

Executive Summary – Enforcement Matter – Case No. 61914
American Chrome & Chemicals Inc.
RN100210814
Docket No. 2022-0185-IWD-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

IWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

Elementis Chromium Corpus Christi Texas Facility, 3800 Buddy Lawrence Drive,
Corpus Christi, Nueces County

Type of Operation:

Chromium chemicals manufacturing plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: November 17, 2023

Comments Received: No

Penalty Information

Total Penalty Assessed: \$28,545

Amount Deferred for Expedited Settlement: \$5,709

Total Paid to General Revenue: \$22,836

Total Due to General Revenue: \$0

Payment Plan: N/A

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: October 8, 2021

Date(s) of NOE(s): January 12, 2022

Executive Summary – Enforcement Matter – Case No. 61914
American Chrome & Chemicals Inc.
RN100210814
Docket No. 2022-0185-IWD-E

Violation Information

1. Failed to comply with permitted effluent limitations for free available chlorine and total suspended solids [30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0000349000, Effluent Limitations and Monitoring Requirements No. 1, Outfall Nos. 001 and 201].

2. Failed to collect and analyze effluent samples at the intervals specified in the permit. Specifically, the Respondent did not collect and analyze samples for oil and grease at Outfall No. 001 for the monitoring period ending December 31, 2020 [30 TEX. ADMIN. CODE §§ 305.125(1), 319.5(b), and TPDES Permit No. WQ0000349000, Effluent Limitations and Monitoring Requirements No. 1, Outfall No. 001].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondent to, within 130 days, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0000349000, 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.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Samantha Smith, Enforcement Division, Enforcement Team 1, MC R-12, (512) 239-2099; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Paul Fox, President, American Chrome & Chemicals Inc., 3800 Buddy Lawrence Drive, Corpus Christi, Texas 78407

Rafael Trevino, Plant Manager, American Chrome & Chemicals Inc., 3800 Buddy Lawrence Drive, Corpus Christi, Texas 78407

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	18-Jan-2022	Screening	28-Jan-2022	EPA Due	
	PCW	3-Feb-2022				

RESPONDENT/FACILITY INFORMATION	
Respondent	American Chrome & Chemicals Inc.
Reg. Ent. Ref. No.	RN100210814
Facility/Site Region	14-Corpus Christi
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	61914	No. of Violations	3
Docket No.	2022-0185-IWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Samantha Smith
		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	\$19,750
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	44.0% Adjustment	Subtotals 2, 3, & 7	\$8,690
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Notes: Enhancement for one order containing a denial of liability, five months of self-reported effluent violations, and one NOV with dissimilar violations. Reduction for one notice of intent to conduct an audit and one disclosure of violations.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$1,054
 Estimated Cost of Compliance: \$10,100
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$28,440
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.4% Adjustment	\$105
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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	\$28,545
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$28,545
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DEFERRAL	20.0% Reduction Adjustment	-\$5,709
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY	\$22,836
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Screening Date 28-Jan-2022

Docket No. 2022-0185-IWD-E

PCW

Respondent American Chrome & Chemicals Inc.

Policy Revision 5 (January 28, 2021)

Case ID No. 61914

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN100210814

Media Water Quality

Enf. Coordinator Samantha Smith

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>)	5	25%
	Other written NOVs	1	2%
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>)	1	-2%
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) 44%

>> 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, five months of self-reported effluent violations, and one NOV with dissimilar violations. Reduction for one notice of intent to conduct an audit and one disclosure of violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 44%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 44%

Screening Date 28-Jan-2022

Docket No. 2022-0185-IWD-E

PCW

Respondent American Chrome & Chemicals Inc.

Policy Revision 5 (January 28, 2021)

Case ID No. 61914

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN100210814

Media Water Quality

Enf. Coordinator Samantha Smith

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. WQ0000349000, Effluent Limitations and Monitoring Requirements No. 1, Outfall No. 001

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

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 \$949

Violation Final Penalty Total \$18,066

This violation Final Assessed Penalty (adjusted for limits) \$18,066

Economic Benefit Worksheet

Respondent American Chrome & Chemicals Inc.
Case ID No. 61914
Reg. Ent. Reference No. RN100210814
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)	\$10,000	30-Apr-2021	24-Mar-2023	1.90	\$949	n/a	\$949

Notes for DELAYED costs
 Estimated Other 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 \$10,000

TOTAL \$949

Screening Date 28-Jan-2022 **Docket No.** 2022-0185-IWD-E **PCW**
Respondent American Chrome & Chemicals Inc. *Policy Revision 5 (January 28, 2021)*
Case ID No. 61914 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN100210814
Media Water Quality
Enf. Coordinator Samantha Smith

Violation Number 2
Rule Cite(s) 30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and TPDES Permit No. WQ0000349000, Effluent Limitations and Monitoring Requirements No. 1, Outfall No. 201
Violation Description Failed to comply with permitted effluent limitations, as shown in the attached effluent violation table.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
					0.0%
Human health or the environment will or could be exposed to insignificant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.					

Adjustment \$23,250

\$1,750

Violation Events

Number of Violation Events 2 61 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$3,500

Two single events are recommended for the months of May and June 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 \$3,500

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

Estimated EB Amount \$0 **Violation Final Penalty Total** \$5,059

This violation Final Assessed Penalty (adjusted for limits) \$5,059

Economic Benefit Worksheet

Respondent American Chrome & Chemicals Inc.
Case ID No. 61914
Reg. Ent. Reference No. RN100210814
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

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

Notes for DELAYED costs

Economic Benefit included in 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 28-Jan-2022 **Docket No.** 2022-0185-IWD-E **PCW**
Respondent American Chrome & Chemicals Inc. *Policy Revision 5 (January 28, 2021)*
Case ID No. 61914 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN100210814
Media Water Quality
Enf. Coordinator Samantha Smith

Violation Number 3
Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1), 319.5(b), and TPDES Permit No. WQ0000349000, Effluent Limitations and Monitoring Requirements No. 1, Outfall No. 001
Violation Description Failed to collect and analyze effluent samples at the intervals specified in the permit. Specifically, the Respondent did not collect and analyze samples for oil and grease at Outfall No. 001 for the monitoring period ending December 31, 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 \$105 **Violation Final Penalty Total** \$5,420

This violation Final Assessed Penalty (adjusted for limits) \$5,420

Economic Benefit Worksheet

Respondent American Chrome & Chemicals Inc.
Case ID No. 61914
Reg. Ent. Reference No. RN100210814
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
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

Delayed Costs

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

Notes for DELAYED costs

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs	\$100	31-Dec-2020	28-Jan-2022	1.08	\$5	\$100	\$105
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated avoided cost to collect and analyze samples for oil and grease for the monitoring period ending December 31, 2020. The Date Required is the initial date of noncompliance, and the Final Date is the screening date.

Approx. Cost of Compliance \$100

TOTAL \$105

American Chrome & Chemicals Inc.
Docket No. 2022-0185-IWD-E
TPDES Permit No. WQ0000349000

Effluent Violation Table

Monitoring Period	Outfall 001	Outfall 201	Outfall 201
	Free Available Chlorine	Total Suspended Solids	Total Suspended Solids
	Daily Average Loading	Daily Average Concentration	Daily Maximum Loading
	Limit = 14.42 lbs/day	Limit = 25 lbs/day	Limit = 50 lbs/day
April 2021	34.46	c	c
May 2021	c	51.32	91.31
June 2021	c	43.7	153.7

c = compliant

lbs/day = pounds per day

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 CN600125041, RN100210814, Rating Year 2022 which includes Compliance History (CH) components from September 1, 2017, through August 31, 2022.

Customer, Respondent, or Owner/Operator: CN600125041, American Chrome & Chemicals Inc. **Classification:** SATISFACTORY **Rating:** 0.88
Regulated Entity: RN100210814, ELEMENTIS CHROMIUM CORPUS CHRISTI TEXAS FACILITY **Classification:** SATISFACTORY **Rating:** 0.88
Complexity Points: 18 **Repeat Violator:** NO
CH Group: 05 - Chemical Manufacturing
Location: 3800 BUDDY LAWRENCE DR IN CORPUS CHRISTI, TX 78407-1900, NUECES COUNTY
TCEQ Region: REGION 14 - CORPUS CHRISTI

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER NE0104F

PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1780056

AIR NEW SOURCE PERMITS PERMIT 7736

AIR NEW SOURCE PERMITS REGISTRATION 39403

AIR NEW SOURCE PERMITS ACCOUNT NUMBER NE0104F

AIR NEW SOURCE PERMITS REGISTRATION 50603

AIR NEW SOURCE PERMITS REGISTRATION 111699

AIR NEW SOURCE PERMITS REGISTRATION 149061

UNDERGROUND INJECTION CONTROL PERMIT 5X2600434

WASTEWATER PERMIT WQ0000349000

AIR EMISSIONS INVENTORY ACCOUNT NUMBER NE0104F

INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD098818339

AIR OPERATING PERMITS PERMIT 1556

AIR NEW SOURCE PERMITS PERMIT 9804

AIR NEW SOURCE PERMITS REGISTRATION 35253

AIR NEW SOURCE PERMITS REGISTRATION 43858

AIR NEW SOURCE PERMITS AFS NUM 4835500110

AIR NEW SOURCE PERMITS REGISTRATION 83770

AIR NEW SOURCE PERMITS REGISTRATION 111700

IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION # (SWR) 31661

STORMWATER PERMIT TXR05FI60

WASTEWATER EPA ID TX0004685

POLLUTION PREVENTION PLANNING ID NUMBER P00020

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 31661

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

Date Compliance History Report Prepared: August 24, 2023

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: August 24, 2018 to August 24, 2023

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

Name: TCEQ Staff Member

Phone: (512) 239-1000

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: 01/28/2020 ADMINORDER 2019-0826-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 122.146(2)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: FOP 0-1556, General Terms & Conditions OP
Description: Failure to submit a permit compliance certification (PCC) no later than 30 days after the end 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	September 11, 2018	(1527222)
Item 2	October 19, 2018	(1533580)
Item 3	November 20, 2018	(1541415)
Item 4	December 20, 2018	(1545199)
Item 5	January 20, 2019	(1559572)
Item 6	February 13, 2019	(1559570)
Item 7	May 16, 2019	(1583201)
Item 8	June 14, 2019	(1583202)
Item 9	July 19, 2019	(1593109)
Item 10	August 16, 2019	(1599455)
Item 11	September 20, 2019	(1606360)
Item 12	October 18, 2019	(1613206)
Item 13	November 20, 2019	(1619020)
Item 14	December 20, 2019	(1626372)
Item 15	January 20, 2020	(1634013)
Item 16	February 20, 2020	(1640632)
Item 17	March 20, 2020	(1647152)
Item 18	March 27, 2020	(1637820)
Item 19	April 20, 2020	(1653488)
Item 20	May 20, 2020	(1660074)
Item 21	June 17, 2020	(1666579)
Item 22	July 20, 2020	(1673536)
Item 23	August 20, 2020	(1680311)
Item 24	September 18, 2020	(1686880)
Item 25	October 21, 2020	(1693226)
Item 26	November 20, 2020	(1712371)
Item 27	December 18, 2020	(1712372)
Item 28	January 20, 2021	(1712373)
Item 29	February 19, 2021	(1725426)
Item 30	March 19, 2021	(1725427)
Item 31	April 19, 2021	(1725428)
Item 32	July 01, 2021	(1737619)
Item 33	August 20, 2021	(1757140)
Item 34	September 20, 2021	(1766220)
Item 35	October 20, 2021	(1776623)
Item 36	November 19, 2021	(1783592)
Item 37	December 20, 2021	(1790616)
Item 38	January 07, 2022	(1781928)
Item 39	January 20, 2022	(1798411)
Item 40	February 19, 2022	(1806286)
Item 41	March 20, 2022	(1813351)
Item 42	April 20, 2022	(1819923)
Item 43	May 20, 2022	(1828763)
Item 44	August 19, 2022	(1848393)
Item 45	September 20, 2022	(1856189)
Item 46	October 20, 2022	(1862547)
Item 47	November 19, 2022	(1869462)
Item 48	December 20, 2022	(1875309)
Item 49	January 20, 2023	(1882131)
Item 50	March 13, 2023	(1874269)

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: 01/31/2023 (1889948)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 2 Date: 02/28/2023 (1898505)
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: 03/31/2023 (1905294)
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
- 4 Date: 04/30/2023 (1912479)
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
- 5 Date: 05/31/2023 (1919079)
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
- 6 Date: 08/15/2023 (1916438)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 217, SubChapter B 217.33(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Monitoring Requirements No.5, Pg. 5 PERMIT
Description: Failed to accurately calibrate all automatic flow measuring or recording devices and all totalizing meters for measuring flows by a trained person at plant start-up and as often thereafter as necessary to ensure accuracy, but not less often than annually.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 319, SubChapter A 319.7(a)
30 TAC Chapter 319, SubChapter A 319.7(c)
Reporting Requirement No. 1., Pg. 4 PERMIT
Reporting Requirement No. 3.b., Pg. 5 PERMIT
Description: Failed to maintain records and report all effluent sampling results conducted at Outfall 001.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Reporting Requirement No. 7.c., Pg. 6 PERMIT
Description: Failed to report any effluent violation which deviates from the permitted effluent limitation by more than 40% in writing to the Regional Office and the Enforcement Division (MC 224) within 5 working days of becoming aware of the noncompliance.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Other Requirements No. 2., Pg. 14 PERMIT
Description: Failed to report a violation of the daily maximum limitation for total copper orally or by facsimile to TCEQ Region 14, within 24 hours from the time the permittee becomes aware of the violation followed by a written report within five working days to TCEQ Region 14 and the Enforcement Division (MC 224).
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 319, SubChapter A 319.11(b)
Monitoring Requirements No. 2.a, Pg. 5 PERMIT
Description: Failed to ensure proper preservation of effluent samples.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
Operational Requirements No. 1, Pg. 13 PERMIT
Description: Failed to ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained.

F. Environmental audits:

Notice of Intent Date: 10/01/2019 (1610175)

Disclosure Date: 11/04/2019

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT NNNNNN 63.11410(c)

Description: Failed to conduct an annual internal inspection for the 2018 reporting year for the Kiln filter filtrate separator, Filter B-Mill Bin Vent, and Filter B-Mill Vent Ban and for the 2019 reporting year for the Kiln #2 Scrubber, Dryer cyclone, Kiln #1 Dust Collector, Dryer Filter Separator, and #1 General Vent Cyclone.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 264, SubChapter I, PT 264, SubPT I 264.174
30 TAC Chapter 335, SubChapter E 335.112(a)(8)

Description: Failed to inspect hazardous waste container storage areas at least weekly and maintain records for all of 2018 and 2019 through the week ending September 22, 2019.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.17(a)

Description: Failed to ensure a large quantity generator accumulates waste onsite for no more than 90 days. Specifically, two hazardous waste containers were identified with a generation date of January 31, 2018.

Viol. Classification: Moderate

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

Rqmt Prov: PERMIT Other Requirements No. 12.A

Description: Failed to continue to operate and maintain the cooling water intake structure configuration consistent with "American Chrome & Chemicals, LP Cooling Water Intake Structures" submitted with letter dated 5/24/10. Specifically, records for daily screen inspections and weekly screen cleanings could not be located since the permit issuance date of 11/26/18 and the equipment was modified since 5/24/10 letter, therefore inspection criteria listed in the permit is no longer applicable.

Viol. Classification: Moderate

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

Rqmt Prov: PERMIT Other Requirements No. 13

Description: Failed to develop and submit to the TCEQ Industrial Wastewater Permits Team, within 180 days of the date of permit issuance, an investigation plan to identify the possible sources of Enterococci bacteria present in the effluent discharged via Outfall 001.

Viol. Classification: Moderate

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

Rqmt Prov: PERMIT Other Conditions No. 6 E.4

Description: Failed to inspect each pond liner and leak detection system monthly and maintain records since the permit issuance of November 26, 2018.

Viol. Classification: Moderate

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

Rqmt Prov: PERMIT Part III, Section B.2

Description: Failed to conduct inspections at least once each quarter and maintain records for 2018 or 2019 through the third quarter.

Viol. Classification: Moderate

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

Rqmt Prov: PERMIT Part III, Section B.5

Description: Failed to conduct an annual comprehensive site compliance evaluation at least once each permit year and maintain records for calendar years 2017 or 2018.

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
AMERICAN CHROME & CHEMICALS
INC.
RN100210814

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BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2022-0185-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 American Chrome & Chemicals Inc. (the "Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a chromium chemicals manufacturing plant located at 3800 Buddy Lawrence Drive in Corpus Christi, Nueces 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 \$28,545 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$22,836 of the penalty and \$5,709 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order. The deferred amount shall be waived only upon full compliance with all the terms and conditions contained in this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms or requirements contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.
5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.

6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.

II. ALLEGATIONS

During an investigation conducted on October 8, 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. WQ0000349000, Effluent Limitations and Monitoring Requirements No. 1, Outfall Nos. 001 and 201, as shown in the effluent violation table below.

Monitoring Period	Outfall 001	Outfall 201	Outfall 201
	Free Available Chlorine	Total Suspended Solids	Total Suspended Solids
	Daily Average Loading	Daily Average Concentration	Daily Maximum Loading
	Limit = 14.42 lbs/day	Limit = 25 lbs/day	Limit = 50 lbs/day
April 2021	34.46	c	c
May 2021	c	51.32	91.31
June 2021	c	43.7	153.7

c = compliant

lbs/day = pounds per day

2. Failed to collect and analyze effluent samples at the intervals specified in the permit, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1), 319.5(b), and TPDES Permit No. WQ0000349000, Effluent Limitations and Monitoring Requirements No. 1, Outfall No. 001. Specifically, the Respondent did not collect and analyze samples for oil and grease at Outfall 001 for the monitoring period ending December 31, 2020.

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: American Chrome & Chemicals Inc., Docket No. 2022-0185-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, within 130 days after the effective date of this Order, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0000349000, 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, and 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
Corpus Christi Regional Office
Texas Commission on Environmental Quality
6300 Ocean Drive, Suite 1200
Corpus Christi, Texas 78412-5839

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 Facility operations referenced in this Order.
5. If the Respondent fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. 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



4/2/2024

For the Executive Director

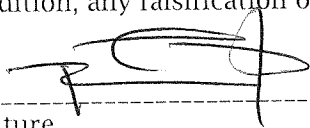
Date

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 Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

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



Signature

3/13/24
Date

RAFAEL TREVINO

PLANT MANAGER

Name (Printed or typed)
Authorized Representative of
American Chrome & Chemicals Inc.

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.