Media** Water Quality  
**Violation No.** 7

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)				0.00	\$0	n/a	\$0
<b>Notes for DELAYED costs</b>							

### 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
<b>ONE-TIME avoided costs</b>	<b>\$250</b>	<b>12-Jul-2018</b>	<b>26-Sep-2018</b>	<b>0.21</b>	<b>\$3</b>	<b>\$250</b>	<b>\$253</b>
Other (as needed)	\$50	30-Sep-2016	26-Sep-2018	1.99	\$5	\$50	\$55
<b>Notes for AVOIDED costs</b>  Estimated cost to update operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including timely submittal of signed and certified annual sludge reports (\$250). Date required is the investigation date, and the final date is the screening date.  Estimated cost to submit the annual sludge reports for the monitoring periods ending July 31, 2016 and July 31, 2017 (\$50). Date required is the date the first report was due, and the final date is the screening date.							

Approx. Cost of Compliance \$300

**TOTAL** \$308

**Screening Date** 26-Sep-2018  
**Respondent** OREAL, Inc.  
**Case ID No.** 56769  
**Reg. Ent. Reference No.** RN101519064  
**Media** Water Quality  
**Enf. Coordinator** Alejandro Laje

**Docket No.** 2018-1377-MWD-E

**PCW**

*Policy Revision 4 (April 2014)*  
*PCW Revision March 26, 2014*

**Violation Number** 8

**Rule Cite(s)** 30 Tex. Admin. Code §§ 305.125(1) and (17) and 319.7(d) and TPDES Permit No. WQ0011588001, Monitoring and Reporting Requirements No. 1

**Violation Description**

Failed to submit monitoring results at the intervals specified in the permit. Specifically, the Respondent did not submit DMRs for the monitoring periods ending October 31, 2017 and January 31, 2018 through June 30, 2018; and Escherichia coli monitoring results for the quarterly monitoring periods ending February 29, 2016 through June 30, 2018.

**Base Penalty** \$25,000

**>> Environmental, Property and Human Health Matrix**

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
		X			5.0%

Matrix Notes

100% of the rule requirements were not met.

**Adjustment** \$23,750

\$1,250

**Violation Events**

Number of Violation Events 17 920 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

**Violation Base Penalty** \$21,250

Seventeen single events are recommended, one for each monitoring period.

**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** \$21,250

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount** \$734

**Violation Final Penalty Total** \$25,808

**This violation Final Assessed Penalty (adjusted for limits)** \$25,808

## Economic Benefit Worksheet

**Respondent** OREAL, Inc.  
**Case ID No.** 56769  
**Reg. Ent. Reference No.** RN101519064  
**Media** Water Quality  
**Violation No.** 8

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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

### 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	\$250	12-Jul-2018	26-Sep-2018	0.21	\$3	\$250	\$253
Other (as needed)	\$425	20-Mar-2016	26-Sep-2018	2.52	\$56	\$425	\$481

Notes for AVOIDED costs

Estimated cost to update operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including timely submittal of DMRs (\$250). Date required is the investigation date, and the final date is the screening date.

Estimated cost to submit DMRs for the monitoring periods ending October 31, 2017; January 31, 2018 through June 30, 2018, and Escherichia coli monitoring results for the quarterly monitoring periods ending February 29, 2016 through June 30, 2018 (\$25 x 17 DMRs). Date required is the date the first DMR was due, and the final date is the screening date.

Approx. Cost of Compliance

\$675

**TOTAL**

\$734

**Screening Date** 26-Sep-2018  
**Respondent** OREAL, Inc.  
**Case ID No.** 56769  
**Reg. Ent. Reference No.** RN101519064  
**Media** Water Quality  
**Enf. Coordinator** Alejandro Laje

**Docket No.** 2018-1377-MWD-E

**PCW**

*Policy Revision 4 (April 2014)*  
*PCW Revision March 26, 2014*

**Violation Number** 9

**Rule Cite(s)** 30 Tex. Admin. Code § 305.125(1) and (11)(B) and TPDES Permit No. WQ0011588001, Monitoring and Reporting Requirements No. 3.b

**Violation Description** Failed to ensure all records of monitoring information required by the permit are retained at the Facility and made readily available for review at the Facility. Specifically, the daily operator logs prior to May 2018, pH calibration log, dissolved oxygen calibration log, colorimeter accuracy check log, and DMRs were not available for review.

**Base Penalty** \$25,000

**>> Environmental, Property and Human Health Matrix**

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
		X			5.0%

**Matrix Notes** Greater than 70% of the rule requirements were not met.

**Adjustment** \$23,750

\$1,250

**Violation Events**

Number of Violation Events 1 76 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

**Violation Base Penalty** \$1,250

One single event is recommended.

**Good Faith Efforts to Comply**

0.0%

Reduction \$0

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

Extraordinary		
Ordinary		
N/A	X	

**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** \$253

**Violation Final Penalty Total** \$2,808

**This violation Final Assessed Penalty (adjusted for limits)** \$2,808

## Economic Benefit Worksheet

**Respondent** OREAL, Inc.  
**Case ID No.** 56769  
**Reg. Ent. Reference No.** RN101519064  
**Media** Water Quality  
**Violation No.** 9

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)				0.00	\$0	n/a	\$0
Notes for DELAYED costs							

### 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	\$250	12-Jul-2018	26-Sep-2018	0.21	\$3	\$250	\$253
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs Estimated cost to update operational guidance and conduct employee training to ensure records of monitoring activities are properly maintained at the Facility and made available for review. Date required is the investigation date, and the final date is the screening date.							

Approx. Cost of Compliance

\$250

**TOTAL**

\$253

**Screening Date** 26-Sep-2018  
**Respondent** OREAL, Inc.  
**Case ID No.** 56769  
**Reg. Ent. Reference No.** RN101519064  
**Media** Water Quality  
**Enf. Coordinator** Alejandro Laje

**Docket No.** 2018-1377-MWD-E

**PCW**

*Policy Revision 4 (April 2014)*  
*PCW Revision March 26, 2014*

**Violation Number** 10

**Rule Cite(s)** 30 Tex. Admin. Code § 305.125(1) and (9)(A) and TPDES Permit No. WQ0011588001, Monitoring and Reporting Requirements No. 7.c

**Violation Description**

Failed to report any effluent violation which deviates from the permitted effluent limitation by more than 40% in writing to the TCEQ Beaumont Regional Office and the Enforcement Division within five working days of becoming aware of the noncompliance. Specifically, the Respondent failed to submit noncompliance notifications for the exceedances for the monitoring periods ending August 31, 2016, January 31, 2017, March 31, 2017, and June 30, 2017.

**Base Penalty** \$25,000

**>> Environmental, Property and Human Health Matrix**

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
		X			5.0%

Matrix Notes

100% of the rule requirements were not met.

**Adjustment** \$23,750

\$1,250

**Violation Events**

Number of Violation Events 4 749 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

**Violation Base Penalty** \$5,000

Four single events are recommended, one for each notification.

**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** \$5,000

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount** \$364

**Violation Final Penalty Total** \$7,120

**This violation Final Assessed Penalty (adjusted for limits)** \$7,120



## Economic Benefit Worksheet

**Respondent** OREAL, Inc.  
**Case ID No.** 56769  
**Reg. Ent. Reference No.** RN101519064  
**Media** Water Quality  
**Violation No.** 10

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

### 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							

### 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	\$250	12-Jul-2018	26-Sep-2018	0.21	\$3	\$250	\$253
Other (as needed)	\$100	7-Sep-2016	26-Sep-2018	2.05	\$11	\$100	\$111
Notes for AVOIDED costs  Estimated cost to update operational guidance and conduct employee training to ensure noncompliance notifications for effluent violations are properly submitted. Date required is the investigation date, and the final date is the screening date.  Estimated cost to prepare and submit the noncompliance notifications (\$25 x four notifications). Date required is the date the first notification was due, and the final date is the screening date.							

Approx. Cost of Compliance

\$350

**TOTAL**

\$364

**Screening Date** 26-Sep-2018  
**Respondent** OREAL, Inc.  
**Case ID No.** 56769  
**Reg. Ent. Reference No.** RN101519064  
**Media** Water Quality  
**Enf. Coordinator** Alejandro Laje

**Docket No.** 2018-1377-MWD-E

**PCW**

*Policy Revision 4 (April 2014)*  
*PCW Revision March 26, 2014*

**Violation Number**

**Rule Cite(s)**

**Violation Description**

Failed to retain the annual reduced-pressure backflow prevention assembly ("RPBA") test and maintenance report forms for a minimum of three years. Specifically, there were no records to document that the RPBA for the potable water line at the Facility was tested.

**Base Penalty**

**>> Environmental, Property and Human Health Matrix**

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input checked="" type="text" value="X"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="5.0%"/>

Matrix Notes

100% of the rule requirements were not met.

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input checked="" type="text" value="X"/>

**Violation Base Penalty**

One single event is recommended.

**Good Faith Efforts to Comply**

Reduction

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

Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="text" value="X"/>	<input type="text"/>

Notes

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

**Violation Subtotal**

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount**

**Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**

## Economic Benefit Worksheet

**Respondent** OREAL, Inc.  
**Case ID No.** 56769  
**Reg. Ent. Reference No.** RN101519064  
**Media** Water Quality  
**Violation No.** 11

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

### 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							

### 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				0.00	\$0	\$0	\$0
Other (as needed)	\$250	12-Jul-2018	26-Sep-2018	0.21	\$3	\$250	\$253
Notes for AVOIDED costs Estimated cost to update operational guidance and conduct employee training to ensure the RPBA test and maintenance report forms are retained for a minimum of three years. Date required is the investigation date, and the final date is the screening date.							

Approx. Cost of Compliance \$250

**TOTAL** \$253

**Screening Date** 26-Sep-2018  
**Respondent** OREAL, Inc.  
**Case ID No.** 56769  
**Reg. Ent. Reference No.** RN101519064  
**Media** Water Quality  
**Enf. Coordinator** Alejandro Laje

**Docket No.** 2018-1377-MWD-E

**PCW**

*Policy Revision 4 (April 2014)*  
*PCW Revision March 26, 2014*

**V12** 12

**Rule Cite(s)** 30 Tex. Admin. Code § 305.125(1) and (5) and TPDES Permit No. WQ0011588001, Operational Requirements No. 1

**Violation Description**

Failed to properly operate and maintain the Facility and all of its systems of collection, treatment, and disposal. Specifically, splashing was noted outside the aeration basin at the clarifier return line; debris was on the cement around the clarifier, and screenings were noted on the ground around the headworks.

**Base Penalty** \$25,000

**>> Environmental, Property and Human Health Matrix**

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual			X	5.0%
	Potential				

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes

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

**Adjustment** \$23,750

\$1,250

**Violation Events**

Number of Violation Events   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 investigation date (July 12, 2018) to the screening date (September 26, 2018).

**Good Faith Efforts to Comply**

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** \$556

**Violation Final Penalty Total** \$2,808

**This violation Final Assessed Penalty (adjusted for limits)** \$2,808

## Economic Benefit Worksheet

**Respondent** OREAL, Inc.  
**Case ID No.** 56769  
**Reg. Ent. Reference No.** RN101519064  
**Media** Water Quality  
**Violation No.** 12

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

### 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							

### 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	\$500	12-Jul-2018	26-Sep-2018	0.21	\$5	\$500	\$505
Other (as needed)	\$50	12-Jul-2018	26-Sep-2018	0.21	\$1	\$50	\$51
Notes for AVOIDED costs							

Approx. Cost of Compliance	\$550	<b>TOTAL</b>	\$556
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OREAL, Inc.  
 TPDES Permit No. WQ0011588001  
 Docket No. 2018-1377-MWD-E

Effluent Violation Table

Month/ Year	Total Residual Chlorine Monthly Minimum Concentration Limit = 1.0 mg/L	Dissolved Oxygen Monthly Minimum Concentration Limit = 4.0 mg/L	Total Suspended Solids Daily Average Concentration Limit = 15 mg/L	<i>Escherichia coli</i> Single Grab Concentration Limit = 399 MPN/100mL
September 2017	c	3.9	c	**
July 2018	c	3.4	19.8	N/A
July 12, 2018*	0.02*	1.87*	N/A	>240,000*

mg/L = milligrams per liter

MPN/100mL = most probable number per 100 milliliters

\* = grab sample taken at the time of the investigation by the TCEQ Regional Office

\*\* = results not submitted for review

N/A = not applicable

c = compliant

The TCEQ is committed to accessibility.

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# Compliance History Report

Compliance History Report for CN604359893, RN101519064, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

**Customer, Respondent, or Owner/Operator:** CN604359893, OREAL, Inc.

**Classification:** NOT APPLICABLE **Rating:** N/A

**Regulated Entity:** RN101519064, TWIN OAKS MHP OAK HAVEN SUBDIVISION

**Classification:** UNCLASSIFIED **Rating:** -----

**Complexity Points:** 7

**Repeat Violator:** NO

**CH Group:** 14 - Other

**Location:** located on the west bank of Willis Creek, approximately one mile south of the Willis Creek crossing of Farm-to-Market Road 842 and approximately two miles northeast of the intersection of Farm-to-Market Road 842 and State Highway 103E, near the City of Lufkin in Angelina County, Texas

**TCEQ Region:** REGION 10 - BEAUMONT

**ID Number(s):**

**WASTEWATER EPA ID** TX0054127

**Compliance History Period:** September 01, 2016 to August 31, 2021 **Rating Year:** 2021 **Rating Date:** 09/01/2021

**Date Compliance History Report Prepared:** February 09, 2022

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** February 09, 2017 to February 09, 2022

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

**Name:** Alejandro Laje

**Phone:** (512) 239-2547

## **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? YES
- 3) Who is the current owner/operator? OREAL, Inc. OWNER since 8/8/2013  
HARLOW, RAY A. OWNER since 5/21/2020
- 4) Who was/were the prior owner(s)/operator(s)? Moffett Twin Oaks Mobile Home Property Trust, OWNER, 11/17/1987 to 5/20/2020

## **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	May 23, 2017	(1425858)
Item 2	December 21, 2017	(1468473)
Item 3	January 23, 2018	(1475169)
Item 4	August 23, 2019	(1600125)
Item 5	September 24, 2019	(1613873)
Item 6	November 22, 2019	(1619685)
Item 7	January 27, 2020	(1634679)
Item 8	April 07, 2020	(1654157)

Item 9	April 20, 2020	(1654158)
Item 10	July 23, 2020	(1674203)
Item 11	September 24, 2020	(1687547)
Item 12	October 26, 2020	(1693893)
Item 13	December 02, 2020	(1714346)
Item 14	April 26, 2021	(1727411)
Item 15	June 01, 2021	(1747918)
Item 16	July 29, 2021	(1757769)
Item 17	August 25, 2021	(1766976)
Item 18	September 28, 2021	(1772559)

**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: 02/28/2021 (1727410)  
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: 05/31/2021 (1747919)  
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
  
- 3      Date: 06/14/2021 (1744853)  
Self Report? NO      Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(17)  
Description: NON-RPT VIOS FOR MONIT PER OR PIPE  
Self Report? NO      Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(17)  
Description: NON-RPT VIOS FOR MONIT PER OR PIPE  
Self Report? NO      Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(17)  
Description: NON-RPT VIOS FOR MONIT PER OR PIPE  
Self Report? NO      Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(17)  
Description: NON-RPT VIOS FOR MONIT PER OR PIPE  
Self Report? NO      Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(17)  
Description: NON-RPT VIOS FOR MONIT PER OR PIPE  
Self Report? NO      Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(17)  
Description: NON-RPT VIOS FOR MONIT PER OR PIPE  
Self Report? NO      Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(17)  
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

**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

## Component Appendices

### Appendix A

#### All NOV's Issued During Component Period 2/9/2017 and 2/9/2022

- 1 Date: 01/31/2017 (1404676) Classification: Moderate  
Self Report? YES For Informational Purposes Only  
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: 02/28/2017 (1411767) Classification: Moderate  
Self Report? YES For Informational Purposes Only  
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
- 3 Date: 03/31/2017 (1431907) Classification: Moderate  
Self Report? YES For Informational Purposes Only  
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
- 4 Date: 05/31/2017 (1431908) Classification: Moderate  
Self Report? YES For Informational Purposes Only  
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
- 5 Date: 06/30/2017 (1440478) Classification: Moderate  
Self Report? YES For Informational Purposes Only  
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
- 6 Date: 07/31/2017 (1444161) Classification: Moderate  
Self Report? YES For Informational Purposes Only  
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
- 7 Date: 08/31/2017 (1450761) Classification: Moderate  
Self Report? YES For Informational Purposes Only  
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
- 8 Date: 09/30/2017 (1468472) Classification: Moderate  
Self Report? YES For Informational Purposes Only  
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
- 9 Date: 07/31/2018 (1520729) Classification: Moderate

Self Report? YES For Informational Purposes Only

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

10 Date: 09/30/2019 (1613874)

Classification: Moderate

Self Report? YES For Informational Purposes Only

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

11 Date: 11/30/2019 (1627050)

Classification: Moderate

Self Report? YES For Informational Purposes Only

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

12 Date: 01/31/2020 (1641292)

Classification: Moderate

Self Report? YES For Informational Purposes Only

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

13 Date: 04/30/2020 (1667254)

Classification: Moderate

Self Report? YES For Informational Purposes Only

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

14 Date: 05/31/2020 (1674202)

Classification: Moderate

Self Report? YES For Informational Purposes Only

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

15 Date: 06/17/2020 (1663193)

Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE





Description: 30 TAC Chapter 305, SubChapter F 305.125(17)  
NON-RPT VIOS FOR MONIT PER OR PIPE

Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

16 Date: 07/31/2020 (1680975)

Classification: Moderate

Self Report? YES For Informational Purposes Only

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

17\* Date: 02/28/2021 (1727410)

Classification: Moderate

Self Report? YES For Informational Purposes Only

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

18\* Date: 05/31/2021 (1747919)

Classification: Moderate

Self Report? YES For Informational Purposes Only

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

19\* Date: 06/14/2021 (1744853)

Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Classification: Moderate

Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(17)  
Description: NON-RPT VIOS FOR MONIT PER OR PIPE  
Classification: Moderate

Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(17)  
Description: NON-RPT VIOS FOR MONIT PER OR PIPE  
Classification: Moderate

Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(17)  
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

\* NOVs applicable for the Compliance History rating period 9/1/2016 to 8/31/2021

**Appendix B****All Investigations Conducted During Component Period February 09, 2017 and February 09, 2022**

Item 1	February 21, 2017**	(1404676) For Informational Purposes Only
Item 2	March 24, 2017**	(1396013) For Informational Purposes Only
Item 3	April 20, 2017**	(1431907) For Informational Purposes Only
Item 4*	May 23, 2017**	(1425858) For Informational Purposes Only
Item 5	June 26, 2017**	(1431908) For Informational Purposes Only
Item 6	July 25, 2017**	(1440478) For Informational Purposes Only
Item 7	August 23, 2017**	(1444161) For Informational Purposes Only
Item 8	September 18, 2017**	(1450761) For Informational Purposes Only
Item 9	October 21, 2017**	(1468472) For Informational Purposes Only
Item 10*	December 21, 2017**	(1468473) For Informational Purposes Only
Item 11*	January 23, 2018**	(1475169) For Informational Purposes Only
Item 12	August 11, 2018**	(1520729) For Informational Purposes Only
Item 13	September 10, 2018**	(1511604) For Informational Purposes Only
Item 14	November 28, 2018**	(1531685) For Informational Purposes Only
Item 15*	August 23, 2019**	(1600125) For Informational Purposes Only
Item 16*	September 24, 2019**	(1613873) For Informational Purposes Only
Item 17	October 16, 2019**	(1613874) For Informational Purposes Only
Item 18*	November 22, 2019**	(1619685) For Informational Purposes Only
Item 19	January 09, 2020**	(1627050) For Informational Purposes Only
Item 20*	January 27, 2020**	(1634679) For Informational Purposes Only
		(1641292)



Item 21	February 26, 2020**	For Informational Purposes Only (1654157)
Item 22*	April 07, 2020**	For Informational Purposes Only (1654158)
Item 23*	April 20, 2020**	For Informational Purposes Only (1667254)
Item 24	June 01, 2020**	For Informational Purposes Only (1663193)
Item 25	June 17, 2020**	For Informational Purposes Only (1674202)
Item 26	July 10, 2020**	For Informational Purposes Only (1674203)
Item 27*	July 23, 2020**	For Informational Purposes Only (1680975)
Item 28	August 25, 2020**	For Informational Purposes Only (1687547)
Item 29*	September 24, 2020**	For Informational Purposes Only (1693893)
Item 30*	October 26, 2020**	For Informational Purposes Only (1714346)
Item 31*	December 02, 2020**	For Informational Purposes Only (1727410)
Item 32	March 31, 2021**	For Informational Purposes Only (1727411)
Item 33*	April 26, 2021**	For Informational Purposes Only (1747918)
Item 34*	June 01, 2021**	For Informational Purposes Only (1744853)
Item 35	June 14, 2021**	For Informational Purposes Only (1747919)
Item 36	June 24, 2021**	For Informational Purposes Only (1757769)
Item 37*	July 29, 2021**	For Informational Purposes Only (1766976)
Item 38*	August 25, 2021**	For Informational Purposes Only (1772559)
Item 39*	September 28, 2021	For Informational Purposes Only (1762511)
Item 40	November 03, 2021	For Informational Purposes Only

\* No violations documented during this investigation

\*\*Investigation applicable for the Compliance History Rating period between 09/01/2016 and 08/31/2021.

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
OREAL, INC.  
RN101519064

§  
§  
§  
§  
§

BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

## AGREED ORDER DOCKET NO. 2018-1377-MWD-E

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding OREAL, Inc. (the "Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent, represented by Mr. Timothy J. Karczewski of the law firm of Skelton Slusher Barnhill Watkins Wells PLLC, presented this Order to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including 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 Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that 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. The duties and responsibilities imposed by this Order are binding upon the Respondent.

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

### I. FINDINGS OF FACT

1. The Respondent owned and operated a wastewater treatment facility located on the west bank of Willis Creek, approximately one mile south of the Willis Creek crossing of Farm-to-Market Road 842 and approximately two miles northeast of the intersection of Farm-to-Market Road 842 and State Highway 103E near the City of Lufkin in Angelina County, Texas (the "Facility"). The Facility is near or adjacent to water in the state as defined in TEX. WATER CODE § 26.001(5).
2. During an investigation conducted on July 12, 2018, an investigator documented that:
  - a. The Respondent did not submit complete monitoring results on the discharge monitoring report ("DMR") for the following months: January 2016 (daily average and daily maximum flow); October 2016 (total suspended solids ("TSS") daily average and single grab concentrations); March 2017 (biochemical oxygen demand five-day ("BOD5") daily average concentration and TSS daily average concentration); April 2017 (chlorine monthly minimum and maximum concentrations, dissolved oxygen monthly minimum concentration, and pH minimum); May 2017 (daily average and daily maximum flow; BOD5 daily

average concentration, single grab concentration, and daily average loading); August 2017 (TSS daily average concentration and single grab concentration, dissolved oxygen monthly minimum concentration, and pH minimum and maximum concentrations).

- b. The sludge depth was five feet in the chlorine contact chamber, and the aerated digester had complete surface coverage of dry, caked solids.
- c. The bucket used to store bar screenings was not covered.
- d. Lift Station No. 1 had greater than 50% coverage of grease accumulation in the wet well, and the lid of the wet well was not secured. Lift Station No. 2 did not have an operational audio/visual alarm, and the wet well was severely corroded. The lid of the wet well was not secured, and the control panel was not functioning properly as the pumps could not be manually turned on.
- e. The Respondent did not comply with permitted effluent limitations, as shown in the effluent violation table below:

Effluent Violation Table

Month/ Year	Total Residual Chlorine Monthly Minimum Concentration Limit = 1.0 mg/L	Dissolved Oxygen Monthly Minimum Concentration Limit = 4.0 mg/L	Total Suspended Solids Daily Average Concentration Limit = 15 mg/L	<i>Escherichia coli</i> Single Grab Concentration Limit = 399 MPN/100mL
September 2017	c	3.9	c	**
July 2018	c	3.4	19.8	N/A
July 12, 2018*	0.02*	1.87*	N/A	>240,000*

mg/L = milligrams per liter

MPN/100mL = most probable number per 100 milliliters

\* = grab sample taken at the time of the investigation by the TCEQ Regional Office

\*\* = results not submitted for review

N/A = not applicable

c = compliant

- f. The Respondent did not submit the annual sludge report for the monitoring periods ending July 31, 2016 and July 31, 2017 to the TCEQ Enforcement Division and the Beaumont Regional Office by September 30, 2016 and September 30, 2017, respectively.
- g. The Respondent did not submit DMRs for the monitoring periods ending October 31, 2017 and January 31, 2018 through June 30, 2018; and *Escherichia coli* monitoring results for the quarterly monitoring periods ending February 29, 2016 through June 30, 2018.

- h. The daily operator logs prior to May 2018, pH calibration log, dissolved oxygen calibration log, colorimeter accuracy check log, and DMRs were not available for review.
  - i. The Respondent did not submit noncompliance notifications for the exceedances for the monitoring periods ending August 31, 2016, January 31, 2017, March 31, 2017, and June 30, 2017.
  - j. There were no records to document that the reduced-pressure backflow prevention assembly ("RPBA") for the potable water line at the Facility was tested.
  - k. Splashing was noted outside the aeration basin at the clarifier return line; debris was on the cement around the clarifier, and screenings were noted on the ground around the headworks.
3. The Executive Director recognizes that on September 23, 2019, the Respondent transferred ownership of the Facility.

## II. CONCLUSIONS OF LAW

- 1. As evidenced by Finding of Fact No. 1, the Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE ch. 26 and the rules of the TCEQ.
- 2. As evidenced by Findings of Fact No. 2.a, the Respondent failed to submit complete monitoring results on the DMR, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (17) and 319.7(d) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011588001, Monitoring and Reporting Requirements No. 1.
- 3. As evidenced by Finding of Fact No. 2.b, the Respondent failed to properly operate and maintain the Facility and all of its systems of collection, treatment, and disposal, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. WQ0011588001, Operational Requirements No. 1.
- 4. As evidenced by Finding of Fact No. 2.c, the Respondent failed to properly operate and maintain the Facility and all of its systems of collection, treatment, and disposal, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. WQ0011588001, Operational Requirements No. 1.
- 5. As evidenced by Finding of Fact No. 2.d, the Respondent failed to properly operate and maintain the Facility and all of its systems of collection, treatment, and disposal, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and (5), 317.3(e)(5) and TPDES Permit No. WQ0011588001, Operational Requirements No. 1.
- 6. As evidenced by Finding of Fact No. 2.e, the Respondent failed to comply with permitted effluent limitations, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0011588001, Effluent Limitations and Monitoring Requirements Nos. 1, 2, and 6.

7. As evidenced by Finding of Fact No. 2.f, the Respondent failed to submit the annual sludge report to the TCEQ Enforcement Division and the Beaumont Regional Office, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (17) and TPDES Permit No. WQ0011588001, Sludge Provisions.
8. As evidenced by Finding of Fact No. 2.g, the Respondent failed to submit monitoring results at the intervals specified in the permit, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and (17) and 319.7(d) and TPDES Permit No. WQ0011588001, Monitoring and Reporting Requirements No. 1.
9. As evidenced by Finding of Fact No. 2.h, the Respondent failed to ensure all records of monitoring information required by the permit are retained at the Facility and made readily available for review at the Facility, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (11)(B) and TPDES Permit No. WQ0011588001, Monitoring and Reporting Requirements No. 3.b.
10. As evidenced by Finding of Fact No. 2.i, the Respondent failed to report any effluent violation which deviates from the permitted effluent limitation by more than 40% in writing to the TCEQ Beaumont Regional Office and the Enforcement Division within five working days of becoming aware of the noncompliance, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (9)(A) and TPDES Permit No. WQ0011588001, Monitoring and Reporting Requirements No. 7.c.
11. As evidenced by Finding of Fact No. 2.j, the Respondent failed to retain the annual RPBA test and maintenance report forms for a minimum of three years, in violation of 30 TEX. ADMIN. CODE § 317.4(a)(8).
12. As evidenced by Finding of Fact No. 2.k, the Respondent failed to properly operate and maintain the Facility and all of its systems of collection, treatment, and disposal, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. WQ0011588001, Operational Requirements No. 1.
13. Pursuant to TEX. WATER CODE § 7.051, the TCEQ has the authority to assess an administrative penalty against the Respondent for violations of state statutes within the TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
14. An administrative penalty in the amount of \$97,802 is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Revenue Operations Section of TCEQ's Financial Administration Division reviewed financial documentation submitted by the Respondent and determined that the Respondent is unable to pay all or part of the penalty. Therefore, \$94,202 of the penalty is deferred contingent upon the Respondent's compliance with all the terms of this Order and shall be waived only upon full compliance with all of the terms and conditions in this Order. If the Respondent fails to comply with any requirement of this Order, including any payment schedule, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

The Respondent paid \$100 of the und deferred penalty. The remaining amount of \$3,500

of the undeferred penalty shall be paid in 35 monthly payments of \$100 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.

### III. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Conclusion of Law No. 14 for violations of state statutes and rules of the TCEQ. The payment of this penalty and the Respondent's compliance with all the requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations that are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: OREAL, Inc., Docket No. 2018-1377-MWD-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. All relief not expressly granted in this Order is denied.
3. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent.
4. 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.
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.
7. 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 in this Order.
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. 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.
10. 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.
11. 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

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For the Commission

-----  
Date

  
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8/31/2022  
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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.

  
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Signature

8-4-2022  
-----  
Date

Jay Bearden  
-----  
Name (Printed or typed)  
Authorized Representative of  
OREAL, Inc.

President  
-----  
Title

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