

Executive Summary – Enforcement Matter – Case No. 61589
Clean Harbors Deer Park, LLC
RN102184173
Docket No. 2021-1517-IWD-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

IWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

Clean Harbors Deer Park, 2027 Independence Parkway South, Deer Park, Harris County

Type of Operation:

Industrial hazardous waste treatment, storage, and disposal facility

Other Significant Matters:

Additional Pending Enforcement Actions: Yes, Docket No. 2022-0731-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: June 7, 2024

Comments Received: No

Penalty Information

Total Penalty Assessed: \$65,699

Amount Deferred for Expedited Settlement: \$13,139

Total Paid to General Revenue: \$26,280

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project (“SEP”) Conditional Offset: \$26,280

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

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

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: August 23, 2021

Date(s) of NOE(s): November 9, 2021

Executive Summary – Enforcement Matter – Case No. 61589
Clean Harbors Deer Park, LLC
RN102184173
Docket No. 2021-1517-IWD-E

Violation Information

1. Failed to comply with permitted effluent limitations for total silver, total tin, total zinc, total suspended solids, oil & grease, pH, and total copper [30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0001429000, Effluent Limitations and Monitoring Requirements Nos. 1 and 2 and Other Requirements No. 3.(b) for Outfall No. 002 and Effluent Limitations and Monitoring Requirements No. 1 for Outfall Nos. 003, 004, 101, and 201].
2. Failed to collect and analyze samples at the intervals specified in the permit. Specifically, the Respondent did not collect and analyze samples for Total Organic Carbon and pH for the month of August 2020 [30 TEX. ADMIN. CODE §§ 305.125(1) and 319.5(b) and TPDES Permit No. WQ0001429000, Effluent Limitations and Monitoring Requirements No. 1, Outfall No. 002].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

1. The Order will require the Respondent to implement and complete a SEP (see SEP Attachment A).
2. The Order will also require the Respondent to:
 - a. Within 30 days, develop and implement procedures and conduct employee training to ensure samples are collected and analyzed in accordance with permit requirements;
 - b. Within 45 days, submit written certification of compliance with a.; and
 - c. Within 130 days, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0001429000, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations.

**Executive Summary – Enforcement Matter – Case No. 61589
Clean Harbors Deer Park, LLC
RN102184173
Docket No. 2021-1517-IWD-E**

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Sarah Castillo, Enforcement Division, Enforcement Team 1, MC 219, (512) 239-1130; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

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

SEP Third-Party Administrator: Houston-Galveston Area Council, 3555 Timmons Lane, Suite 120, Houston, Texas 77027

Respondent: Eric W. Gerstenberg, Chief Operating Officer, Clean Harbors Deer Park, LLC, 42 Longwater Drive, Norwell, Massachusetts 02061

Michael Crisenberry, Senior Vice President – Facilities Compliance and Government Affairs, Clean Harbors Deer Park, LLC, 42 Longwater Drive, Norwell, Massachusetts 02061

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	15-Nov-2021			
	PCW	25-Apr-2024	Screening	22-Nov-2021	EPA Due 5-Dec-2021

RESPONDENT/FACILITY INFORMATION					
Respondent	Clean Harbors Deer Park, LLC				
Reg. Ent. Ref. No.	RN102184173				
Facility/Site Region	12-Houston	Major/Minor Source	Major		

CASE INFORMATION					
Enf./Case ID No.	61589	No. of Violations	4		
Docket No.	2021-1517-IWD-E	Order Type	1660		
Media Program(s)	Water Quality	Government/Non-Profit	No		
Multi-Media		Enf. Coordinator	Sarah Castillo		
		EC's Team	Enforcement Team 1		
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000		

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$42,250
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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	55.0% Adjustment	Subtotals 2, 3, & 7	\$23,237
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Notes: Enhancement for two months of self-reported effluent violations, one NOV with the same/similar violations, and two orders containing denial of liability.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$3,584
 Estimated Cost of Compliance: \$25,450
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$65,487
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.3% Adjustment	\$212
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Recommended enhancement to capture the avoided cost of compliance associated with Violation No. 3.

Final Penalty Amount	\$65,699
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$65,699
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DEFERRAL	20.0% Reduction Adjustment	-\$13,139
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY	\$52,560
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Screening Date 22-Nov-2021

Docket No. 2021-1517-IWD-E

PCW

Respondent Clean Harbors Deer Park, LLC

Policy Revision 5 (January 28, 2021)

Case ID No. 61589

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN102184173

Media Water Quality

Enf. Coordinator Sarah Castillo

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	3	15%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 55%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for two months of self-reported effluent violations, one NOV with the same/similar violations, and two orders containing denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 55%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 55%

Screening Date 22-Nov-2021
Respondent Clean Harbors Deer Park, LLC
Case ID No. 61589
Reg. Ent. Reference No. RN102184173
Media Water Quality
Enf. Coordinator Sarah Castillo

Docket No. 2021-1517-IWD-E

PCW

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0001429000, Effluent Limitations and Monitoring Requirements No. 1, Outfall No. 002

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

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual		x		50.0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes Human health or the environment has been exposed to significant amounts of pollutants which do not 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 1 30 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$12,500

One monthly event is recommended for the month of April 2021.

Good Faith Efforts to Comply

0.0%

Reduction \$0

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

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

Violation Subtotal \$12,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$3,349

Violation Final Penalty Total \$19,438

This violation Final Assessed Penalty (adjusted for limits) \$19,438

Economic Benefit Worksheet

Respondent Clean Harbors Deer Park, LLC
Case ID No. 61589
Reg. Ent. Reference No. RN102184173
Media Violation No. Water Quality
 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)	\$25,000	31-Jan-2021	6-Oct-2023	2.68	\$3,349	n/a	\$3,349

Notes for DELAYED costs Estimated delayed cost to determine the cause of noncompliance, make the necessary repairs/adjustments to the Facility, and achieve compliance with the permitted effluent limitations. The Date Required is the end date of the first month of noncompliance, and the Final Date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$25,000

TOTAL \$3,349

Screening Date 22-Nov-2021 **Docket No.** 2021-1517-IWD-E **PCW**
Respondent Clean Harbors Deer Park, LLC *Policy Revision 5 (January 28, 2021)*
Case ID No. 61589 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN102184173
Media Water Quality
Enf. Coordinator Sarah Castillo

Violation Number 2
Rule Cite(s) 30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and TPDES Permit No. WQ0001429000, Effluent Limitations and Monitoring Requirements Nos. 1 and 2 and Other Requirements No. 3(b) for Outfall No. 002 and Effluent Limitations and Monitoring Requirements No. 1 for Outfall Nos. 002, 003, and 004
Violation Description Failed to comply with permitted effluent limitations, as shown in the attached effluent violation tables.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

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

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 3 92 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$22,500

Three quarterly events are recommended. One quarter containing the month of June 2021 at Outfall No. 002, one quarter containing the month of January 2021 at Outfall No. 003, and one quarter containing the months of May and June 2021 at Outfall 004.

Good Faith Efforts to Comply 0.0% Reduction \$0

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

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

Violation Subtotal \$22,500

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

Estimated EB Amount \$0 **Violation Final Penalty Total** \$34,988

This violation Final Assessed Penalty (adjusted for limits) \$34,988

Economic Benefit Worksheet

Respondent Clean Harbors Deer Park, LLC
Case ID No. 61589
Reg. Ent. Reference No. RN102184173
Media Violation No. Water Quality
 2

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

See Economic Benefit Worksheet for Violation No. 1.

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

TOTAL

Screening Date 22-Nov-2021 **Docket No.** 2021-1517-IWD-E **PCW**
Respondent Clean Harbors Deer Park, LLC *Policy Revision 5 (January 28, 2021)*
Case ID No. 61589 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN102184173
Media Water Quality
Enf. Coordinator Sarah Castillo

Violation Number 3
Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1) and 319.5(b) and TPDES Permit No. WQ0001429000, Effluent Limitations and Monitoring Requirements No. 1, Outfall No. 002
Violation Description Failed to collect and analyze samples at the intervals specified in the permit. Specifically, the Respondent did not collect and analyze samples for Total Organic Carbon and pH for the month of August 2020.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

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

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1 31 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$3,750

One single event is recommended.

Good Faith Efforts to Comply 0.0% Reduction \$0

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

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

Violation Subtotal \$3,750

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

Estimated EB Amount \$235 **Violation Final Penalty Total** \$5,831

This violation Final Assessed Penalty (adjusted for limits) \$5,831

Economic Benefit Worksheet

Respondent Clean Harbors Deer Park, LLC
Case ID No. 61589
Reg. Ent. Reference No. RN102184173
Media Violation No. Water Quality
 3

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$250	23-Aug-2021	28-Jun-2023	1.85	\$23	n/a	\$23
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 Training/Sampling cost to develop and implement procedures and conduct employee training to ensure samples are collected and analyzed in accordance with permit requirements. The Date Required is the date of the record review, and the Final Date is the estimated date of compliance.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)	\$200	31-Aug-2020	23-Nov-2021	1.23	\$12	\$200	\$212

Notes for AVOIDED costs Estimated avoided cost to collect and analyze effluent samples. The Date Required is the initial date of noncompliance, and the Final Date is the screening date.

Approx. Cost of Compliance \$450

TOTAL \$235

Screening Date 22-Nov-2021 **Docket No.** 2021-1517-IWD-E **PCW**
Respondent Clean Harbors Deer Park, LLC *Policy Revision 5 (January 28, 2021)*
Case ID No. 61589 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN102184173
Media Water Quality
Enf. Coordinator Sarah Castillo

Violation Number 4
Rule Cite(s) 30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and TPDES Permit No. WQ0001429000, Effluent Limitations and Monitoring Requirements No. 1, Outfall Nos. 101 and 201
Violation Description Failed to comply with permitted effluent limitations, as shown in the attached effluent violation tables.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

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

Adjustment \$23,250

\$1,750

Violation Events

Number of Violation Events 2 122 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$3,500

Two single events are recommended, one event for each outfall.

Good Faith Efforts to Comply

0.0%

Reduction \$0

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

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

Violation Subtotal \$3,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$5,443

This violation Final Assessed Penalty (adjusted for limits) \$5,443

Economic Benefit Worksheet

Respondent Clean Harbors Deer Park, LLC
Case ID No. 61589
Reg. Ent. Reference No. RN102184173
Media Water Quality
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

See Economic Benefit Worksheet for Violation No. 1.

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

TOTAL

Clean Harbors Deer Park LLC
 TPDES Permit No. WQ0001429000
 Docket No. 2021-1517-IWD-E
 Case No. 61589

Effluent Violation Table No. 1								
Outfall No. 002					Outfall No. 003	Outfall No. 004		
Monitoring Period	Total Copper	pH	pH Range Excursions > 60 minutes	Total Zinc	Total Zinc	Oil & Grease	Total Suspended Solids	
	Daily Max. Conc. Limit = 2 mg/L	Daily Minimum Limit = 5 SU	Monthly Total (occur/mo.)	Daily Max. Conc. Limit = 6 mg/L	Daily Max. Conc. Limit = 6 mg/L	Daily Max. Loading Limit = 235 lbs/day	Daily Avg. Loading Limit = 393 lbs/day	Daily Max. Loading Limit = 629 lbs/day
January 2021	c	c	c	c	8.38	c	c	c
April 2021	3.02	c	c	25.3	c	c	c	c
May 2021	c	c	c	c	c	550	c	786
June 2021	c	1.15	1	c	c	c	413	883

Effluent Violation Table No. 2					
Outfall No. 201					Outfall No. 101
Monitoring Period	Total Silver	Total Suspended Solids		Total Tin	Total Zinc
	Daily Avg. Conc. Limit = 0.0351 mg/L	Daily Avg. Conc. Limit = 31 mg/L	Daily Max. Conc. Limit = 60 mg/L	Daily Avg. Conc. Limit = 0.12 mg/L	Daily Max. Conc. Limit = 0.497 mg/L
January 2021	0.0365	c	61	c	c
March 2021	c	69.2	122	c	c
April 2021	0.0355	c	c	c	c
June 2021	0.049	90.4	302	0.15	0.69

Avg. = average
 lbs/day = pounds per day
 SU = standard units

Max. = maximum
 mo. = month
 c = compliant

Conc. = concentration
 mg/L = milligrams per liter



Compliance History Report

Compliance History Report for CN601558802, RN102184173, Rating Year 2022 which includes Compliance History (CH) components from September 1, 2017, through August 31, 2022.

Customer, Respondent, or Owner/Operator: CN601558802, Clean Harbors Deer Park, LLC **Classification:** SATISFACTORY **Rating:** 1.58

Regulated Entity: RN102184173, CLEAN HARBORS DEER PARK **Classification:** SATISFACTORY **Rating:** 1.58

Complexity Points: 36 **Repeat Violator:** NO

CH Group: 11 - Waste Management (Excluding Landfills)

Location: 2027 Independence Parkway South, south of Tidal Road, west of State Highway 134, and east and adjacent to Tucker Bayou in the industrial zone of the City of Deer Park, Harris County, Texas

TCEQ Region: REGION 12 - HOUSTON

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER HG0633R
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1013094
AIR NEW SOURCE PERMITS PERMIT 1960
AIR NEW SOURCE PERMITS REGISTRATION 42408
AIR NEW SOURCE PERMITS AFS NUM 4820100172
AIR NEW SOURCE PERMITS EPA PERMIT N001
AIR NEW SOURCE PERMITS REGISTRATION 162428
USED OIL EPA ID TXD055141378

AIR OPERATING PERMITS PERMIT 1566
AIR NEW SOURCE PERMITS PERMIT 1953
AIR NEW SOURCE PERMITS PERMIT 5064
AIR NEW SOURCE PERMITS ACCOUNT NUMBER HG0633R
AIR NEW SOURCE PERMITS REGISTRATION 33485
AIR NEW SOURCE PERMITS REGISTRATION 159786
USED OIL REGISTRATION A85951
PETROLEUM STORAGE TANK REGISTRATION
REGISTRATION 32778
WASTEWATER PERMIT WQ0001429000

IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION # (SWR) 50089
WASTEWATER EPA ID TX0005941
POLLUTION PREVENTION PLANNING ID NUMBER P00589
INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD055141378

AIR EMISSIONS INVENTORY ACCOUNT NUMBER HG0633R
INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50089
INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 50089

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

Date Compliance History Report Prepared: January 10, 2023

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: January 10, 2018 to January 10, 2023

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

Name: Cheryl Thompson

Phone: (817) 588-5865

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: 05/05/2020 ADMINORDER 2019-1170-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(C)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP

Description: Failure to submit a semiannual deviation report for the period of October 29, 2017 to April 28, 2018 within 30 days of the certification period.

See addendum for information regarding federal actions.

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 19, 2018	(1474526)	Item 25	May 05, 2020	(1633679)
Item 2	February 20, 2018	(1486752)	Item 26	May 20, 2020	(1660097)
Item 3	March 20, 2018	(1490429)	Item 27	June 15, 2020	(1657126)
Item 4	May 18, 2018	(1500584)	Item 28	June 19, 2020	(1666602)
Item 5	June 20, 2018	(1507701)	Item 29	August 20, 2020	(1680334)
Item 6	July 20, 2018	(1514018)	Item 30	August 31, 2020	(1631816)
Item 7	August 16, 2018	(1520080)	Item 31	September 18, 2020	(1686903)
Item 8	September 19, 2018	(1527245)	Item 32	October 20, 2020	(1693250)
Item 9	October 20, 2018	(1533603)	Item 33	November 20, 2020	(1712440)
Item 10	November 20, 2018	(1541438)	Item 34	December 10, 2020	(1696649)
Item 11	December 20, 2018	(1545222)	Item 35	December 20, 2020	(1712441)
Item 12	February 20, 2019	(1559639)	Item 36	January 20, 2021	(1712442)
Item 14	March 20, 2019	(1559640)	Item 37	March 19, 2021	(1725496)
Item 15	March 27, 2019	(1548515)	Item 38	September 02, 2021	(1724858)
Item 16	April 19, 2019	(1571819)	Item 39	December 15, 2021	(1790641)
Item 17	May 20, 2019	(1583247)	Item 40	February 16, 2022	(1806309)
Item 18	June 20, 2019	(1583248)	Item 41	March 18, 2022	(1813376)
Item 19	July 19, 2019	(1593132)	Item 42	April 20, 2022	(1819947)
Item 20	August 20, 2019	(1599478)	Item 43	May 20, 2022	(1828786)
Item 21	September 20, 2019	(1606383)	Item 44	June 20, 2022	(1835078)
Item 22	October 18, 2019	(1613229)	Item 45	September 20, 2022	(1856214)
Item 23	November 20, 2019	(1619043)	Item 46	October 20, 2022	(1862571)
Item 24	January 20, 2020	(1634036)			

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:	03/24/2022	(1789514)		
	Self Report?	NO		Classification:	Moderate
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a)(1) 30 TAC Chapter 305, SubChapter F 305.125(5) TX0005941 PERMIT WQ0001429000 PERMIT			
	Description:	Failure to prevent the unauthorized discharge of wastewater.			
2	Date:	06/30/2022	(1842283)		
	Self Report?	YES		Classification:	Moderate
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			
	Description:	Failure to meet the limit for one or more permit parameter			
3	Date:	07/31/2022	(1848416)		
	Self Report?	YES		Classification:	Moderate
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			
	Description:	Failure to meet the limit for one or more permit parameter			

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

Addendum to Compliance History Federal Enforcement Actions

Reg Entity Name: CLEAN HARBORS DEER PARK FACILITY

Reg Entity Add: 2027 INDEPENENCE PARKWAY SOUTH

Reg Entity City: DEER PARK

Reg Entity No: RN102184173

EPA Case No: 06-2022-1742

Order Issue Date (yyyymmdd): 20220331

Case Result:

Statute: CWA **Sect of Statute:** 301/402

Classification: Minor

Program: NPDES - Base Program **Citation:**

Violation Type: Effluent Limit Violations,Not
Otherwise Specified

Cite Sect: **Cite Part:**

Enforcement Action: Administrative Compliance Orders

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CLEAN HARBORS DEER PARK, LLC
RN102184173

§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2021-1517-IWD-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 Clean Harbors Deer Park, LLC (the "Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates an industrial hazardous waste treatment, storage, and disposal facility located at 2027 Independence Parkway South, south of Tidal Road, west of State Highway 134, and east and adjacent to Tucker Bayou in the industrial zone of the City of Deer Park, Harris County, Texas (the "Facility"). The Facility is near or adjacent to water in the state as defined in TEX. WATER CODE § 26.001(5).
2. 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. WATER CODE ch. 26 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 \$65,699 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$26,280 of the penalty, and \$13,139 of the penalty is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order and shall be waived only upon full compliance with all the terms and conditions of this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms and conditions contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.

Pursuant to TEX. WATER CODE § 7.067, \$26,280 of the penalty shall be conditionally offset by the Respondent's timely and satisfactory completion of a Supplemental Environmental Project ("SEP") as defined in the attached SEP Agreement ("Attachment A", incorporated herein by reference). The Respondent's obligation to pay the conditionally offset portion of the penalty shall be discharged upon full compliance

with all the terms and conditions of this Order, which includes the timely and satisfactory completion of all provisions of the SEP Agreement, as determined by the Executive Director.

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

II. ALLEGATIONS

During a record review for the Facility conducted on August 23, 2021, an investigator documented that the Respondent:

1. Failed to comply with permitted effluent limitations, in violation of 30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0001429000, Effluent Limitations and Monitoring Requirements Nos. 1 and 2 and Other Requirements No. 3.(b) for Outfall No. 002 and Effluent Limitations and Monitoring Requirements No. 1 for Outfall Nos. 003, 004, 101, and 201, as shown in the effluent violation tables below:

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: Clean Harbors Deer Park, LLC, Docket No. 2021-1517-IWD-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 Section I, Paragraph No. 4. The amount of \$26,280 of the assessed penalty is conditionally offset based on the Respondent's implementation and completion of the SEP pursuant to the terms of the SEP Agreement, as defined in Attachment A. Penalty payments for any portion of the SEP deemed by the Executive Director as not complete shall be paid within 30 days after the date the Executive Director demands payment.
3. The Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Order, develop and implement procedures and conduct employee training to ensure samples are collected and analyzed in accordance with permit requirements, in accordance with 30 TEX. ADMIN. CODE § 319.5.
 - b. Within 45 days after the effective date of this Order, submit written certification of compliance with Ordering Provision No. 3.a, as described in Ordering Provision 3.d. below.
 - c. Within 130 days after the effective date of this Order, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0001429000, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations.
 - d. The certifications required by Ordering Provision Nos. 3.b. and 3.c. shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance. The certification shall be signed by the Respondent and shall include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

Water Section Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Street, Suite H
Houston, Texas 77023-1452

4. All relief not expressly granted in this Order is denied.
5. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Enforcement Division at the address listed above.
7. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate

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

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

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



6/19/2024

For the Executive Director

Date

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

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

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the 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.



05/09/24

Signature

Date

Michael Crisenbery

SVP Facilities Compliance and Government Affairs

Name (Printed or typed)
Authorized Representative of
Clean Harbors Deer Park, LLC

Title

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

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

Attachment A
Docket Number: 2021-1517-IWD-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Clean Harbors Deer Park, LLC
Payable Penalty Amount:	\$52,560
SEP Offset Amount:	\$26,280
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Houston-Galveston Area Council
Project Name:	<i>Wastewater Treatment Assistance</i>
Location of SEP:	Austin, Brazoria, Chambers, Colorado, Fort Bend, Harris, Galveston, Grimes, Liberty, Matagorda, Montgomery, San Jacinto, Waller, Walker, and Wharton Counties

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

1. Project Description

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Houston-Galveston Area Council** for the *Wastewater Treatment Assistance* project. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the “Project”). Specifically, the SEP Offset Amount will be used to provide assistance to low-income homeowners to repair or replace malfunctioning or failing onsite wastewater treatment systems. The Third-Party Administrator may also provide extension of first-time sewer service, pump out service, and water conservation equipment such as low-flow showerheads. The Third-Party Administrator shall review applications for eligibility for assistance at its own expense. The Third-Party Administrator shall seek bids from local onsite wastewater treatment system contractors to perform the work. The Third-Party Administrator shall ensure that all Project work is performed in compliance with local, state, and federal rules relating to onsite wastewater treatment systems. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

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

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

b. Environmental Benefit

Many of the onsite wastewater treatment systems currently in use in the Third-Party Administrator's region are substandard or in disrepair, resulting in the discharge of sewage into local neighborhoods, ditches, and waterways. These septic system failures coupled with proximity to the coast and numerous waterways increases the need to identify problem systems and replace or repair them to prevent further release of raw sewage into the environment.

Each failing septic system that is replaced will improve the water quality in waterways and watersheds by preventing raw sewage with high levels of bacteria, viruses, and protozoa from entering the environment. Sewage overflows may reach rivers, lakes, streams, or aquifer systems. In addition to potential spread of disease, sewage in the environment contributes excess nutrients, metals, and toxic pollutants that contaminate water quality, cause algae blooms, and kill fish and other organisms in aquatic habitats. Removal of sewage as a source of pollution will also protect ground, surface, and drinking water from contamination.

This Project has the potential to not only improve water quality but also improve the public health for a sector of the population that is least able to afford health care. Diseases that result from sewage contaminated water range from mild gastroenteritis (causing stomach cramps and diarrhea) to life threatening ailments such as cholera, dysentery, infectious hepatitis, and severe gastroenteritis. People can be exposed through sewage in drinking water sources, direct contact from water in lawns or streets, and inhalation and skin absorption.

c. Minimum Expenditure

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

2. Performance Schedule

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

Houston-Galveston Area Council
Attention: Water Resources Program Manager
3555 Timmons Lane, Suite 120
Houston, Texas 77027

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

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

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

5. Publicity

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

6. Recognition

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

7. Other SEPs by TCEQ or Other Agencies

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