

Executive Summary – Enforcement Matter – Case No. 60380
Veolia ES Technical Solutions, L.L.C.
RN102599719
Docket No. 2021-0233-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Veolia ES Technical Solutions, 7665 Highway 73, Port Arthur, Jefferson County

Type of Operation:

Hazardous waste treatment and disposal site

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: August 13, 2021

Comments Received: No

Penalty Information

Total Penalty Assessed: \$8,550

Amount Deferred for Expedited Settlement: \$1,710

Total Paid to General Revenue: \$3,420

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project (“SEP”) Conditional Offset: \$3,420

Name of SEP: Houston-Galveston Area Council-AERCO (Third-Party Pre-Approved)

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

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: January 11, 2021

Date(s) of NOE(s): January 27, 2021

Executive Summary – Enforcement Matter – Case No. 60380
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Violation Information

Failed to comply with the maximum allowable emissions rate ("MAER"). Specifically, the Respondent exceeded the carbon monoxide MAER of 17.10 pounds per hour for one hour and two minutes on October 29, 2019 and for one hour and nine minutes on September 23, 2020 for the Incinerator Stack, Emissions Point Number ("EPN") INCINSTK, resulting in 60.47 pounds of unauthorized carbon monoxide emissions [30 TEX. ADMIN. CODE §§ 101.20(3), 113.620, 116.115(b)(2)(F) and (c), and 122.143(4), 40 CODE OF FEDERAL REGULATIONS § 63.1209(g)(2), New Source Review Permit No. 42450, Special Conditions Nos. 1 and 13, Federal Operating Permit No. O1509, General Terms and Conditions and Special Terms and Conditions Nos. 1.A and 15, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

1. The Order will require the Respondent to implement and complete a SEP (see SEP Attachment A).
2. The Order will also require the Respondent to:
 - a. Within 30 days, implement measures and/or procedures designed to comply with the carbon monoxide hourly MAER for EPN INCINSTK; and
 - b. Within 45 days, submit written certification to demonstrate compliance with a.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Danielle Porras, Enforcement Division, Enforcement Team 5, MC R-12, (713) 767-3682; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

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

SEP Third-Party Administrator: Houston-Galveston Area Council-AERCO, P.O. Box 22777, Houston, Texas 77227-2777

Respondent: Robert Cappadona, President, Veolia ES Technical Solutions, L.L.C., P.O. Box 2563, Port Arthur, Texas 77643

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

DATES	Assigned	8-Feb-2021	Screening	8-Feb-2021	EPA Due	
	PCW	8-Apr-2021				

RESPONDENT/FACILITY INFORMATION	
Respondent	Veolia ES Technical Solutions, L.L.C.
Reg. Ent. Ref. No.	RN102599719
Facility/Site Region	10-Beaumont
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	60380	No. of Violations	1
Docket No.	2021-0233-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Danielle Porras
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$7,500
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	14.0% Adjustment	Subtotals 2, 3, & 7	\$1,050
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Notes: Enhancement for two NOVs with same/similar violations and two NOVs with dissimilar violations.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$1,011
 Estimated Cost of Compliance: \$10,000
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$8,550
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0% Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$8,550
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$8,550
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DEFERRAL	20.0% Reduction	Adjustment	-\$1,710
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY	\$6,840
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Screening Date 8-Feb-2021

Docket No. 2021-0233-AIR-E

PCW

Respondent Veolia ES Technical Solutions, L.L.C.

Policy Revision 4 (April 2014)

Case ID No. 60380

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102599719

Media Air

Enf. Coordinator Danielle Porras

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>)	2	10%
	Other written NOVs	2	4%
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) 14%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for two NOVs with same/similar violations and two NOVs with dissimilar violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 14%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 14%

Screening Date 8-Feb-2021

Docket No. 2021-0233-AIR-E

PCW

Respondent Veolia ES Technical Solutions, L.L.C.

Policy Revision 4 (April 2014)

Case ID No. 60380

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102599719

Media Air

Enf. Coordinator Danielle Porras

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(3), 113.620, 116.115(b)(2)(F) and (c), and 122.143(4), 40 Code of Federal Regulations § 63.1209(g)(2), New Source Review Permit No. 42450, Special Conditions Nos. 1 and 13, Federal Operating Permit No. O1509, General Terms and Conditions and Special Terms and Conditions Nos. 1.A and 15, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to comply with the maximum allowable emissions rate ("MAER"). Specifically, the Respondent exceeded the carbon monoxide ("CO") MAER of 17.10 pounds per hour for one hour and two minutes on October 29, 2019 and for one hour and nine minutes on September 23, 2020 for the Incinerator Stack, Emissions Point Number ("EPN") INCINSTK, resulting in 60.47 pounds of unauthorized CO emissions.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual			X	15.0%
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 \$21,250

\$3,750

Violation Events

Number of Violation Events 2 Number of violation days 2

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$7,500

Two quarterly events are recommended for the instances of non-compliance that occurred on October 29, 2019 and September 23, 2020.

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 \$7,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,011

Violation Final Penalty Total \$8,550

This violation Final Assessed Penalty (adjusted for limits) \$8,550

Economic Benefit Worksheet

Respondent Veolia ES Technical Solutions, L.L.C.
Case ID No. 60380
Reg. Ent. Reference No. RN102599719
Media Air
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)	\$10,000	29-Oct-2019	5-Nov-2021	2.02	\$1,011	n/a	\$1,011

Notes for DELAYED costs

Estimated cost to implement measures and/or procedures designed to comply with the CO hourly MAER for EPN INCINSTK. The Date Required is the first date of non-compliance and the Final Date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$1,011

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



Compliance History Report

Compliance History Report for CN603069626, RN102599719, Rating Year 2020 which includes Compliance History (CH) components from September 1, 2015, through August 31, 2020.

Customer, Respondent, or Owner/Operator: CN603069626, Veolia ES Technical Solutions, L.L.C. **Classification:** SATISFACTORY **Rating:** 0.98
Regulated Entity: RN102599719, Veolia ES Technical Solutions **Classification:** SATISFACTORY **Rating:** 2.30
Complexity Points: 25 **Repeat Violator:** NO
CH Group: 11 - Waste Management (Excluding Landfills)
Location: 7665 Highway 73 in Port Arthur, Jefferson County, Texas
TCEQ Region: REGION 10 - BEAUMONT

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER JE0024D
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1230082
AIR NEW SOURCE PERMITS PERMIT 42450
AIR NEW SOURCE PERMITS ACCOUNT NUMBER JE0024D
AIR NEW SOURCE PERMITS AFS NUM 4824500118
AIR NEW SOURCE PERMITS REGISTRATION 110935
IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION # (SWR) 50212
UNDERGROUND INJECTION CONTROL PERMIT WDW358
POLLUTION PREVENTION PLANNING ID NUMBER P00133
INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 50212
INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50212

AIR OPERATING PERMITS PERMIT 1509
AIR NEW SOURCE PERMITS REGISTRATION 12785
AIR NEW SOURCE PERMITS REGISTRATION 44590
AIR NEW SOURCE PERMITS REGISTRATION 50998
AIR NEW SOURCE PERMITS REGISTRATION 100760
WATER LICENSING LICENSE 1230082
UNDERGROUND INJECTION CONTROL PERMIT WDW160
AIR EMISSIONS INVENTORY ACCOUNT NUMBER JE0024D
INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD000838896
INDUSTRIAL AND HAZARDOUS WASTE PERMIT 39012

Compliance History Period: September 01, 2015 to August 31, 2020 **Rating Year:** 2020 **Rating Date:** 09/01/2020
Date Compliance History Report Prepared: February 08, 2021
Agency Decision Requiring Compliance History: Enforcement
Component Period Selected: February 08, 2016 to February 08, 2021
TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.
Name: Danielle Porras **Phone:** (713) 767-3682

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO

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

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

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	February 18, 2016	(1312424)
Item 2	February 24, 2016	(1312323)
Item 3	March 11, 2016	(1315079)
Item 4	April 04, 2016	(1322839)
Item 5	April 13, 2016	(1323177)
Item 6	May 19, 2016	(1331180)
Item 7	October 06, 2016	(1355780)
Item 8	October 11, 2016	(1355777)
Item 9	October 21, 2016	(1364396)
Item 10	January 30, 2017	(1388805)
Item 11	March 09, 2017	(1396944)
Item 12	June 12, 2017	(1408019)
Item 13	September 08, 2017	(1436968)
Item 14	February 21, 2018	(1471443)
Item 15	April 10, 2018	(1479289)
Item 16	April 25, 2018	(1482149)
Item 17	May 08, 2018	(1482882)
Item 18	July 31, 2018	(1504988)
Item 19	September 20, 2018	(1517681)
Item 20	October 17, 2018	(1519814)
Item 21	February 08, 2019	(1544568)
Item 22	February 22, 2019	(1549371)
Item 23	March 20, 2019	(1551845)
Item 24	April 16, 2019	(1555375)
Item 25	July 23, 2019	(1579941)
Item 26	July 26, 2019	(1578456)
Item 27	February 13, 2020	(1623542)
Item 28	February 28, 2020	(1631949)
Item 29	March 03, 2020	(1632799)
Item 30	March 16, 2020	(1633799)
Item 31	April 29, 2020	(1644720)
Item 32	June 08, 2020	(1652436)
Item 33	June 29, 2020	(1646963)
Item 34	July 28, 2020	(1664208)
Item 35	October 23, 2020	(1673155)
Item 36	December 18, 2020	(1686526)
Item 37	January 15, 2021	(1691348)

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: 04/13/2020 (1630593)
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(1)
40 CFR Chapter 264, SubChapter I, PT 264, SubPT C 264.13(b)
P.P.II.C.1.k. PERMIT
P.P.II.C.2.a. PERMIT
P.P.IV.A. PERMIT
- Description: Failure to follow the Waste Analysis Plan.
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(1)
40 CFR Chapter 264, SubChapter I, PT 264, SubPT C 264.17(a)
40 CFR Chapter 264, SubChapter I, PT 264, SubPT I 264.177(c)
P.P.V.B.7. PERMIT
- Description: Failure to separate or protect storage containers holding hazardous waste that is incompatible with any waste or other material stored nearby in other containers.
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 335, SubChapter O 335.431(c)
40 CFR Chapter 268, SubChapter I, PT 268, SubPT E 268.50(c)
P.P.II.C.2.m PERMIT
- Description: Failure to prove the hazardous waste storage was solely for the purpose of accumulation of such quantities of hazardous waste as are necessary to facilitate

proper disposal.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(1)
 P.P. V.A.1. PERMIT
 P.P.II.C.1.n. PERMIT
 Description: Failure to post the "TCEQ Permit Unit No. ___" sign at the permitted facility unit.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 335, SubChapter A 335.9(a)(1)
 Description: Failure to maintain disposal records for the disposal of waste oil.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(1)
 40 CFR Chapter 264, SubChapter I, PT 264, SubPT B 264.15(c)
 40 CFR Chapter 264, SubChapter I, PT 264, SubPT B 264.15(d)
 P.P.II.C.1.k. PERMIT
 P.P.II.C.2. PERMIT
 P.P.III.D. PERMIT
 Description: Failure to maintain adequate (e.g., include inspector's full name and time of inspection) monthly safety inspection records (e.g., fire extinguishers, first aid kits, Self - Contained Breathing Apparatus, showers, and Table III.E.3 - Emergency Equipment of the Contingency Plan) for a period of 3 years.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(1)
 40 CFR Chapter 264, SubChapter I, PT 264, SubPT B 264.15(d)
 P.P.II.C.1.k. PERMIT
 P.P.II.C.2.a. PERMIT
 P.P.III.D. PERMIT
 Description: Failure to maintain monthly safety inspection records of the Protective Gear Designated for Emergency Use.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(1)
 40 CFR Chapter 264, SubChapter I, PT 264, SubPT B 264.15(d)
 P.P.II.C.1.k. PERMIT
 P.P.II.C.2.a. PERMIT
 P.P.III.D. PERMIT
 Description: Failure to maintain the date and nature of any repairs or other remedial actions documented on the weekly Container Storage Areas inspections.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(1)
 40 CFR Chapter 264, SubChapter I, PT 264, SubPT B 264.15(b)(1)
 P.P.II.C.1.k. PERMIT
 P.P.II.C.2.a. PERMIT
 P.P.III.D. PERMIT
 Description: Failure to follow a written schedule for inspecting security devices.

2 Date: 04/23/2020 (1633195)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)
 Description: Failure by Veolia ES Technical Solutions to perform maintenance and housekeeping practices used by a public water system to ensure the good working condition and general appearance of the system's facilities and equipment.

3 Date: 05/08/2020 (1631498)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 113, SubChapter C 113.620
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1209(g)(2)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 Section V.H.5.d PERMIT
 Special Condition 13 PERMIT
 Special Condition 15 OP
 Description: Failure to comply with the EPA and the Hazardous Waste Permit minimum voltage requirements at the Ionizing Wet Scrubber (IWS) equipment.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 113, SubChapter C 113.620
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 305, SubChapter F 305.125(1)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1209(g)(2)
 5C THSC Chapter 382 382.085(b)
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 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1209(g)(2)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 Section V.H.5.d PERMIT
 Special Condition 13 PERMIT
 Special Condition OP
 Description: Failure to comply with the EPA and the Hazardous Waste Permit minimum voltage requirements at the Ionizing Wet Scrubber (IWS) equipment.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 Special Condition 1 PERMIT
 Special Condition 13 PERMIT
 Special Condition 15 OP
 Description: Failure to maintain the CO emission rate of 17.10 pounds per hour at the Incinerator (EPN INCINSTK).
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 113, SubChapter C 113.620
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1219(a)(5)(i)
 5C THSC Chapter 382 382.085(b)
 Condition V.H.3.b.(1) PERMIT
 General Terms and Conditions OP
 Special Condition 12H PERMIT
 Special Condition 13 PERMIT
 Special Condition 15 OP
 Special Term and Condition 1A OP
 Description: Failure to limit Carbon Monoxide concentration to 100 parts per million by volume (ppmv) at the Incinerator.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 113, SubChapter C 113.620
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1209(i)
 5C THSC Chapter 382 382.085(b)
 Condition V.H.3.b.(1) PERMIT
 General Terms and Conditions OP
 Special Condition 13 PERMIT
 Special Condition 15 OP
 Description: Failure to maintain Incinerator minimum combustion temperatures.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 113, SubChapter C 113.620
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1209(i)
 5C THSC Chapter 382 382.085(b)
 Condition V.H.3.b.(1) PERMIT
 General Terms and Conditions OP
 Special Condition 13 PERMIT
 Special Condition 15 OP
 Description: Failure to maintain Incinerator minimum combustion temperatures.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 113, SubChapter C 113.620
 30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1209(g)(2)
5C THSC Chapter 382 382.085(b)
Condition V.H.3.b.(1) PERMIT
General Terms and Conditions OP
Special Condition 13 PERMIT
Special Condition 15 OP

Description: Failure to comply with the EPA minimum kilovolts-amps requirement at the Wet Electrostatic Precipitator (WESP).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 305, SubChapter F 305.125(1)
40 CFR Chapter 264, SubChapter I, PT 264, SubPT B 264.15(a)(2)
5C THSC Chapter 382 382.085(b)
Condition V.H.3.b.(1) PERMIT
General Terms and Conditions OP
Special Condition 13 PERMIT
Special Condition 15 OP

Description: Failure to conduct leak detection and repair monitoring.

4

Date: 01/27/2021 (1697974)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.620
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1209(g)(2)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 1 PERMIT
Special Condition 13 PERMIT
Special Term and Condition 15 OP
Special Term and Condition 1A OP

Description: Failure to maintain an emission rate below the allowable Carbon Monoxide (CO) emission limits of 17.1 pounds per hour (lbs/hr) from Emission Point Number (EPN) INCINSTK. [Cat. B13]

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.620
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 305, SubChapter F 305.125(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1219(a)(5)(i)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 1 PERMIT
Special Condition 12H PERMIT
Special Condition 13 PERMIT
Special Term and Condition 15 OP
Special Term and Condition 1A OP

Description: Failure to maintain the CO gas concentration below 100 parts per million by volume (ppmv) at the EPN INCINSTK. [Cat. B13]

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.620
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 305, SubChapter F 305.125(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1209(g)(2)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Section V.H.5.d PERMIT
Special Condition 13 PERMIT
Special Term and Condition 15 OP

Description: Failure to maintain the EPA and the Hazardous Waste Permit minimum voltage of 10 kilovolts at the Ionizing Wet Scrubber (IWS) equipment. [Cat. B18.g(1)]

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.620
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 305, SubChapter F 305.125(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1209(g)(2)
5C THSC Chapter 382 382.085(b)
Condition V.H.3.b.(1) PERMIT
General Terms and Conditions OP

Special Condition 13 PERMIT
 Special Term and Condition 15 OP

Description: Failure to maintain the EPA minimum kilovolts-amps requirement of 15.8 kVA at the Wet Electrostatic Precipitator (WESP). [Cat. B18.g(1)]

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.620
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1209(g)(2)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 Section V.H.5.d PERMIT
 Special Condition 13 PERMIT
 Special Term and Condition 15 OP

Description: Failure to comply with the EPA and the Hazardous Waste Permit minimum voltage requirements at the Ionizing Wet Scrubber (IWS) equipment. [Cat. B18.g(1)]

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
VEOLIA ES TECHNICAL
SOLUTIONS, L.L.C.
RN102599719**

**§
§
§
§
§
§**

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2021-0233-AIR-E**

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Veolia ES Technical Solutions, L.L.C. (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a hazardous waste treatment and disposal site located at 7665 Highway 73 in Port Arthur, Jefferson County, Texas (the "Site"). The Site consists or consisted of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 382 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$8,550 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$3,420 of the penalty and \$1,710 of the penalty is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order and shall be waived only upon full compliance with all the terms and conditions of this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms and conditions contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.

Pursuant to TEX. WATER CODE § 7.067, \$3,420 of the penalty shall be conditionally offset by the Respondent's timely and satisfactory completion of a Supplemental

Environmental Project ("SEP") as defined in the attached SEP Agreement ("Attachment A", incorporated herein by reference). The Respondent's obligation to pay the conditionally offset portion of the penalty shall be discharged upon full compliance with all the terms and conditions of this Order, which includes the timely and satisfactory completion of all provisions of the SEP Agreement, as determined by the Executive Director.

5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.

II. ALLEGATIONS

During a record review conducted on January 11, 2021, an investigator documented that the Respondent failed to comply with the maximum allowable emissions rate ("MAER"), in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 113.620, 116.115(b)(2)(F) and (c), and 122.143(4), 40 CODE OF FEDERAL REGULATIONS § 63.1209(g)(2), New Source Review ("NSR") Permit No. 42450, Special Conditions Nos. 1 and 13, Federal Operating Permit No. O1509, General Terms and Conditions and Special Terms and Conditions Nos. 1.A and 15, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent exceeded the carbon monoxide ("CO") MAER of 17.10 pounds per hour for one hour and two minutes on October 29, 2019 and for one hour and nine minutes on September 23, 2020 for the Incinerator Stack, Emissions Point Number ("EPN") INCINSTK, resulting in 60.47 pounds of unauthorized CO emissions.

III. DENIALS

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

IV. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the Respondent's compliance with all of the requirements

set forth in this Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Veolia ES Technical Solutions, L.L.C., Docket No. 2021-0233-AIR-E" to:

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

2. The Respondent shall implement and complete an SEP as set forth in Section I, Paragraph No. 4. The amount of \$3,420 of the assessed penalty is conditionally offset based on the Respondent's implementation and completion of the SEP pursuant to the terms of the SEP Agreement, as defined in Attachment A. Penalty payments for any portion of the SEP deemed by the Executive Director as not complete shall be paid within 30 days after the date the Executive Director demands payment.
3. The Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Order, implement measures and/or procedures designed to comply with the CO hourly MAER for EPN INCINSTK.
 - b. Within 45 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a. The certification shall be signed by the Respondent and shall include the following certification language:

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

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Air Section Manager
Beaumont Regional Office
Texas Commission on Environmental Quality
3870 Eastex Freeway
Beaumont, Texas 77703-1830

4. All relief not expressly granted in this Order is denied.
5. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Site operations referenced in this Order.
6. 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.
7. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Order Compliance Team at the address listed above.
8. 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.
9. 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.

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

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



For the Executive Director

12/13/2021

Date

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

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

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

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



Signature

7/12/21

Date

Robert Cappadona

Name (Printed or typed)
Authorized Representative of
Veolia ES Technical Solutions, L.L.C.

President

Title

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

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

Attachment A
Docket Number: 2021-0233-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Veolia ES Technical Solutions, L.L.C.
Payable Penalty Amount:	\$6,840
SEP Offset Amount:	\$3,420
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Houston-Galveston Area Council-AERCO
Project Name:	<i>Clean Vehicles Partnership Project</i>
Location of SEP: Angelina, Austin, Brazoria, Chambers, Colorado, Fort Bend, Galveston, Hardin, Harris, Houston, Jasper, Jefferson, Liberty, Matagorda, Montgomery, Nacogdoches, Newton, Orange, Polk, Sabine, San Augustine, San Jacinto, Trinity, Tyler, Walker, Waller, and Wharton Counties	

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

1. Project Description

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Houston-Galveston Area Council-AERCO** for the *Clean Vehicles Partnership Project*. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the “Project”). Specifically, the SEP Offset Amount will be used to replace old, higher emission buses that do not meet 2010 Environmental Protection Agency (“EPA”) emissions standards (“Old Buses”) with new, lower emission buses that meet the most recent EPA emissions standards (“New Buses”) or to retrofit or convert Old Buses with emissions reducing equipment. The Third-Party Administrator shall allocate the SEP Offset Amount to public entities such as school districts, local governments, and public transit authorities (“SEP Administrators”) that apply for replacement, retrofit, or conversion of buses.

The SEP Offset Amount may also be used for retrofit or conversion technology that brings an Old Bus up to current EPA emissions standards. New Buses may be alternative-fueled. The SEP Offset Amount may be used for up to 100% of the replacement, conversion, or retrofit cost. The SEP Offset Amount will be used only for purchase of New Buses or conversion or retrofit equipment and contract labor for

installation of equipment. The SEP Offset Amount will not be used for financing such a purchase through a lease-purchase or similar agreement.

Retrofitting means reducing exhaust emissions to current standards by installing devices that are verified or certified by the EPA or the California Air Resources Board as proven retrofit technologies. Converting means replacing an engine system with an alternative fuel engine system to bring the Old Bus within the current EPA emissions standards. Buses to be replaced, retrofitted, or converted must be in regular use (driven at least five hundred miles per year for at least the past two years) by the SEP Administrator and must not already be scheduled for replacement in the following twenty-four months. All replaced buses must be fully decommissioned. The Third-Party Administrator shall provide proof of decommissioning to TCEQ for each replaced vehicle by submitting a copy of the TCEQ SEP Vehicle Replacement Disposition Form. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

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

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

b. Environmental Benefit

This SEP will directly benefit air quality by reducing harmful exhaust emissions that contribute to the formation of ozone and may cause or exacerbate many respiratory diseases, including asthma. For example, by replacing a 1989 diesel bus with a 2010 ultra-low emission model, passengers' exposure to nitrogen oxides may be reduced by 98 percent; volatile organic compounds by 93 percent; carbon dioxide by 83 percent; and particulate matter by 99 percent. In addition, by encouraging less bus idling, this SEP contributes to public awareness of air pollution and air quality.

c. Minimum Expenditure

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

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Houston-Galveston Area Council-AERCO SEP** and shall mail the contribution with a copy of the Agreed Order to:

Houston-Galveston Area Council-AERCO
Attn: Air Quality Program Manager
P.O. Box 22777
Houston, Texas 77227-2777

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

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

Veolia ES Technical Solutions, L.L.C.
Agreed Order - Attachment A

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

5. Publicity

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

6. Recognition

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

7. Other SEPs by TCEQ or Other Agencies

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