

Executive Summary – Enforcement Matter – Case No. 61030
Samsung Austin Semiconductor, LLC
RN100518026
Docket No. 2021-0934-MLM-E

Order Type:

Findings Agreed Order

Findings Order Justification:

People or environmental receptors have been exposed to pollutants which exceed levels that are protective.

Media:

MLM – AIR, WQ

Small Business:

No

Location(s) Where Violation(s) Occurred:

Samsung Austin Semiconductor, 12100 Samsung Boulevard, Austin, Travis County

Type of Operation:

Semiconductor fabrication plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: N/A

Texas Register Publication Date: April 12, 2024

Comments Received: No

Penalty Information

Total Penalty Assessed: \$186,326

Total Paid to General Revenue: \$93,163

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project (“SEP”) Conditional Offset: \$93,163

Name of SEP: Emergency Response Equipment Donation (Custom)

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: AIR - Major, WQ - Minor

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: June 11, 2021 through June 18, 2021 and January 21, 2022 through May 17, 2022

Date(s) of NOE(s): June 30, 2021 and June 10, 2022

Executive Summary – Enforcement Matter – Case No. 61030
Samsung Austin Semiconductor, LLC
RN100518026
Docket No. 2021-0934-MLM-E

Violation Information

1. Failed to obtain authorization prior to constructing or modifying a source of air contaminants [30 TEX. ADMIN. CODE §§ 116.110(a) and 122.143(4), Federal Operating Permit No. O4088, General Terms and Conditions, and TEX. HEALTH & SAFETY CODE §§ 382.0518(a) and 382.085(b)].
2. Failed to prevent an unauthorized discharge of industrial wastewater into or adjacent to any water in the state [TEX. WATER CODE § 26.121(a)(1)].
3. Failed to prevent an unauthorized discharge of industrial wastewater into or adjacent to any water in the state [TEX. WATER CODE § 26.121(a)(1)].
4. Failed to prevent an unauthorized discharge of industrial wastewater into or adjacent to any water in the state [TEX. WATER CODE § 26.121(a)(1)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

- a. On February 22, 2021, obtained Permit by Rule Registration No. 164001 that authorized the wafer shredding unit and the associated emissions;
- b. On January 14, 2022, repaired the leaking sump and contained the first discharge within the on-site stormwater pond;
- c. On January 15, 2022, completed the inspection, initiated monitoring, and commenced neutralization activities for the unnamed tributary;
- d. On January 19, 2022, confirmed the pH levels in the unnamed tributary returned to normal pH levels;
- e. On January 23, 2022, brought the on-site industrial wastewater treatment system online and administered 2.5 totes of lime to treat the water of the detention pond;
- f. On January 28, 2022, completed the third-party baseline ecological assessment of the unnamed tributary and Harris Branch Creek;
- g. On February 14, 2022, completed the northeast pond transfer project, pressure washed the inlet area, and placed additional bull rock around the inlet;
- h. On April 14, 2022, completed the second third-party ecological assessment of the unnamed tributary and Harris Branch Creek;

Executive Summary – Enforcement Matter – Case No. 61030
Samsung Austin Semiconductor, LLC
RN100518026
Docket No. 2021-0934-MLM-E

- i. By May 31, 2022, documented that the rusty orange discoloration along the banks and creek bed within the areas of the tributary was no longer present; and
- j. By June 7, 2022, installed pH, conductivity, and oil sensors with local operational control at the pond.

Technical Requirements:

The Order will require the Respondent to implement and complete a SEP (see SEP Attachment A).

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Danielle Porras, Enforcement Division, Enforcement Team 2, MC R-12, (713) 767-3682; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

TCEQ SEP Coordinator: Adena Crider, SEP Coordinator, Litigation Division, MC 175, (512) 239-0648

Respondent: David Ellingsworth, Senior Director, Samsung Austin Semiconductor, LLC, 12100 Samsung Boulevard, Austin, Texas 78754-1903

Respondent's Attorney: D. Jeffrey Haffner, Farley & Partners LLP, 21 Waterway Avenue, Suite 300, The Woodlands, Texas 77380



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	7-Jul-2021		
	PCW	5-Mar-2024	Screening	13-Jul-2021
			EPA Due	

RESPONDENT/FACILITY INFORMATION

Respondent	Samsung Austin Semiconductor, LLC			
Reg. Ent. Ref. No.	RN100518026 (PCW No. 1 of 2)			
Facility/Site Region	11-Austin	Major/Minor Source	Major	

CASE INFORMATION

Enf./Case ID No.	61030	No. of Violations	1
Docket No.	2021-0934-MLM-E	Order Type	Findings
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media	Water Quality	Enf. Coordinator	Danielle Porras
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$15,000
---	-------------------	----------

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	19.0%	Adjustment	Subtotals 2, 3, & 7	\$2,850
---------------------------	-------	------------	--------------------------------	---------

Notes

Enhancement for one order containing a denial of liability. Reduction for one notice of intent to conduct an audit.

Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
--------------------	----	------	-------------	-------------------	-----

Notes

The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$3,750
--	-------------------	----------

Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
-------------------------	------	--------------	-------------------	-----

Total EB Amounts \$60
Estimated Cost of Compliance \$450

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$14,100
-----------------------------	-----------------------	----------

OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
---	------	------------	-----

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount	\$14,100
-----------------------------	----------

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$14,100
-----------------------------------	-------------------------------	----------

DEFERRAL	0.0%	Reduction	Adjustment	\$0
-----------------	------	-----------	------------	-----

Reduces the Final Assessed Penalty by the indicated percentage.

Notes

No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$14,100
------------------------	----------

Screening Date13-Jul-2021

RespondentSamsung Austin Semiconductor, LLC

Case ID No.61030

Reg. Ent. Reference No.RN100518026 (PCW No. 1 of 2)

MediaAir

Enf. CoordinatorDanielle Porras

Docket No.2021-0934-MLM-E

PCW

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

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	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	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>)	1	-1%
	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)19%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3)0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7)0%

>> Compliance History Summary

Compliance History Notes

Enhancement for one order containing a denial of liability. Reduction for one notice of intent to conduct an audit.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)19%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100%19%

Screening Date
Respondent
Case ID No.
Reg. Ent. Reference No.
Media
Enf. Coordinator

13-Jul-2021
Samsung Austin Semiconductor, LLC
61030
RN100518026 (PCW No. 1 of 2)
Air
Danielle Porras

Docket No.

2021-0934-MLM-E

PCW

Policy Revision 5 (January 28, 2021)
PCW Revision February 11, 2021

Violation Number

1

Rule Cite(s)

30 Tex. Admin. Code §§ 116.110(a) and 122.143(4), Federal Operating Permit No. 04088, General Terms and Conditions, and Tex. Health & Safety Code §§ 382.0518(a) and 382.085(b)

Violation Description

Failed to obtain authorization prior to constructing or modifying a source of air contaminants. Specifically, the Respondent self-reported that the Respondent had constructed and operated a wafer shredding unit at the Plant prior to obtaining the proper authorization as a deviation in the deviation report for the July 1, 2020 through December 31, 2020 reporting period that was submitted on January 28, 2021.

Base Penalty

\$25,000

>> Environmental, Property and Human Health Matrix

OR

Release

Major

Moderate

Minor

Actual

Potential

Percent

0.0%

>>Programmatic Matrix

Falsification

Major

Moderate

Minor

Percent

20.0%

Matrix Notes

100% of the rule requirements were not met.

Adjustment

\$20,000

\$5,000

Violation Events

Number of Violation Events

3

967

Number of violation days

daily

weekly

monthly

quarterly

semiannual

annual

single event

Violation Base Penalty

\$15,000

Three annual events are recommended for the period of non-compliance from the July 1, 2018 initial date of non-compliance to the February 22, 2021 compliance date.

Good Faith Efforts to Comply

25.0%

Reduction

\$3,750

Before NOE/NOV

NOE/NOV to EDPRP/Settlement Offer

Extraordinary

Ordinary

N/A

Notes

The Respondent completed the corrective measures on February 22, 2021, prior to the Notice of Enforcement dated June 30, 2021.

Violation Subtotal

\$11,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

\$60

Violation Final Penalty Total

\$14,100

This violation Final Assessed Penalty (adjusted for limits)

\$14,100

Economic Benefit Worksheet

Respondent Samsung Austin Semiconductor, LLC
Case ID No. 61030
Reg. Ent. Reference No. RN100518026 (PCW No. 1 of 2)
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
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

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	\$450	1-Jul-2018	22-Feb-2021	2.65	\$60	n/a	\$60
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs	Actual cost to obtain Permit by Rule Registration No. 164001 that authorized the wafer shredding unit and the associated emissions. The Date Required is the initial date of non-compliance 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 \$450

TOTAL \$60



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	14-Jun-2022			
	PCW	5-Mar-2024	Screening	15-Jun-2022	EPA Due

RESPONDENT/FACILITY INFORMATION

Respondent	Samsung Austin Semiconductor, LLC				
Reg. Ent. Ref. No.	RN100518026 (PCW No. 2 of 2)				
Facility/Site Region	11-Austin	Major/Minor Source	Minor		

CASE INFORMATION

Enf./Case ID No.	61030	No. of Violations	3
Docket No.	2021-0934-MLM-E	Order Type	Findings
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media	Air	Enf. Coordinator	Danielle Porras
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$207,500
---	-------------------	-----------

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	8.0%	Adjustment	Subtotals 2, 3, & 7	\$16,600
---------------------------	-------------	------------	--------------------------------	----------

Notes Enhancement for one order containing a denial of liability. Reduction for two notices of intent to conduct an audit and having an Environmental Management System in place.

Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
--------------------	----	-------------	-------------	-------------------	-----

Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$51,874
--	-------------------	-----------

Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
-------------------------	-------------	--------------	-------------------	-----

Total EB Amounts \$7,523
Estimated Cost of Compliance \$241,500

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$172,226
-----------------------------	-----------------------	-----------

OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
---	-------------	------------	-----

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount	\$172,226
-----------------------------	-----------

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$172,226
-----------------------------------	-------------------------------	-----------

DEFERRAL	0.0%	Reduction	Adjustment	\$0
-----------------	-------------	-----------	------------	-----

Reduces the Final Assessed Penalty by the indicated percentage.

Notes

No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$172,226
------------------------	-----------

Screening Date15-Jun-2022

RespondentSamsung Austin Semiconductor, LLC

Case ID No.61030

Reg. Ent. Reference No.RN100518026 (PCW No. 2 of 2)

MediaWater Quality

Enf. CoordinatorDanielle Porras

Docket No.2021-0934-MLM-E

PCW

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

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 (number of NOVs meeting criteria)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
	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 (number of judgments or consent decrees meeting criteria)	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 (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	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 (number of audits for which notices were submitted)	2	-2%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Other	Environmental management systems in place for one year or more	Yes	-10%
	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)8%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3)0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7)0%

>> Compliance History Summary

Compliance History Notes

Enhancement for one order containing a denial of liability. Reduction for two notices of intent to conduct an audit and having an Environmental Management System in place.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)8%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100%8%

Screening Date	15-Jun-2022	Docket No.	2021-0934-MLM-E	PCW
Respondent	Samsung Austin Semiconductor, LLC			Policy Revision 5 (January 28, 2021)
Case ID No.	61030			PCW Revision February 11, 2021
Reg. Ent. Reference No.	RN100518026 (PCW No. 2 of 2)			
Media	Water Quality			
Enf. Coordinator	Danielle Porras			
Violation Number	1			
Rule Cite(s)	Tex. Water Code § 26.121(a)(1)			
Violation Description	Failed to prevent an unauthorized discharge of industrial wastewater into or adjacent to any water in the state. Specifically, a leak in a sump underneath a subfloor at the Plant began on or around September 30, 2021, was discovered on January 14, 2022, and caused a discharge to the northeast pond, some of which migrated approximately one and half miles downstream via an unnamed tributary and watercourse that eventually flows into Harris Branch Creek. Approximately 763,000 gallons of diluted acidic industrial process wastewater with pH levels ranging from 1.91 to 5.98 was discharged to the pond, which exceeded levels that are protective of human health or environmental receptors.			
		Base Penalty	\$25,000	
>> Environmental, Property and Human Health Matrix				
OR	Release	Harm		
		Major	Moderate	Minor
	Actual	x		
	Potential			
		Percent	50.0%	
>>Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	Percent	0.0%		
Matrix Notes	Human health or the environment has been exposed to pollutants which exceed levels that are protective of human health or environmental receptors as a result of the violation.			
		Adjustment	\$12,500	
			\$12,500	
>> Violation Events				
	Number of Violation Events	16	106	Number of violation days
	daily			
	weekly	x		
	monthly			
	quarterly			
	semiannual			
	annual			
	single event			
			Violation Base Penalty	\$200,000
	Sixteen weekly events are recommended for the period of non-compliance from the first date that the discharge began on or around September 30, 2021 to the date the discharge was stopped on January 14, 2022.			
Good Faith Efforts to Comply	25.0%			Reduction
				\$50,000
	Extraordinary			
	Ordinary	x		
	N/A			
	Notes	The Respondent completed the corrective measures by June 7, 2022, prior to the Notice of Enforcement ("NOE") dated June 10, 2022.		
		Violation Subtotal	\$150,000	
>> Economic Benefit (EB) for this violation				
	Estimated EB Amount	\$7,523		
		Violation Final Penalty Total	\$166,000	
		This violation Final Assessed Penalty (adjusted for limits)	\$166,000	

Economic Benefit Worksheet

Respondent Samsung Austin Semiconductor, LLC
Case ID No. 61030
Reg. Ent. Reference No. RN100518026 (PCW No. 2 of 2)
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment	\$45,000	30-Sep-2021	14-Jan-2022	0.29	\$44	\$871	\$915
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	\$70,000	30-Sep-2021	7-Jun-2022	0.68	\$2,397	n/a	\$2,397
Remediation/Disposal	\$126,500	30-Sep-2021	31-May-2022	0.67	\$4,211	n/a	\$4,211
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated costs to repair the leaking sump (\$25,000); contain the first discharge within the on-site stormwater pond (\$20,000); complete the inspection, initiate monitoring, and commence neutralization activities for the unnamed tributary (\$10,000); confirm the pH levels in the unnamed tributary returned to normal pH levels (\$10,000); bring the on-site industrial wastewater treatment system online (\$10,000); administer 2.5 totes of lime to treat the water of the detention pond (\$10,000); complete the third-party baseline ecological assessment of the unnamed tributary and Harris Branch Creek (\$10,000); complete the northeast pond transfer project (\$25,000); pressure wash the inlet area (\$10,000); place additional bull rock around the inlet (\$50,000); complete the second third-party ecological assessment of the unnamed tributary and Harris Branch Creek (\$10,000); document that the rusty orange discolorization along the banks and creek bed within the areas of the tributary was no longer present (\$1,500); and install pH, conductivity, and oil sensors with local operational control at the pond (\$50,000) in order to prevent the recurrence of unauthorized discharges due to the same or similar cause as the discharges that began on or around September 30, 2021, on January 31, 2022, and on February 1, 2022. The Dates Required are the date that the first discharge began and the Final Dates are the dates 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 \$241,500

TOTAL \$7,523

Screening Date 15-Jun-2022 Respondent Samsung Austin Semiconductor, LLC Case ID No. 61030 Reg. Ent. Reference No. RN100518026 (PCW No. 2 of 2) Media Water Quality Enf. Coordinator Danielle Porras		Docket No. 2021-0934-MLM-E PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>																		
Violation Number 2 Rule Cite(s) Tex. Water Code § 26.121(a)(1)																				
Violation Description Failed to prevent an unauthorized discharge into or adjacent to any water in the state. Specifically, during a 3.31-inch rain event from January 31, 2022 to February 1, 2022, stormwater flowed from the Plant and entered the northwest pond that caused the pond to overflow to Outfall 002, resulting in the discharge of 2.2 million gallons of comingled stormwater and treated wastewater into a tributary near Parmer Lane. The pH level was 7.66 at Outfall 002 on February 1, 2022.																				
		Base Penalty \$25,000																		
>> Environmental, Property and Human Health Matrix																				
OR	<table border="1"> <tr> <td></td> <th colspan="3">Harm</th> </tr> <tr> <th>Release</th> <th>Major</th> <th>Moderate</th> <th>Minor</th> </tr> <tr> <td>Actual</td> <td></td> <td></td> <td>x</td> </tr> <tr> <td>Potential</td> <td></td> <td></td> <td></td> </tr> </table>				Harm			Release	Major	Moderate	Minor	Actual			x	Potential				Percent 15.0%
		Harm																		
	Release	Major	Moderate	Minor																
Actual			x																	
Potential																				
>> Programmatic Matrix																				
	<table border="1"> <tr> <td></td> <th>Falsification</th> <th>Major</th> <th>Moderate</th> <th>Minor</th> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </table>				Falsification	Major	Moderate	Minor						Percent 0.0%						
	Falsification	Major	Moderate	Minor																
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 1		2 Number of violation days																		
	<table border="1"> <tr><td>daily</td><td></td></tr> <tr><td>weekly</td><td></td></tr> <tr><td>monthly</td><td>x</td></tr> <tr><td>quarterly</td><td></td></tr> <tr><td>semiannual</td><td></td></tr> <tr><td>annual</td><td></td></tr> <tr><td>single event</td><td></td></tr> </table>	daily		weekly		monthly	x	quarterly		semiannual		annual		single event		Violation Base Penalty \$3,750				
daily																				
weekly																				
monthly	x																			
quarterly																				
semiannual																				
annual																				
single event																				
One monthly event is recommended from the date the discharge began on January 31, 2022 to date the discharge ended on February 1, 2022.																				
Good Faith Efforts to Comply		25.0%	Reduction \$937																	
		Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer																		
Extraordinary																				
Ordinary		x																		
N/A																				
Notes		The Respondent completed the corrective measures by June 7, 2022, prior to the NOE dated June 10, 2022.																		
			Violation Subtotal \$2,813																	
Economic Benefit (EB) for this violation		Statutory Limit Test																		
Estimated EB Amount \$0		Violation Final Penalty Total \$3,113																		
This violation Final Assessed Penalty (adjusted for limits)			\$3,113																	

Economic Benefit Worksheet

Respondent Samsung Austin Semiconductor, LLC
Case ID No. 61030
Reg. Ent. Reference No. RN100518026 (PCW No. 2 of 2)
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs	See the Economic Benefit for Violation No. 1.						

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

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

Approx. Cost of Compliance	\$0	TOTAL	\$0
----------------------------	-----	-------	-----

Screening Date 15-Jun-2022 Respondent Samsung Austin Semiconductor, LLC Case ID No. 61030 Reg. Ent. Reference No. RN100518026 (PCW No. 2 of 2) Media Water Quality Enf. Coordinator Danielle Porras		Docket No. 2021-0934-MLM-E PCW																		
<i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>																				
Violation Number 3 Rule Cite(s)		Tex. Water Code § 26.121(a)(1)																		
Violation Description		Failed to prevent an unauthorized discharge into or adjacent to any water in the state. Specifically, during a 3.87-inch rain event from February 2, 2022 to February 3, 2022, stormwater flowed from the Plant and entered the northwest pond that caused the pond to overflow to Outfall 002, resulting in the discharge of 5.9 million gallons of comingled stormwater and treated wastewater into a tributary near Parmer Lane. The pH level was 6.48 at outfall 002 on February 3, 2022.																		
		Base Penalty	\$25,000																	
>> Environmental, Property and Human Health Matrix																				
OR	<table border="1"> <tr> <td></td> <th colspan="3">Harm</th> </tr> <tr> <th>Release</th> <th>Major</th> <th>Moderate</th> <th>Minor</th> </tr> <tr> <td>Actual</td> <td></td> <td></td> <td>x</td> </tr> <tr> <td>Potential</td> <td></td> <td></td> <td></td> </tr> </table>				Harm			Release	Major	Moderate	Minor	Actual			x	Potential				Percent 15.0%
		Harm																		
	Release	Major	Moderate	Minor																
Actual			x																	
Potential																				
>> Programmatic Matrix																				
Matrix Notes	<table border="1"> <tr> <td></td> <th>Falsification</th> <th>Major</th> <th>Moderate</th> <th>Minor</th> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </table>				Falsification	Major	Moderate	Minor						Percent 0.0%						
		Falsification	Major	Moderate	Minor															
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 1		2 Number of violation days																		
<table border="1"> <tr><td>daily</td><td></td></tr> <tr><td>weekly</td><td></td></tr> <tr><td>monthly</td><td>x</td></tr> <tr><td>quarterly</td><td></td></tr> <tr><td>semiannual</td><td></td></tr> <tr><td>annual</td><td></td></tr> <tr><td>single event</td><td></td></tr> </table>		daily		weekly		monthly	x	quarterly		semiannual		annual		single event		Violation Base Penalty \$3,750				
daily																				
weekly																				
monthly	x																			
quarterly																				
semiannual																				
annual																				
single event																				
One monthly event is recommended from the date the discharge began on February 2, 2022 to the date the discharge ended on February 3, 2022.																				
Good Faith Efforts to Comply		25.0%	Reduction \$937																	
<table border="1"> <tr> <td></td> <td>Before NOE/NOV</td> <td>NOE/NOV to EDPRP/Settlement Offer</td> </tr> <tr> <td>Extraordinary</td> <td></td> <td></td> </tr> <tr> <td>Ordinary</td> <td>x</td> <td></td> </tr> <tr> <td>N/A</td> <td></td> <td></td> </tr> </table>			Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	Extraordinary			Ordinary	x		N/A									
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer																		
Extraordinary																				
Ordinary	x																			
N/A																				
Notes		The Respondent completed the corrective measures by June 7, 2022, prior to the NOE dated June 10, 2022.																		
Violation Subtotal			\$2,813																	
Economic Benefit (EB) for this violation		Statutory Limit Test																		
Estimated EB Amount \$0		Violation Final Penalty Total \$3,113																		
This violation Final Assessed Penalty (adjusted for limits)			\$3,113																	

Economic Benefit Worksheet

Respondent Samsung Austin Semiconductor, LLC
Case ID No. 61030
Reg. Ent. Reference No. RN100518026 (PCW No. 2 of 2)
Media Water Quality
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs	See the Economic Benefit for Violation No. 1.						

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

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

Approx. Cost of Compliance	\$0	TOTAL	\$0
----------------------------	-----	-------	-----

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 CN602914442, RN100518026, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

Customer, Respondent, or Owner/Operator:	CN602914442, Samsung Austin Semiconductor, LLC	Classification:	SATISFACTORY	Rating:	2.72
Regulated Entity:	RN100518026, Samsung Austin Semiconductor	Classification:	SATISFACTORY	Rating:	2.72
Complexity Points:	26	Repeat Violator:	NO		
CH Group:	14 - Other				
Location:	12100 Samsung Boulevard in Austin, Travis County, Texas				
TCEQ Region:	REGION 11 - AUSTIN				
ID Number(s):					
AIR OPERATING PERMITS	ACCOUNT NUMBER TH0602A	AIR OPERATING PERMITS	PERMIT 3046		
AIR OPERATING PERMITS	PERMIT 4088	AIR NEW SOURCE PERMITS	PERMIT 31811		
AIR NEW SOURCE PERMITS	REGISTRATION 46992	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER TH0602A		
AIR NEW SOURCE PERMITS	REGISTRATION 163742	AIR NEW SOURCE PERMITS	AFS NUM 4845300072		
AIR NEW SOURCE PERMITS	REGISTRATION 164001	PETROLEUM STORAGE TANK REGISTRATION			
PETROLEUM STORAGE TANK REGISTRATION		REGISTRATION 69721			
PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION 78098	STORMWATER	PERMIT TXR05M224		
STORMWATER	PERMIT TXR15PW66	WASTEWATER	PERMIT 2E0000014		
AIR EMISSIONS INVENTORY	ACCOUNT NUMBER TH0602A	POLLUTION PREVENTION PLANNING	ID NUMBER P03176		
INDUSTRIAL AND HAZARDOUS WASTE	EPA ID TXR000018853	INDUSTRIAL AND HAZARDOUS WASTE	SOLID WASTE REGISTRATION # (SWR) 85035		
Compliance History Period:	September 01, 2016 to August 31, 2021	Rating Year:	2021	Rating Date:	09/01/2021
Date Compliance History Report Prepared:	September 23, 2021				
Agency Decision Requiring Compliance History:	Enforcement				
Component Period Selected:	September 23, 2016 to September 23, 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:

- | | | |
|---|--|--|
| 1 | Effective Date: 10/22/2019 | ADMINORDER 2018-1476-AIR-E (1660 Order-Agreed Order With Denial) |
| | Classification: Major | |
| | Citation: 30 TAC Chapter 122, SubChapter B 122.121 | |
| | 30 TAC Chapter 122, SubChapter B 122.133(2) | |
| | 30 TAC Chapter 122, SubChapter C 122.241(b) | |
| | 5C THSC Chapter 382 382.054 | |
| | 5C THSC Chapter 382 382.085(b) | |

Description: Failed to submit a permit renewal application at least six months prior to the expiration of an FOP. Specifically, the Respondent did not submit a renewal application for FOP No. O3046 by March 19, 2018, FOP No. O3046 expired on September 19, 2018, and the Respondent continued to operate the emission units at the Plant without authorization.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	January 20, 2017	(1388213)
Item 2	February 01, 2017	(1389591)
Item 4	July 14, 2017	(1416522)
Item 5	July 17, 2017	(1424888)
Item 6	August 01, 2017	(1429411)
Item 8	November 03, 2017	(1448975)
Item 9	February 15, 2018	(1467434)
Item 10	February 16, 2018	(1453966)
Item 11	May 25, 2018	(1482347)
Item 12	June 15, 2018	(1497177)
Item 13	June 22, 2018	(1498146)
Item 14	August 06, 2018	(1505503)
Item 15	December 03, 2018	(1525804)
Item 16	July 02, 2019	(1576165)
Item 17	July 10, 2019	(1578832)
Item 18	August 02, 2019	(1580525)
Item 19	January 02, 2020	(1618101)
Item 20	April 13, 2020	(1639291)
Item 21	April 14, 2020	(1638507)
Item 22	May 28, 2020	(1650914)
Item 23	June 19, 2020	(1651783)
Item 24	October 09, 2020	(1677428)
Item 25	November 24, 2020	(1685060)
Item 26	December 11, 2020	(1690453)
Item 27	August 16, 2021	(1751075)
Item 28	September 16, 2021	(1760267)

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.

N/A

F. Environmental audits:

Notice of Intent Date: 07/30/2019 (1582541)

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



Compliance History Report

Compliance History Report for CN602914442, RN100518026, Rating Year 2022 which includes Compliance History (CH) components from September 1, 2017, through August 31, 2022.

Customer, Respondent, or Owner/Operator:	CN602914442, Samsung Austin Semiconductor, LLC	Classification:	SATISFACTORY	Rating:	1.83
Regulated Entity:	RN100518026, SAMSUNG AUSTIN SEMICONDUCTOR	Classification:	SATISFACTORY	Rating:	1.83
Complexity Points:	26	Repeat Violator:	NO		
CH Group:	14 - Other				
Location:	12100 Samsung Boulevard, Austin, Travis County, Texas				
TCEQ Region:	REGION 11 - AUSTIN				

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER TH0602A

AIR OPERATING PERMITS PERMIT 4088

AIR NEW SOURCE PERMITS REGISTRATION 46992

AIR NEW SOURCE PERMITS REGISTRATION 164001

AIR NEW SOURCE PERMITS REGISTRATION 169219

PETROLEUM STORAGE TANK REGISTRATION

REGISTRATION 69721

STORMWATER PERMIT TXR05M224

POLLUTION PREVENTION PLANNING ID NUMBER

P03176

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE

REGISTRATION # (SWR) 85035

AIR OPERATING PERMITS PERMIT 3046

AIR NEW SOURCE PERMITS PERMIT 31811

AIR NEW SOURCE PERMITS ACCOUNT NUMBER TH0602A

AIR NEW SOURCE PERMITS REGISTRATION 170895

AIR NEW SOURCE PERMITS AFS NUM 4845300072

PETROLEUM STORAGE TANK REGISTRATION

REGISTRATION 78098

AIR EMISSIONS INVENTORY ACCOUNT NUMBER TH0602A

INDUSTRIAL AND HAZARDOUS WASTE EPA ID

TXR000018853

Compliance History Period: September 01, 2017 to August 31, 2022 **Rating Year:** 2022 **Rating Date:** 09/01/2022

Date Compliance History Report Prepared: June 29, 2023

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: June 29, 2018 to June 29, 2023

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:

1 Effective Date: 10/22/2019 ADMINORDER 2018-1476-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Major

Citation: 30 TAC Chapter 122, SubChapter B 122.121
30 TAC Chapter 122, SubChapter B 122.133(2)
30 TAC Chapter 122, SubChapter C 122.241(b)
5C THSC Chapter 382 382.054
5C THSC Chapter 382 382.085(b)

Description: Failed to submit a permit renewal application at least six months prior to the expiration of an FOP. Specifically, the Respondent did not submit a renewal application for FOP No. O3046 by March 19, 2018, FOP No. O3046 expired on September 19, 2018, and the Respondent continued to operate the emission units at the Plant without authorization.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	August 06, 2018	(1505503)
Item 2	December 03, 2018	(1525804)
Item 3	July 02, 2019	(1576165)
Item 4	July 10, 2019	(1578832)
Item 5	August 02, 2019	(1580525)
Item 6	January 02, 2020	(1618101)
Item 7	April 13, 2020	(1639291)
Item 8	April 14, 2020	(1638507)
Item 9	May 28, 2020	(1650914)
Item 10	June 19, 2020	(1651783)
Item 11	October 09, 2020	(1677428)
Item 12	November 24, 2020	(1685060)
Item 13	December 11, 2020	(1690453)
Item 14	August 16, 2021	(1751075)
Item 15	September 16, 2021	(1760267)
Item 17	May 16, 2022	(1812970)
Item 18	May 17, 2022	(1812968)

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.

N/A

F. Environmental audits:

Notice of Intent Date: 07/30/2019 (1582541)
No DOV Associated

Notice of Intent Date: 10/14/2022 (1853956)
No DOV Associated

G. Type of environmental management systems (EMSs):

1	ENVIRONMENTAL MANAGEMENT SYSTEM	30 TAC CERTIFIED
---	---------------------------------	------------------

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
SAMSUNG AUSTIN SEMICONDUCTOR,
LLC
RN100518026

§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY
§

AGREED ORDER DOCKET NO. 2021-0934-MLM-E

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Samsung Austin Semiconductor, LLC (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent, represented by D. Jeffrey Haffner of the law firm of Farley & Partners LLP, presented this Order to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Order are binding upon the Respondent.

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

I. FINDINGS OF FACT

1. The Respondent owns and operates a semiconductor fabrication plant located at 12100 Samsung Boulevard in Austin, Travis County, Texas (the "Plant"). The Plant consists or consisted of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12). The Plant is near or adjacent to water in the state as defined in TEX. WATER CODE § 26.001(5).
2. During a record review for the Plant conducted from June 11, 2021 through June 18, 2021, an investigator documented that the Respondent self-reported that the Respondent had constructed and operated a wafer shredding unit at the Plant prior to obtaining the proper authorization as a deviation in the deviation report for the July 1, 2020 through December 31, 2020 reporting period that was submitted on January 28, 2021.
3. During an investigation at the Plant conducted from January 21, 2022 through May 17, 2022 of a report by the Respondent of a release of industrial process water at the Plant, an investigator documented that:

- a. A leak in a sump underneath a subfloor at the Plant began on or around September 30, 2021, was discovered on January 14, 2022, and caused a discharge to the northeast pond, some of which migrated approximately one and half miles downstream via an unnamed tributary and watercourse that eventually flows into Harris Branch Creek. Approximately 763,000 gallons of diluted acidic industrial process wastewater with pH levels ranging from 1.91 to 5.98 was discharged to the pond, which exceeded levels that are protective of human health or environmental receptors.
 - b. During a 3.31-inch rain event from January 31, 2022 to February 1, 2022, stormwater flowed from the Plant and entered the northwest pond that caused the pond to overflow to Outfall 002, resulting in the discharge of 2.2 million gallons of comingled stormwater and treated wastewater into a tributary near Parmer Lane. The pH level was 7.66 at Outfall 002 on February 1, 2022.
 - c. During a 3.87-inch rain event from February 2, 2022 to February 3, 2022, stormwater flowed from the Plant and entered the northwest pond that caused the pond to overflow to Outfall 002, resulting in the discharge of 5.9 million gallons of comingled stormwater and treated wastewater into a tributary near Parmer Lane. The pH level was 6.48 at outfall 002 on February 3, 2022.
4. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Plant:
 - a. On February 22, 2021, obtained Permit by Rule Registration No. 164001 that authorized the wafer shredding unit and the associated emissions;
 - b. On January 14, 2022, repaired the leaking sump and contained the first discharge within the on-site stormwater pond;
 - c. On January 15, 2022, completed the inspection, initiated monitoring, and commenced neutralization activities for the unnamed tributary;
 - d. On January 19, 2022, confirmed the pH levels in the unnamed tributary returned to normal pH levels;
 - e. On January 23, 2022, brought the on-site industrial wastewater treatment system online and administered 2.5 totes of lime to treat the water of the detention pond;
 - f. On January 28, 2022, completed the third-party baseline ecological assessment of the unnamed tributary and Harris Branch Creek;
 - g. On February 14, 2022, completed the northeast pond transfer project, pressure washed the inlet area, and placed additional bull rock around the inlet;
 - h. On April 14, 2022, completed the second third-party ecological assessment of the unnamed tributary and Harris Branch Creek;

- i. By May 31, 2022, documented that the rusty orange discoloration along the banks and creek bed within the areas of the tributary was no longer present; and
- j. By June 7, 2022, installed pH, conductivity, and oil sensors with local operational control at the pond.

II. CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, the Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE ch. 26, TEX. HEALTH & SAFETY CODE ch. 382, and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2, the Respondent failed to obtain authorization prior to constructing or modifying a source of air contaminants, in violation of 30 TEX. ADMIN. CODE §§ 116.110(a) and 122.143(4), Federal Operating Permit No. O4088, General Terms and Conditions, and TEX. HEALTH & SAFETY CODE §§ 382.0518(a) and 382.085(b).
3. As evidenced by Finding of Fact No. 3.a, the Respondent failed to prevent an unauthorized discharge of industrial wastewater into or adjacent to any water in the state, in violation of TEX. WATER CODE § 26.121(a)(1).
4. As evidenced by Finding of Fact No. 3.b, the Respondent failed to prevent an unauthorized discharge of industrial wastewater into or adjacent to any water in the state, in violation of TEX. WATER CODE § 26.121(a)(1).
5. As evidenced by Finding of Fact No. 3.c, the Respondent failed to prevent an unauthorized discharge of industrial wastewater into or adjacent to any water in the state, in violation of TEX. WATER CODE § 26.121(a)(1).
6. Pursuant to TEX. WATER CODE § 7.051, the TCEQ has the authority to assess an administrative penalty against the Respondent for violations of state statutes within the TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
7. An administrative penalty in the amount of \$186,326 is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent paid \$93,163 of the penalty. Pursuant to TEX. WATER CODE § 7.067, \$93,163 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.

III. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Conclusion of Law No. 7 for violations of state statutes and rules of the TCEQ. The payment of this penalty and the Respondent's compliance with all the requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations that are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Samsung Austin Semiconductor, LLC, Docket No. 2021-0934-MLM-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 the SEP as set forth in Conclusion of Law No. 7. The amount of \$93,163 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. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Plant operations referenced in this Order.
5. 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.
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 in this Order.
7. 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.
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

4/22/2024

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 OAG 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 OAG of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

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

Signature

Date

DAVID ELLISWORTH

03/26/24
SENIOR DIRECTOR, EHS

Name (Printed or typed)

Title

Authorized Representative of

Samsung Austin Semiconductor, LLC

☐ 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: 2021-0934-MLM-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Samsung Austin Semiconductor, LLC
Penalty Amount:	\$186,326
SEP Offset Amount:	\$93,163
Type of SEP:	Custom
Project Name:	<i>Emergency Response Equipment Donation</i>
Location of SEP:	Williamson County

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

1. Project Description

A. Project

Respondent shall purchase and donate emergency response equipment to the City of Taylor Fire Department located in Taylor, Texas. Emergency response equipment includes the purchase of self-contained breathing apparatus (SCBA) harnesses, tanks, and masks, to be used by the fire department for responding to environmental and hazardous emergencies. Specifically, the SEP Offset Amount shall be used for purchase of SCBA harnesses, tanks, and masks (the “Project”). Any advertisement or invitation for bids, including publication, related to the SEP must include the enforcement statement as stated below in Section 6, Publicity. The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations, including any permits that may be required prior to commencement of the SEP. The Commission’s approval and issuance of this Agreed Order shall not itself be construed to authorize any activity for which Respondent is required by statute or rule to obtain authorization from the Commission.

Respondent shall use the SEP Offset Amount only for the direct cost of implementing the Project, including supplies, materials, and equipment rentals, as listed below in Subsection C. Minimum Expenditure, Estimated Cost Schedule. No portion of the SEP Offset Amount shall be spent on administrative costs, including operating costs, reporting expenses, handling of expenses, project coordination, liability, or equipment breakdowns.

Respondent’s signature affixed to the attached Agreed Order certifies that Respondent has no prior commitment to perform this Project and that the SEP is being performed solely as part of the terms of settlement in this enforcement action.

B. Environmental Benefit

This SEP will provide a discernable environmental benefit by providing response personnel with equipment to better respond to hazardous situations that include exposure to vapors, gases, and particulates, which could be of a quantity and/or quality that they pose a health risk. SCBA equipment is essential for emergency response, particularly in environmental emergencies, ensuring responders have a reliable source of breathable air to navigate and address critical situations. By ensuring that emergency responders have reliable SCBA equipment, we minimize the risks associated with hazardous environments, preventing potential harm to human lives, and enabling emergency response efforts that are likely to benefit the surrounding ecosystems

that would otherwise suffer impacts. Additional, modern, and upgraded SCBA equipment provides energy efficient designs and materials, aligning with sustainability goals.

C. Minimum Expenditure

Respondent shall spend at least the SEP Offset Amount to complete the project described above in Section 1.A and comply with all other provisions of this SEP. Respondent shall coordinate with the City of Taylor's Fire Department and with TCEQ's SEP Program when making decisions about how many SCBA harnesses, bottles, and masks it shall buy to perform the Project. In no event shall the combined allowable costs be less than the SEP Offset Amount. Respondent understands that it may cost more than the SEP Offset Amount to complete the Project. Costs in excess of the SEP Offset Amount shall not be grounds to relieve Respondent of its obligations to perform this SEP.

Estimated Cost Schedule

Item	Cost	Quantity	Total
SCBA Harnesses	\$6,000*	8*	\$48,000
SCBA Bottles	\$5,000*	8*	\$40,000
SCBA Masks	\$1,000*	8*	\$8,000
Estimated Total Expenditures			\$96,000

*Estimated quantities and costs will be updated to ensure Respondent's allowed and actual costs meet or exceed the offset amount.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, Respondent shall begin implementation of the SEP. Respondent shall have completed the SEP in its entirety within 365 days after the effective date of this Agreed Order.

Executive Director ("ED") staff may grant an extension to any deadline for Respondent's performance of the SEP described herein, upon a written and substantiated showing of good cause. All requests for extensions must be made by Respondent and shall be made in writing to ED staff. Extensions are not effective until Respondent receives written approval from ED staff. The determination of what constitutes good cause rests solely with ED staff. Extension requests shall be sent to the SEP Coordinator by first class mail or electronic mail, at:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087
Email: sepreports@tceq.texas.gov

3. Records and Reporting

A. Progress Report

Within 30 days after the effective date of this Agreed Order, Respondent shall submit a Notice of Commencement to TCEQ describing actions performed to date to implement the Project. Within 90 days after the effective date of this Agreed Order, Respondent shall submit a report detailing the progress made and all actions completed on the Project during the previous 60-day period and setting forth a schedule for achieving completion of the Project within the 365-day timeframe set forth above in Section 2, Performance Schedule. Thereafter, Respondent

shall submit progress reports to TCEQ in 90-day increments containing detailed information on all actions completed on the Project to date as set forth below in the Reporting Schedule table:

Reporting Schedule

Days from Effective Order Date	Information Required
30	Notice of Commencement describing actions taken to begin project
90	Actions completed during previous 60-day period
180	Actions completed during previous 90-day period
270	Actions completed during previous 90-day period
365	Notice of SEP completion

B. Final Report

Within 365 days after the effective date of the Agreed Order, or within 30 days after completion of the SEP, whichever is earlier, Respondent shall submit a Final Report to TCEQ, which shall include the following:

1. An itemized list of expenditures and total cost of the Project;
2. Copies of invoices or receipts corresponding to the itemized list in paragraph 3.B.1., above;
3. Copies of cleared checks or payment records corresponding to the itemized list in paragraph 3.B.1., above;
4. Copies of proof of advertisement, if applicable;
5. A certified statement of SEP completion and document authentication;
6. A detailed map showing the specific location of the project site(s);
7. Dated photographs of the purchased materials and supplies; and
8. Any additional information Respondent believes will, or that is requested by TCEQ to demonstrate compliance with this Attachment A.

C. Submittals

Respondent shall submit all SEP reports and any additional information as requested to the SEP Coordinator at the address provided above.

4. Additional Information and Access

Respondent shall provide additional information as requested by TCEQ staff and shall allow access to all records related to the SEP Offset Amount. Respondent shall also allow representatives of TCEQ access to the site of any work being financed in whole or in part by the SEP Offset Amount. This provision shall survive the termination of this Agreed Order.

5. Failure to Fully Perform

If 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 above in Sections 2 through 4, the ED may require immediate payment of all or part of the SEP Offset Amount as set forth in the attached Agreed Order.

In the event the ED determines that Respondent failed to fully implement and complete the Project, 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, Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for reimbursement of a SEP, shall make the check payable to "Texas Commission on Environmental Quality," and shall mail it to the SEP Coordinator at the address provided above.

6. Publicity

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

7. Recognition

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

8. 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 Respondent under any other Agreed Order negotiated with TCEQ or any other agency of the state or federal government.