

Executive Summary – Enforcement Matter – Case No. 61066
CHAPARRAL STEEL MIDLOTHIAN, LP
RN100216472
Docket No. 2021-0932-IHW-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

IHW

Small Business:

No

Location(s) Where Violation(s) Occurred:

Chaparral Steel Midlothian Plant, 300 Ward Road, Midlothian, Ellis County

Type of Operation:

Steel mill manufacturing plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: July 22, 2022

Comments Received: No

Penalty Information

Total Penalty Assessed: \$25,885

Amount Deferred for Expedited Settlement: \$5,177

Total Paid to General Revenue: \$20,708

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications:

Person/CN - High

Site/RN - High

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: April 26, 2021 through May 10, 2021

Date(s) of NOE(s): July 12, 2021

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CHAPARRAL STEEL MIDLOTHIAN, LP
RN100216472
Docket No. 2021-0932-IHW-E

Violation Information

1. Failed to submit to the Executive Director a complete and correct Annual Waste Summary ("AWS") detailing the management of each hazardous and/or Class 1 waste generated on-site during the reporting calendar year. Specifically, a review of Waste Manifest No. 019845106JJK indicated a shipment of hazardous and/or Class 1 Waste (Texas Waste Code 00052061) on January 15, 2020 that was not reported on the AWS for the year 2020 [30 TEX. ADMIN. CODE § 335.9(a)(2)].
2. Failed to label all hazardous waste containers with accumulation start dates and with the words "Hazardous Waste,". Specifically, an open-topped metal container holding aqueous K061-contaminated leachate, an open-topped hopper holding K061-contaminated baghouse dust, and two poly-drum containers holding broken lead acid batteries were not properly labeled [30 TEX. ADMIN. CODE § 335.69(a)(2), (a)(3), and (d)(2) and 40 CODE OF FEDERAL REGULATIONS ("CFR") § 262.34(a)(3), (c)(1)(ii), and (c)(2)].
3. Failed to keep a container holding hazardous waste closed except when adding or removing waste. Specifically, an open-topped hopper holding K061-contaminated baghouse dust and an open-topped metal container holding aqueous K061-contaminated leachate were observed at the time of investigation [30 TEX. ADMIN. CODE § 335.69(a)(1)(A) and 40 CFR § 265.173(a)].
4. Failed to keep containers of paint and paint-related waste closed, except when adding or removing waste. Specifically, an open container of paint and paint-related waste was observed at the time of investigation [30 TEX. ADMIN. CODE § 335.262(c)(2)(A) and 40 CFR § 265.173(a)].
5. Failed to comply with all permit conditions. Specifically, a review of the Annual Waste Analysis for the year 2020 indicated that the Respondent did not sample and test the baghouse dust for zinc, as outlined in the Waste Analysis Plan [30 TEX. ADMIN. CODE § 305.125(1) and Industrial Hazardous Waste Permit No. 50162, Provision IV.C].
6. Failed to maintain records of the location of all hazardous waste accumulation areas, situated at or near any point of generation. Specifically, the Respondent did not maintain records with the locations of all satellite accumulation areas, including the open-topped metal container holding aqueous K061-contaminated leachate [30 TEX. ADMIN. CODE § 335.9(a)(1)(G)].

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Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

- a. Properly closed all containers holding paint or paint-related waste on May 17, 2021;
- b. Submitted updated records showing the location of all satellite accumulation areas on June 1, 2021;
- c. Submitted an updated AWS on June 2, 2021;
- d. Submitted an updated, TCEQ-approved Waste Analysis Plan that removed the sampling and testing requirement for zinc on June 2, 2021; and
- e. Properly closed and labeled all containers holding hazardous waste with the accumulation start date and with the words "Hazardous Waste" and conducted additional training on hazardous waste container management by June 30, 2021.

Technical Requirements:

N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Courtney Gooris, Enforcement Division, Enforcement Team 3, MC 219, (817) 588-5863; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Peter J. Campo, President, Chaparral Steel Midlothian, LP, 4221 West Boy Scout Boulevard, Suite 600, Tampa, Florida 33607

Robert Wallace, Assistant Secretary, Chaparral Steel Midlothian, LP, 4221 West Boy Scout Boulevard, Suite 600, Tampa, Florida 33607

Respondent's Attorney: Becky L. Jolin, Smith Jolin LLP, 901 South MoPac Expressway, Barton Oaks Plaza I, Suite 430, Austin, Texas 78746



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	12-Jul-2021	Screening	19-Jul-2021	EPA Due	
	PCW	20-Aug-2021				

RESPONDENT/FACILITY INFORMATION	
Respondent	CHAPARRAL STEEL MIDLOTHIAN, LP
Reg. Ent. Ref. No.	RN100216472
Facility/Site Region	4-Dallas/Fort Worth
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	61066	No. of Violations	5
Docket No.	2021-0932-IHW-E	Order Type	1660
Media Program(s)	Industrial and Hazardous Waste	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Courtney Gooris
		EC's Team	Enforcement Team 7
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$39,750
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	-10.0% Adjustment	Subtotals 2, 3, & 7	-\$3,975
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Notes: Enhancement for two NOV's with dissimilar violations. Since the reduction for five notices of intent to conduct an audit and two disclosures of violations is below zero, the Adjustment Percentage (Subtotal 2) defaults to zero. Reduction for High Performer classification.

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	-\$9,936
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$62
 Estimated Cost of Compliance: \$1,020
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$25,839
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.2% Adjustment	\$46
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Enhancement to capture the avoided cost of compliance associated with Violation No. 4.

Final Penalty Amount	\$25,885
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$25,885
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DEFERRAL	20.0% Reduction	Adjustment	-\$5,177
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY	\$20,708
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Screening Date 19-Jul-2021

Docket No. 2021-0932-IHW-E

PCW

Respondent CHAPARRAL STEEL MIDLOTHIAN, LP

Policy Revision 5 (January 28, 2021)

Case ID No. 61066

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN100216472

Media Industrial and Hazardous Waste

Enf. Coordinator Courtney Gooris

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>)	0	0%
	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>)	5	-5%
	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>)	2	-4%
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) 0%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

High Performer

Adjustment Percentage (Subtotal 7) -10%

>> Compliance History Summary

Compliance History Notes

Enhancement for two NOVs with dissimilar violations. Since the reduction for five notices of intent to conduct an audit and two disclosures of violations is below zero, the Adjustment Percentage (Subtotal 2) defaults to zero. Reduction for High Performer classification.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) -10%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% -10%

Screening Date 19-Jul-2021 **Docket No.** 2021-0932-IHW-E **PCW**
Respondent CHAPARRAL STEEL MIDLOTHIAN, LP *Policy Revision 5 (January 28, 2021)*
Case ID No. 61066 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN100216472
Media Industrial and Hazardous Waste
Enf. Coordinator Courtney Gooris

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 335.9(a)(2)

Violation Description Failed to submit to the Executive Director a complete and correct Annual Waste Summary ("AWS") detailing the management of each hazardous and/or Class 1 waste generated on-site during the reporting calendar year. Specifically, a review of Waste Manifest No. 019845106JJK indicated a shipment of hazardous and/or Class 1 Waste (Texas Waste Code 00052061) on January 15, 2020 that was not reported on the AWS for the year 2020.

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	1.0%

Matrix Notes Less than 30% of the rule requirement was not met.

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 1 128 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$250

One single event is recommended.

Good Faith Efforts to Comply 25.0% Reduction \$62

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

Notes The Respondent submitted an updated AWS to include Texas Waste Code 00052061 on June 2, 2021, before the July 12, 2021 Notice of Enforcement ("NOE").

Violation Subtotal \$188

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount \$4 **Violation Final Penalty Total** \$163

This violation Final Assessed Penalty (adjusted for limits) \$163

Economic Benefit Worksheet

Respondent CHAPARRAL STEEL MIDLOTHIAN, LP
Case ID No. 61066
Reg. Ent. Reference No. RN100216472
Media Violation No. Industrial and Hazardous Waste
 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)	\$200	25-Jan-2021	2-Jun-2021	0.35	\$4	n/a	\$4

Notes for DELAYED costs

Estimated delayed cost to submit an updated AWS. The Date Required is the submittal due date for the 2020 AWS and the Final Date is the 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

\$200

TOTAL

\$4

Screening Date 19-Jul-2021 **Docket No.** 2021-0932-IHW-E **PCW**
Respondent CHAPARRAL STEEL MIDLOTHIAN, LP *Policy Revision 5 (January 28, 2021)*
Case ID No. 61066 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN100216472
Media Industrial and Hazardous Waste
Enf. Coordinator Courtney Gooris

Violation Number
Rule Cite(s) 30 Tex. Admin. Code § 335.69(a)(2), (a)(3), and (d)(2) and 40 Code of Federal Regulations ("CFR") § 262.34(a)(3), (c)(1)(ii), and (c)(2)
Violation Description Failed to label all hazardous waste containers with accumulation start dates and with the words "Hazardous Waste." Specifically, an open-topped metal container holding aqueous K061-contaminated leachate, an open-topped hopper holding K061-contaminated baghouse dust, and two poly-drum containers holding broken lead acid batteries were not properly labeled.

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="20.0%"/>
Matrix Notes	<input type="text" value="More than 70% of the rule requirement was not met."/>				

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

Good Faith Efforts to Comply Reduction

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input checked="" type="text" value="x"/>	<input type="text"/>
N/A	<input type="text"/>	<input type="text"/>
Notes	<input type="text" value="The Respondent submitted documentation demonstrating proper labeling of hazardous waste containers and additional training on hazardous waste container management by June 30, 2021, before the July 12, 2021 NOE."/>	

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 CHAPARRAL STEEL MIDLOTHIAN, LP
Case ID No. 61066
Reg. Ent. Reference No. RN100216472
Media Violation No. Industrial and Hazardous Waste
 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	\$100	26-Apr-2021	30-Jun-2021	0.18	\$1	n/a	\$1
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$200	26-Apr-2021	30-Jun-2021	0.18	\$2	n/a	\$2

Notes for DELAYED costs

Estimated delayed cost to conduct additional training on hazardous waste container management (\$100). The Date Required is the investigation date and the Final Date is the date of compliance.

Estimated delayed cost to properly label containers with accumulation start dates and with the words "Hazardous Waste" (\$50 per container). The Date Required is the investigation date and the Final Date is the date of compliance.

Avoided Costs

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

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 \$300

TOTAL \$3

Screening Date 19-Jul-2021 **Docket No.** 2021-0932-IHW-E **PCW**
Respondent CHAPARRAL STEEL MIDLOTHIAN, LP *Policy Revision 5 (January 28, 2021)*
Case ID No. 61066 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN100216472
Media Industrial and Hazardous Waste
Enf. Coordinator Courtney Gooris

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code §§ 335.69(a)(1)(A) and 335.262(c)(2)(A) and 40 CFR § 265.173(a)

Violation Description Failed to keep a container holding hazardous waste closed except when adding or removing waste. Specifically, an open-topped hopper holding K061-contaminated baghouse dust and an open-topped metal container holding aqueous K061-contaminated leachate were observed at the time of investigation. Also, failed to keep containers of paint and paint-related waste closed, except when adding or removing waste. Specifically, an open container of paint and paint-related waste was observed at the time of investigation.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				30.0%
	Potential	x			

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

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

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 3 65 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$22,500

Three monthly events are recommended from the April 26, 2021 investigation date to the June 30, 2021 date of compliance.

Good Faith Efforts to Comply

25.0%

Reduction \$5,625

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

Notes The Respondent submitted documentation demonstrating that the affected container of universal waste was closed on May 17, 2021, and submitted documentation demonstrating proper closure of the affected hazardous waste containers and additional training on hazardous waste container management by June 30, 2021, both before the July 12, 2021 NOE.

Violation Subtotal \$16,875

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$14,651

This violation Final Assessed Penalty (adjusted for limits) \$14,651

Economic Benefit Worksheet

Respondent CHAPARRAL STEEL MIDLOTHIAN, LP
Case ID No. 61066
Reg. Ent. Reference No. RN100216472
Media Violation No. Industrial and Hazardous Waste
 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)	\$25	26-Apr-2021	17-May-2021	0.06	\$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)	\$50	26-Apr-2021	30-Jun-2021	0.18	\$0	n/a	\$0

Notes for DELAYED costs

Estimated delayed cost to properly close a container holding paint and paint-related waste (\$25 per container). The Date Required is the investigation date and the Final Date is the date of compliance.

Estimated delayed cost to properly close a container holding hazardous waste (\$50, \$25 per container). The Date Required is the investigation date and the Final Date is the date of compliance.

Estimated delayed cost to conduct additional training on hazardous waste container management is captured in Economic Benefit No. 2.

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 \$75

TOTAL \$0

Screening Date 19-Jul-2021 **Docket No.** 2021-0932-IHW-E **PCW**
Respondent CHAPARRAL STEEL MIDLOTHIAN, LP *Policy Revision 5 (January 28, 2021)*
Case ID No. 61066 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN100216472
Media Industrial and Hazardous Waste
Enf. Coordinator Courtney Gooris

Violation Number 4
Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and Industrial Hazardous Waste Permit No. 50162, Provision No. IV.C.
Violation Description Failed to comply with all permit conditions. Specifically, a review of the Annual Waste Analysis for the year 2020 indicated that the Respondent did not sample and test the baghouse dust for zinc, as outlined in the Waste Analysis Plan.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				
	Potential			x	Percent 7.0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 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 the result of the violation.

Adjustment \$23,250

\$1,750

Violation Events

Number of Violation Events 1 309 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$1,750

One single event is recommended.

Good Faith Efforts to Comply 25.0% Reduction \$437

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

Notes The Respondent submitted an updated, TCEQ-approved Waste Analysis Plan that removed the requirement to test the baghouse dust for zinc on June 2, 2021, before the July 12, 2021 NOE.

Violation Subtotal \$1,313

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount \$54 **Violation Final Penalty Total** \$1,140

This violation Final Assessed Penalty (adjusted for limits) \$1,140

Economic Benefit Worksheet

Respondent CHAPARRAL STEEL MIDLOTHIAN, LP
Case ID No. 61066
Reg. Ent. Reference No. RN100216472
Media Industrial and Hazardous Waste
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)	\$200	28-Jul-2020	2-Jun-2021	0.85	\$8	n/a	\$8

Notes for DELAYED costs

Estimated delayed cost to submit an updated Waste Analysis Plan. The Date Required is the date that the 2020 Annual Waste Analysis was conducted and the Final Date is the 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	\$50	9-Jul-2020	2-Jun-2021	0.90	\$1	\$45	\$46
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

Estimated avoided cost to sample and test the baghouse dust for zinc. The Date Required is the original sampling date of the baghouse dust and the Final Date is the date of compliance.

Approx. Cost of Compliance

\$245

TOTAL

\$54

Screening Date 19-Jul-2021 **Docket No.** 2021-0932-IHW-E **PCW**
Respondent CHAPARRAL STEEL MIDLOTHIAN, LP *Policy Revision 5 (January 28, 2021)*
Case ID No. 61066 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN100216472
Media Industrial and Hazardous Waste
Enf. Coordinator Courtney Gooris

Violation Number 5
Rule Cite(s) 30 Tex. Admin. Code § 335.9(a)(1)(G)
Violation Description Failed to maintain records of the location of all hazardous waste accumulation areas, situated at or near any point of generation. Specifically, the Respondent did not maintain records with the locations of all satellite accumulation areas ("SAAs"), including the open-topped metal container holding aqueous K061-contaminated leachate.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
		Actual			
Potential					

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
				x	1.0%
Less than 30% of the rule requirement was not met.					

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$250

One single event is recommended.

Good Faith Efforts to Comply Reduction

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

Notes: The Respondent submitted documentation on June 1, 2021 demonstrating that the SAA record was updated to include the container adjacent to the leachate tank, before the July 12, 2021 NOE.

Violation Subtotal \$188

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$1"/>	Violation Final Penalty Total <input type="text" value="\$163"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$163"/>	

Economic Benefit Worksheet

Respondent CHAPARRAL STEEL MIDLOTHIAN, LP
Case ID No. 61066
Reg. Ent. Reference No. RN100216472
Media Violation No. Industrial and Hazardous Waste
 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	\$200	26-Apr-2021	1-Jun-2021	0.10	\$1	n/a	\$1
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

Estimated delayed cost to maintain records showing the location of all SAAs. The Date Required is the investigation date and the Final Date is the date of compliance.

Avoided Costs

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

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

\$200

TOTAL

\$1

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 CN600128656, RN100216472, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

Customer, Respondent, or Owner/Operator:	CN600128656, CHAPARRAL STEEL MIDLOTHIAN, LP	Classification: HIGH	Rating: 0.00
Regulated Entity:	RN100216472, Chaparral Steel Midlothian Plant	Classification: HIGH	Rating: 0.00
Complexity Points:	28	Repeat Violator: NO	
CH Group:	14 - Other		
Location:	300 Ward Road, Midlothian, Ellis County, Texas 76065		
TCEQ Region:	REGION 04 - DFW METROPLEX		

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER ED0011D	AIR OPERATING PERMITS PERMIT 2110
AIR NEW SOURCE PERMITS PERMIT 1635	AIR NEW SOURCE PERMITS PERMIT 3026
AIR NEW SOURCE PERMITS ACCOUNT NUMBER ED0011D	AIR NEW SOURCE PERMITS PERMIT 5983
AIR NEW SOURCE PERMITS PERMIT 8097	AIR NEW SOURCE PERMITS EPA PERMIT PSDTX138M5
AIR NEW SOURCE PERMITS AFS NUM 4813900018	AIR NEW SOURCE PERMITS EPA PERMIT PSDTX138M2
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX138M4	AIR NEW SOURCE PERMITS REGISTRATION 84490
AIR NEW SOURCE PERMITS REGISTRATION 135656	AIR NEW SOURCE PERMITS REGISTRATION 105588
AIR NEW SOURCE PERMITS REGISTRATION 112109	AIR NEW SOURCE PERMITS REGISTRATION 166137
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX138M6	AIR NEW SOURCE PERMITS REGISTRATION 166860
PETROLEUM STORAGE TANK REGISTRATION REGISTRATION 52027	PETROLEUM STORAGE TANK REGISTRATION REGISTRATION 87633
STORMWATER PERMIT TXR05U015	STORMWATER PERMIT TXR05V752
AIR EMISSIONS INVENTORY ACCOUNT NUMBER ED0011D	POLLUTION PREVENTION PLANNING ID NUMBER P00124
INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50162	INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD066362559
INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 30661	

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

Date Compliance History Report Prepared: February 17, 2022

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: February 17, 2017 to February 17, 2022

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

Name: Courtney Gooris

Phone: (817) 588-5863

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	May 10, 2017	(1403854)
Item 2	May 16, 2017	(1409611)
Item 3	June 29, 2017	(1420710)
Item 4	August 02, 2017	(1409202)
Item 5	October 01, 2018	(1518553)
Item 6	December 19, 2018	(1531321)
Item 7	February 20, 2019	(1549438)
Item 8	May 09, 2019	(1557755)
Item 9	August 02, 2019	(1552301)
Item 10	December 16, 2020	(1692630)
Item 11	September 01, 2021	(1706752)
Item 12	February 16, 2022	(1794130)

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: 06/03/2021 (1712119)**

Self Report? NO Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
2D TWC Chapter 26, SubChapter A 26.121(c)
Description: Failure to prevent the unauthorized discharge of process wastewater.

2 **Date: 07/29/2021 (1736818)**

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.144(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT AA 60.276(e)
5C THSC Chapter 382 382.085(b)
Description: Failure to maintain 5 years of monitoring records for the Bag Leak Detection System.

F. Environmental audits:

Notice of Intent Date: 07/03/2017(1428803)

Disclosure Date: 08/22/2017

Viol. Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT AA 60.273(b)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7

Description: Failure to submit NSPS semiannual excess opacity reports.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)

Description: Failure to report the failure to submit NSPS semiannual excess opacity reports as a Title V deviation.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT AA 60.273(e)(4)

Description: Failure to follow the Bag Leak Detection System Plan.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)

Description: Failure to report the failure to follow the Bag Leak Detection System Plan as a deviation in the Title V deviation reports.

Disclosure Date: 02/13/2018
Viol. Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT AA 60.273(b)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7

Description: Failure to submit NSPS semiannual excess opacity reports.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)

Description: Failure to report the failure to submit NSPS semiannual excess opacity reports as a Title V deviation.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT AA 60.273(e)(4)

Description: Failure to follow the Bag Leak Detection System Plan.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)

Description: Failure to report the failure to follow the Bag Leak Detection System Plan as a deviation in the Title V deviation reports.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT YYYYY 63.10685(c)(3)

Description: Failure to submit a NESHAPS semiannual compliance report by the required deadline of July 30, 2017.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT AA 60.272(a)(2)

Rqmt Prov: PERMIT SC 3(b)

OP Scs 1 and 9

Description: Failure to comply with the 3% opacity limit for the electric arc furnaces.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(C)

Rqmt Prov: OP SC 1

Description: Failure to comply with the 15% opacity limits for units >100,000 acfm and failed to report this as a deviation.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT AA 60.273(c)

Rqmt Prov: PERMIT SC 3(b)

OP SCs 1 and 9

Description: Failure to perform daily Visible Emission Observations on each electric arc furnace bag house.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)

Description: Failure to report the previously disclosed violations as Title V deviations.

Disclosure Date: 04/05/2018

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT AA 60.273(b)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7

Description: Failure to submit NSPS semiannual excess opacity reports.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)

Description: Failure to report the failure to submit NSPS semiannual excess opacity reports as a Title V deviation.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT AA 60.273(e)(4)

Description: Failure to follow the Bag Leak Detection System Plan.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)

Description: Failure to report the failure to follow the Bag Leak Detection System Plan as a deviation in the Title V deviation reports.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT YYYYY 63.10685(c)(3)

Description: Failure to submit a NESHAPS semiannual compliance report by the required deadline of July 30, 2017.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT AA 60.272(a)(2)

Rqmt Prov: PERMIT SC 3(b)

OP Scs 1 and 9

Description: Failure to comply with the 3% opacity limit for the electric arc furnaces.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(C)

Rqmt Prov: OP SC 1

Description: Failure to comply with the 15% opacity limits for units >100,000 acfm and failed to report this as a deviation.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

Rqmt Prov: PERMIT SC 3(b)
OP SCs 1 and 9

Description: Failure to perform daily Visible Emission Observations on each electric arc furnace bag house.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)

Description: Failure to report the previously disclosed violations as Title V deviations.

Notice of Intent Date: 04/20/2018(1484632)

No DOV Associated

Notice of Intent Date: 06/21/2019(1578874)

Disclosure Date: 08/21/2019

Viol. Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT AA 60.272

Rqmt Prov: OP SC 1.A

Description: Failure to perform a full 18 minute Method 9 reading when visible emissions were noted during a six minute VE observation.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)

Description: Failure to report the failure to perform an acceptable visible emissions observation as a Title V deviation.

Viol. Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(c)

30 TAC Chapter 305, SubChapter F 305.124

30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to record corrective actions and maintain records of maintenance and repairs of control measures.

Notice of Intent Date: 06/01/2020(1658461)

No DOV Associated

Notice of Intent Date: 06/23/2021(1745070)

No DOV Associated

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
CHAPARRAL STEEL
MIDLOTHIAN, LP
RN100216472**

§
§
§
§
§
§

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2021-0932-IHW-E**

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding CHAPARRAL STEEL MIDLOTHIAN, LP (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 361 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent, represented by Becky L. Jolin of the law firm of Smith Jolin LLP, together stipulate that:

1. The Respondent owns and operates a steel mill manufacturing plant located at 300 Ward Road in Midlothian, Ellis County, Texas (the "Plant"). The Plant involves or involved the management of industrial and hazardous waste ("IHW") as defined in TEX. HEALTH & SAFETY CODE ch. 361.
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 361 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$25,885 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$20,708 of the penalty and \$5,177 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order. The deferred amount shall be waived only upon full compliance with all the terms and conditions contained in this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms or requirements contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.

5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more-timely resolution of the matter.
6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Plant:
 - a. Properly closed all containers holding paint or paint-related waste on May 17, 2021;
 - b. Submitted updated records showing the location of all satellite accumulation areas on June 1, 2021;
 - c. Submitted an updated Annual Waste Summary ("AWS") on June 2, 2021;
 - d. Submitted an updated, TCEQ-approved Waste Analysis Plan that removed the sampling and testing requirement for zinc on June 2, 2021; and
 - e. Properly closed and labeled all containers holding hazardous waste with the accumulation start date and with the words "Hazardous Waste" and conducted additional training on hazardous waste container management by June 30, 2021.

II. ALLEGATIONS

During an investigation conducted on April 26, 2021 through May 10, 2021, an investigator documented that the Respondent:

1. Failed to submit to the Executive Director a complete and correct AWS detailing the management of each hazardous and/or Class 1 waste generated on-site during the reporting calendar year, in violation of 30 TEX. ADMIN. CODE § 335.9(a)(2). Specifically, a review of Waste Manifest No. 019845106JJK indicated a shipment of hazardous and/or Class 1 Waste (Texas Waste Code 00052061) on January 15, 2020 that was not reported on the AWS for the year 2020.

2. Failed to label all hazardous waste containers with accumulation start dates and with the words "Hazardous Waste," in violation of 30 TEX. ADMIN. CODE § 335.69(a)(2), (a)(3), and (d)(2) and 40 CODE OF FEDERAL REGULATIONS ("CFR") § 262.34(a)(3), (c)(1)(ii), and (c)(2). Specifically, an open-topped metal container holding aqueous KO61-contaminated leachate, an open-topped hopper holding KO61-contaminated baghouse dust, and two poly-drum containers holding broken lead acid batteries were not properly labeled.
3. Failed to keep a container holding hazardous waste closed except when adding or removing waste, in violation of 30 TEX. ADMIN. CODE § 335.69(a)(1)(A) and 40 CFR § 265.173(a). Specifically, an open-topped hopper holding KO61-contaminated baghouse dust and an open-topped metal container holding aqueous KO61-contaminated leachate were observed at the time of investigation.
4. Failed to keep containers of paint and paint-related waste closed, except when adding or removing waste, in violation of 30 TEX. ADMIN. CODE § 335.262(c)(2)(A) and 40 CFR § 265.173(a). Specifically, an open container of paint and paint-related waste was observed at the time of investigation.
5. Failed to comply with all permit conditions, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and Industrial Hazardous Waste Permit No. 50162, Provision IV.C. Specifically, a review of the Annual Waste Analysis for the year 2020 indicated that the Respondent did not sample and test the baghouse dust for zinc, as outlined in the Waste Analysis Plan.
6. Failed to maintain records of the location of all hazardous waste accumulation areas, situated at or near any point of generation, in violation of 30 TEX. ADMIN. CODE § 335.9(a)(1)(G). Specifically, the Respondent did not maintain records with the locations of all satellite accumulation areas, including the open-topped metal container holding aqueous KO61-contaminated leachate.

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: CHAPARRAL STEEL MIDLOTHIAN, LP, Docket No. 2021-0932-IHW-E" to:

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


2. 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. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Plant operations referenced in this Order.
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. 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.
6. 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.
7. 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

10/12/2022

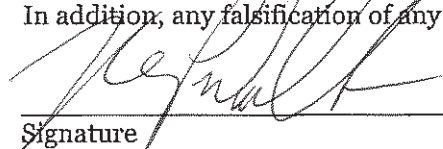
Date

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

6-13-22

Date

ROBERT WALLACE

Name (Printed or typed)

ASST. SECRETARY

Title

Authorized Representative of
CHAPARRAL STEEL MIDLOTHIAN, LP

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.