

Executive Summary – Enforcement Matter – Case No. 62202
Veolia ES Technical Solutions, L.L.C.
RN102599719
Docket No. 2022-0445-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Veolia ES Technical Solutions, 7665 Highway 73, Beaumont, Jefferson County

Type of Operation:

Hazardous waste treatment and disposal facility

Other Significant Matters:

Additional Pending Enforcement Actions: Yes, Docket No. 2023-0798-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: August 16, 2024

Comments Received: No

Penalty Information

Total Penalty Assessed: \$42,269

Amount Deferred for Expedited Settlement: \$8,453

Total Paid to General Revenue: \$16,908

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project (“SEP”) Conditional Offset: \$16,908

Name of SEP: Southeast Texas Regional Planning Commission (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: January 19, 2022 through November 1, 2022

Date(s) of NOE(s): March 25, 2022

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Violation Information

1. Failed to comply with the emissions limit. Specifically, the Respondent exceeded the arsenic, beryllium, and chromium emissions limit of 92 micrograms per dry standard cubic meter ("µg/dscm", combined, corrected to 7.0 percent oxygen by 266.8842 µg/dscm for one hour and three minutes on December 10, 2020 and by 192.7234 µg/dscm for 54 minutes on December 14, 2020 for the Incinerator Stack, Emissions Point Number ("EPN") INCINSTK [30 TEX. ADMIN. CODE §§ 101.20(2), 113.620, 116.115(c), and 122.143(4), 40 CODE OF FEDERAL REGULATIONS ("CFR") § 63.1219(a)(4), New Source Review ("NSR") Permit No. 42450, Special Conditions ("SC") No. 12.F., Federal Operating Permit ("FOP") No. O1509, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 15, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
2. Failed to report all instances of deviations. Specifically, the deviation report for the October 22, 2020 through April 21, 2021 reporting period did not include the deviations for failing to comply with the arsenic, beryllium, and chromium emissions limit for the Incinerator Stack; failing to submit the notification for the actual startup date for the Incinerator Emergency Backup Engine; and failing to conduct maintenance on the Waste Treatment Plant Fire Pump Engine and Basin Emergency Pump Engine 3 [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), FOP No. O1509, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
3. Failed to report all instances of deviations. Specifically, the deviation report for the April 22, 2021 through October 21, 2021 reporting period did not include the deviations for failing to comply with the arsenic, beryllium, and chromium emissions limit for the Incinerator Stack and failing to submit the Relative Accuracy Test Audit results for the Incinerator Stack [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), FOP No. O1509, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
4. Failed to comply with the maximum allowable emissions rate ("MAERs"). Specifically, the Respondent exceeded the hydrochloric acid MAER of 4.00 pounds per hour ("lbs/hr") by 16.10 lbs/hr and the particulate matter MAER of 5.00 lbs/hr by 7.60 lbs/hr for seven hours and four minutes on June 27, 2021 for the Incinerator Stack, EPN INCINSTK, resulting in 113.83 lbs of unauthorized hydrochloric acid emissions and 53.73 lbs of unauthorized particulate matter emissions [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 42450, SC No. 1, FOP No. O1509, GTC and STC No. 15, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
5. Failed to prevent unauthorized emissions. Specifically, the Respondent released 1.70 lbs of iodine from the Thermal Oxidizer, EPN RTO101, during a non-reportable emissions event that occurred on September 16, 2021 and lasted five minutes [30 TEX. ADMIN. CODE §§ 101.20(2), 113.100, 116.115(c), and 122.143(4), 40 CFR § 63.6(e)(1)(i) and (ii), NSR Permit No. 42450, SC No. 1, FOP No. O1509, GTC and STC No. 15, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

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6. Failed to submit a notification for a reciprocating internal combustion engine within 120 calendar days after an initial startup. Specifically, the initial startup for the Incinerator Emergency Backup Generator was on November 5, 2020 and the notification for the actual date of the initial startup for the Incinerator Emergency Backup Generator was due on March 5, 2021, but was not submitted until September 21, 2021 [30 TEX. ADMIN. CODE §§ 101.20(2), 113.1090, and 122.143(4), 40 CFR §§ 63.69(b)(2), 63.6590(b)(1), and 63.6645(f), FOP No. O1509, GTC and STC No. 1.A., and TEX. HEALTH & SAFETY CODE § 382.085(b)].

7. Failed to inspect the air cleaner every 1,000 hours of operation or annually, change the oil and filter, and inspect all hoses and belts every 500 hours of operation or annually for each emergency stationary reciprocating internal combustion engine. Specifically, the Respondent did not operate the Waste Treatment Plant Fire Pump Engine and Basin Emergency Pump Engine 3 for 500 hours and did not inspect the air cleaner, change the oil and filter, and inspect all hoses and belts for the Waste Treatment Plant Fire Pump Engine and Basin Emergency Pump Engine 3 in calendar years 2020 and 2021 [30 TEX. ADMIN. CODE §§ 101.20(2), 113.1090, and 122.143(4), 40 CFR § 63.6640(a), FOP No. O1509, GTC and STC No. 1.A., and TEX. HEALTH & SAFETY CODE § 382.085(b)].

8. Failed to submit the Relative Accuracy Test Audit results within 60 days after the testing is completed. Specifically, the Respondent completed a Relative Accuracy Test Audit on June 9, 2021 for the Incinerator Stack and the test results were due by August 7, 2021, but were not submitted until August 26, 2021 [30 TEX. ADMIN. CODE §§ 101.20(1), 116.115(c) and 122.143(4), 40 CFR § 60.13(c)(2), NSR Permit No. 42450, SC No. 26.B., FOP No. O1509, GTC and STC No. 15, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

- a. By December 14, 2020, tightened the connection between the burners and the Ionizing Water Scrubber (“IWS”), restarted the burners and the IWS, tightened a terminal in the instrument control room terminal block, and restarted the ISW in order to comply with the arsenic, beryllium, and chromium emissions limit of 92 µg/dscm, combined, corrected to 7.0 percent oxygen for the Incinerator Stack, EPN INCINSTK;
- b. On August 26, 2021, submitted the Relative Accuracy Test Audit results for the Incinerator Stack;
- c. On September 21, 2021, submitted the notification for the actual date of the initial startup for the Incinerator Emergency Backup Generator; and

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d. By December 18, 2023, replaced the positioner of the level controller, charged the water back to the absorbers, and conducted training on how to manually operate the water level control valve in the field for when and if there is a control valve failure that would prevent adjustments from the control room in order to comply with the hydrochloric acid and particulate matter hourly MAERs for the Incinerator Stack, EPN INCINSTK.

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:

i. Submit a revised deviation report for the October 22, 2020 through April 21, 2021 reporting period to report the deviations for failing to comply with the arsenic, beryllium, and chromium emissions limit for the Incinerator Stack; failing to submit the notification for the actual startup date for the Incinerator Emergency Backup Engine; and failing to conduct maintenance on the Waste Treatment Plant Fire Pump Engine and Basin Emergency Pump Engine 3;

ii. Submit a revised deviation report for the April 22, 2021 through October 21, 2021 reporting period to report the deviations for failing to comply with the arsenic, beryllium, and chromium emissions limit for the Incinerator Stack and failing to submit the Relative Accuracy Test Audit results for the Incinerator Stack;

iii. Implement measures designed to prevent iodine emissions from the Thermal Oxidizer, EPN RTO101; and

iv. Implement measures designed to ensure that the air cleaner is inspected, the oil and filter are changed, and all hoses and belts are inspected for the Waste Treatment Plant Fire Pump Engine and Basin Emergency Pump Engine 3.

b. Within 45 days, submit written certification to demonstrate compliance with a.

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Docket No. 2022-0445-AIR-E

Contact Information

TCEQ Attorney: N/A

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

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

SEP Third-Party Administrator: Southeast Texas Regional Planning Commission, 2210 Eastex Freeway, Beaumont, Texas 77703

Respondent: Skyler Kerbey, General Manager, Veolia ES Technical Solutions, L.L.C., P.O. Box 2563, Port Arthur, Texas 77643-2563

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	29-Mar-2022	Screening	7-Apr-2022	EPA Due	
	PCW	13-Jul-2024				

RESPONDENT/FACILITY INFORMATION

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

CASE INFORMATION

Enf./Case ID No.	62202	No. of Violations	8
Docket No.	2022-0445-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Danielle Porras
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$36,500
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	27.0%	Adjustment	Subtotals 2, 3, & 7	\$9,855
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Notes

Enhancement for one NOV with same or similar violations, one NOV with dissimilar violations, and one order containing a 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	-\$5,125
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$9,274
Estimated Cost of Compliance	\$68,500

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$41,230
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OTHER FACTORS AS JUSTICE MAY REQUIRE	2.5%	Adjustment	\$1,039
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Enhancement to capture the avoided costs of compliance associated with Violation No. 7.

Final Penalty Amount	\$42,269
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$42,269
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DEFERRAL	20.0%	Reduction	Adjustment	-\$8,453
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$33,816
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Screening Date	7-Apr-2022	Docket No.	2022-0445-AIR-E	PCW
Respondent	Veolia ES Technical Solutions, L.L.C.			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	62202			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN102599719			
Media	Air			
Enf. Coordinator	Danielle Porras			

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	1	5%
	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>)	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) 27%

>> 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 NOV with same or similar violations, one NOV with dissimilar violations, and one order containing a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 27%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 27%

Screening Date	7-Apr-2022	Docket No.	2022-0445-AIR-E	PCW
Respondent	Veolia ES Technical Solutions, L.L.C.	<i>Policy Revision 5 (January 28, 2021)</i>		
Case ID No.	62202	<i>PCW Revision February 11, 2021</i>		
Reg. Ent. Reference No.	RN102599719			
Media	Air			
Enf. Coordinator	Danielle Porras			
Violation Number	1			
Rule Cite(s)	30 Tex. Admin. Code §§ 101.20(2), 113.620, 116.115(c), and 122.143(4), 40 Code of Federal Regulations ("CFR") § 63.1219(a)(4), New Source Review ("NSR") Permit No. 42450, Special Conditions ("SC") No. 12.F., Federal Operating Permit ("FOP") No. O1509, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 15, and Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failed to comply with the emissions limit. Specifically, the Respondent exceeded the arsenic, beryllium, and chromium emissions limit of 92 micrograms per dry standard cubic meter ("µg/dscm"), combined, corrected to 7.0 percent oxygen by 266.8842 µg/dscm for one hour and three minutes on December 10, 2020 and by 192.7234 µg/dscm for 54 minutes on December 14, 2020 for the Incinerator Stack, Emissions Point Number ("EPN") INCINSTK.			
Base Penalty			\$25,000	
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual			x
	Potential			
			Percent	30.0%
>> 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 did 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		1	2	Number of violation days
	daily			
	weekly			
	monthly	x		
	quarterly			
	semiannual			
	annual			
	single event			
			Violation Base Penalty	\$7,500
One monthly event is recommended for the instances of non-compliance that occurred on December 10, 2020 and December 14, 2020.				
Good Faith Efforts to Comply		25.0%	Reduction	\$1,875
	Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer			
	Extraordinary			
	Ordinary	x		
	N/A			
	Notes	The Respondent completed the corrective measures by December 14, 2020, prior to the Notice of Enforcement ("NOE") dated March 25, 2022.		
Violation Subtotal			\$5,625	
Economic Benefit (EB) for this violation				
Statutory Limit Test				
Estimated EB Amount		\$3	Violation Final Penalty Total	\$7,843
This violation Final Assessed Penalty (adjusted for limits)			\$7,843	

Economic Benefit Worksheet

Respondent Veolia ES Technical Solutions, L.L.C.
Case ID No. 62202
Reg. Ent. Reference No. RN102599719
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$5,000	10-Dec-2020	14-Dec-2020	0.01	\$3	n/a	\$3
Notes for DELAYED costs	Estimated cost to tighten the connection between the burners and the Ionizing Water Scrubber ("IWS"), restart the burners and the IWS, tighten a terminal in the instrument control room terminal block, and restart the ISW in order to comply with the arsenic, beryllium, and chromium emissions limit of 92 µg/dscm, combined, corrected to 7.0 percent oxygen for the Incinerator Stack, EPN INCINSTK. The Date Required is the first date of non-compliance and the Final Date is the date of compliance.						

Avoided Costs

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

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

Approx. Cost of Compliance \$5,000

TOTAL \$3

Screening Date 7-Apr-2022 Respondent Veolia ES Technical Solutions, L.L.C. Case ID No. 62202 Reg. Ent. Reference No. RN102599719 Media Air Enf. Coordinator Danielle Porras	Docket No. 2022-0445-AIR-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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Violation Number	2	Rule Cite(s)	30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(A), FOP No. 01509, GTC, and Tex. Health & Safety Code § 382.085(b)
Violation Description	Failed to report all instances of deviations. Specifically, the deviation report for the October 22, 2020 through April 21, 2021 reporting period did not include the deviations for failing to comply with the arsenic, beryllium, and chromium emissions limit for the Incinerator Stack; failing to submit the notification for the actual startup date for the Incinerator Emergency Backup Engine; and failing to conduct maintenance on the Waste Treatment Plant Fire Pump Engine and Basin Emergency Pump Engine 3.		

Base Penalty	\$25,000
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>> Environmental, Property and Human Health Matrix

OR	Release	Harm					
		Major	Moderate	Minor			
	Actual						
	Potential						
					Percent	0.0%	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor		
				x		
					Percent	1.0%

Matrix Notes	Less than 30% of the rule requirements were not met.
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Adjustment	\$24,750
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	\$250
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Violation Events

Number of Violation Events	1	321	Number of violation days
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	daily					
	weekly					
	monthly					
	quarterly					
	semiannual					
	annual					
	single event	x				

One single event is recommended.	
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Good Faith Efforts to Comply	0.0%	
	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	\$250
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Economic Benefit (EB) for this violation

Estimated EB Amount	\$45	Statutory Limit Test
		Violation Final Penalty Total
		\$326

This violation Final Assessed Penalty (adjusted for limits)	\$326
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Economic Benefit Worksheet

Respondent Veolia ES Technical Solutions, L.L.C.
Case ID No. 62202
Reg. Ent. Reference No. RN102599719
Media Air
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)	\$250	21-May-2021	1-Jan-2025	3.62	\$45	n/a	\$45

Notes for DELAYED costs

Estimated cost to submit a revised deviation report for the October 22, 2020 through April 21, 2021 reporting period to report the deviations for failing to comply with the arsenic, beryllium, and chromium emissions limit for the Incinerator Stack; failing to submit the notification for the actual startup date for the Incinerator Emergency Backup Engine; and failing to conduct maintenance on the Waste Treatment Plant Fire Pump Engine and Basin Emergency Pump Engine 3. The Date Required is the date the deviation report was due 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

\$250

TOTAL

\$45

Screening Date 7-Apr-2022 Respondent Veolia ES Technical Solutions, L.L.C. Case ID No. 62202 Reg. Ent. Reference No. RN102599719 Media Air Enf. Coordinator Danielle Porras Violation Number 3 Rule Cite(s) 30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(A), FOP No. 01509, GTC, and Tex. Health & Safety Code § 382.085(b)	Docket No. 2022-0445-AIR-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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Violation Description
 Failed to report all instances of deviations. Specifically, the deviation report for the April 22, 2021 through October 21, 2021 reporting period did not include the deviations for failing to comply with the arsenic, beryllium, and chromium emissions limit for the Incinerator Stack and failing to submit the Relative Accuracy Test Audit results for the Incinerator Stack.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

	Major	Moderate	Minor	
Release				
Actual				
Potential				

Percent 0.0%

>> Programmatic Matrix

OR

	Major	Moderate	Minor	
Falsification				
			x	

Percent 1.0%

Matrix Notes
 Less than 30% of the rule requirements were not met.

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 1

138 Number of violation days

daily
 weekly
 monthly
 quarterly
 semiannual
 annual
 single event

x

Violation Base Penalty \$250

One single event is recommended.

Good Faith Efforts to Comply

0.0%
 Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Reduction \$0

Extraordinary
 Ordinary
 N/A
 Notes

x

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

Violation Subtotal \$250

Economic Benefit (EB) for this violation

Estimated EB Amount \$39

Statutory Limit Test

Violation Final Penalty Total \$326

This violation Final Assessed Penalty (adjusted for limits) \$326

Economic Benefit Worksheet

Respondent Veolia ES Technical Solutions, L.L.C.
Case ID No. 62202
Reg. Ent. Reference No. RN102599719
Media Air
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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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)	\$250	20-Nov-2021	1-Jan-2025	3.12	\$39	n/a	\$39

Notes for DELAYED costs

Estimated cost to submit a revised deviation report for the April 22, 2021 through October 21, 2021 reporting period to report the deviations for failing to comply with the arsenic, beryllium, and chromium emissions limit for the Incinerator Stack and failing to submit the Relative Accuracy Test Audit results for the Incinerator Stack. The Date Required is the date the deviation report was due 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

\$250

TOTAL

\$39

Screening Date 7-Apr-2022 Respondent Veolia ES Technical Solutions, L.L.C. Case ID No. 62202 Reg. Ent. Reference No. RN102599719 Media Air Enf. Coordinator Danielle Porras	Docket No. 2022-0445-AIR-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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Violation Number	4	Rule Cite(s)	30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 42450, SC No. 1, FOP No. O1509, GTC and STC No. 15, and Tex. Health & Safety Code § 382.085(b)
Violation Description	Failed to comply with the maximum allowable emissions rates ("MAERs"). Specifically, the Respondent exceeded the hydrochloric acid ("HCl") MAER of 4.00 pounds per hour ("lbs/hr") by 16.10 lbs/hr and the particulate matter ("PM") MAER of 5.00 lbs/hr by 7.60 lbs/hr for seven hours and four minutes on June 27, 2021 for the Incinerator Stack, EPN INCINSTK, resulting in 113.83 lbs of unauthorized HCl emissions and 53.73 lbs of unauthorized PM emissions.		

Base Penalty	\$25,000
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>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual			x	
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent

Adjustment	\$17,500
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Adjustment	\$7,500
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Violation Events

Number of Violation Events	1	1	Number of violation days
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daily		Violation Base Penalty	\$7,500
weekly			
monthly	x		
quarterly			
semiannual			
annual			
single event			

One monthly event is recommended for the instances of non-compliance that occurred on June 27, 2021.
--

Good Faith Efforts to Comply

10.0%	Reduction
Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	
Ordinary	x
N/A	
Notes	The Respondent completed the corrective measures by December 18, 2023, after the NOE dated March 25, 2022.

Violation Subtotal	\$6,750
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Economic Benefit (EB) for this violation

Estimated EB Amount	\$6,192	Statutory Limit Test
		Violation Final Penalty Total
		\$8,996
This violation Final Assessed Penalty (adjusted for limits)		\$8,996

Economic Benefit Worksheet

Respondent Veolia ES Technical Solutions, L.L.C.
Case ID No. 62202
Reg. Ent. Reference No. RN102599719
Media Air
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)	\$50,000	27-Jun-2021	18-Dec-2023	2.48	\$6,192	n/a	\$6,192
Notes for DELAYED costs	Estimated cost to replace the positioner of the level controller, charge the water back to the absorbers, and conduct training on how to manually operate the water level control valve in the field for when and if there is a control valve failure that would prevent adjustments from the control room in order to comply with the HCl and PM hourly MAERs for the Incinerator Stack, EPN INCINSTK. The Date Required is the date of non-compliance and the Final Date is the date of compliance.						

Avoided Costs

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

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

Approx. Cost of Compliance	\$50,000	TOTAL	\$6,192
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Screening Date 7-Apr-2022 Respondent Veolia ES Technical Solutions, L.L.C. Case ID No. 62202 Reg. Ent. Reference No. RN102599719 Media Air Enf. Coordinator Danielle Porras	Docket No. 2022-0445-AIR-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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Violation Number	5	
Rule Cite(s)		30 Tex. Admin. Code §§ 101.20(2), 113.100, 116.115(c), and 122.143(4), 40 CFR § 63.6(e)(1)(i) and (ii), NSR Permit No. 42450, SC No. 1, FOP No. O1509, GTC and STC No. 15, and Tex. Health & Safety Code § 382.085(b)
Violation Description		Failed to prevent unauthorized emissions. Specifically, the Respondent released 1.70 lbs of iodine from the Thermal Oxidizer, EPN RTO101, during a non-reportable emissions event that occurred on September 16, 2021 and lasted five minutes.

Base Penalty	\$25,000
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>> Environmental, Property and Human Health Matrix

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

>> 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 did not exceed levels that are protective of human health or environmental receptors as a result of the violation.
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Adjustment	\$17,500
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	\$7,500
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Violation Events

Number of Violation Events	1		1	Number of violation days
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	daily			
	weekly			
	monthly	x		
	quarterly			
	semiannual			
	annual			
	single event			

Violation Base Penalty	\$7,500
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One monthly event is recommended for the instance of non-compliance that occurred on September 16, 2021.	
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Good Faith Efforts to Comply

	0.0%	
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	
Notes	The Respondent does not meet the good faith criteria for this violation.	

Violation Subtotal	\$7,500
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Economic Benefit (EB) for this violation

Estimated EB Amount	\$1,648	
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Statutory Limit Test

Violation Final Penalty Total	\$9,765
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This violation Final Assessed Penalty (adjusted for limits)	\$9,765
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Economic Benefit Worksheet

Respondent Veolia ES Technical Solutions, L.L.C.
Case ID No. 62202
Reg. Ent. Reference No. RN102599719
Media Air
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				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	16-Sep-2021	1-Jan-2025	3.30	\$1,648	n/a	\$1,648

Notes for DELAYED costs

Estimated cost to implement measures designed to prevent iodine emissions from the Thermal Oxidizer, EPN RTO101. The Date Required is the date of non-compliance and the Final Date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$1,648

Screening Date 7-Apr-2022 Respondent Veolia ES Technical Solutions, L.L.C. Case ID No. 62202 Reg. Ent. Reference No. RN102599719 Media Air Enf. Coordinator Danielle Porras	Docket No. 2022-0445-AIR-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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Violation Number	6	Rule Cite(s)	
		30 Tex. Admin. Code §§ 101.20(2), 113.1090, and 122.143(4), 40 CFR §§ 63.9(b)(2), 63.6590(b)(1), and 63.6645(f), FOP No. 01509, GTC and STC No. 1.A., and Tex. Health & Safety Code § 382.085(b)	
Violation Description		Failed to submit a notification for a reciprocating internal combustion engine within 120 calendar days after an initial startup. Specifically, the initial startup for the Incinerator Emergency Backup Generator was on November 5, 2020 and the notification for the actual date of the initial startup for the Incinerator Emergency Backup Generator was due on March 5, 2021, but was not submitted until September 21, 2021.	

Base Penalty	\$25,000
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>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	x	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="20.0%"/>
Matrix Notes	100% of the rule requirements were not met.				

Adjustment	\$20,000
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	\$5,000
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Violation Events

Number of Violation Events	1	200	Number of violation days
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	daily	<input type="text"/>				
	weekly	<input type="text"/>				
	monthly	<input type="text"/>				
	quarterly	<input type="text"/>				
	semiannual	<input type="text"/>				
	annual	<input type="text"/>				
	single event	x				

Violation Base Penalty	\$5,000
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One single event is recommended.	
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Good Faith Efforts to Comply

	25.0%				
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer			
Extraordinary	<input type="text"/>	<input type="text"/>			
Ordinary	x	<input type="text"/>			
N/A	<input type="text"/>	<input type="text"/>			
Notes	The Respondent completed the corrective measures on September 21, 2021, prior to the NOE dated March 25, 2022.				

Violation Subtotal	\$3,750
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Economic Benefit (EB) for this violation

Estimated EB Amount	\$7				
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Statutory Limit Test

Violation Final Penalty Total	\$5,229				
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This violation Final Assessed Penalty (adjusted for limits)	\$5,229
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Economic Benefit Worksheet

Respondent Veolia ES Technical Solutions, L.L.C.
Case ID No. 62202
Reg. Ent. Reference No. RN102599719
Media Air
Violation No. 6

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)	\$250	5-Mar-2021	21-Sep-2021	0.55	\$7	n/a	\$7
Notes for DELAYED costs	Estimated cost to submit the notification for the actual date of the initial startup for the Incinerator Emergency Backup Generator. The Date Required is the date the notification was due and the Final Date is the date the notification was submitted.						

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 \$250

TOTAL \$7

Screening Date	7-Apr-2022	Docket No.	2022-0445-AIR-E	PCW
Respondent	Veolia ES Technical Solutions, L.L.C.			Policy Revision 5 (January 28, 2021)
Case ID No.	62202			PCW Revision February 11, 2021
Reg. Ent. Reference No.	RN102599719			
Media	Air			
Enf. Coordinator	Danielle Porras			
Violation Number	7			
Rule Cite(s)	30 Tex. Admin. Code §§ 101.20(2), 113.1090, and 122.143(4), 40 CFR § 63.6640(a), FOP No. O1509, GTC and STC No. 1.A., and Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failed to inspect the air cleaner every 1,000 hours of operation or annually, change the oil and filter, and inspect all hoses and belts every 500 hours of operation or annually for each emergency stationary reciprocating internal combustion engine. Specifically, the Respondent did not operate the Waste Treatment Plant Fire Pump Engine and Basin Emergency Pump Engine 3 for 500 hours and did not inspect the air cleaner, change the oil and filter, and inspect all hoses and belts for the Waste Treatment Plant Fire Pump Engine and Basin Emergency Pump Engine 3 in calendar years 2020 and 2021.			
		Base Penalty	\$25,000	
>> Environmental, Property and Human Health Matrix				
OR	Release	Harm		
		Major	Moderate	Minor
	Actual			
	Potential			x
			Percent	7.0%
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
			Percent	0.0%
Matrix Notes	Human health or the environment will or could be exposed to insignificant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.			
		Adjustment	\$23,250	
			\$1,750	
Violation Events				
	Number of Violation Events	2	730	Number of violation days
	daily			
	weekly			
	monthly			
	quarterly			
	semiannual			
	annual	x		
	single event			
		Violation Base Penalty	\$3,500	
	Two annual events are recommended (one event for each calendar year).			
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				
	Estimated EB Amount	\$1,339	Violation Final Penalty Total	\$4,557
	This violation Final Assessed Penalty (adjusted for limits)			\$4,557

Economic Benefit Worksheet

Respondent Veolia ES Technical Solutions, L.L.C.
Case ID No. 62202
Reg. Ent. Reference No. RN102599719
Media Air
Violation No. 7

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	\$1,500	31-Dec-2020	1-Jan-2025	4.01	\$300	n/a	\$300
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 cost to implement measures designed to ensure that the air cleaner is inspected, the oil and filter are changed, and all hoses and belts are inspected for the Waste Treatment Plant Fire Pump Engine and Basin Emergency Pump Engine 3. The Date Required is the first date the inspections and service were due 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	\$500	31-Dec-2020	7-Apr-2022	1.27	\$32	\$500	\$532
ONE-TIME avoided costs	\$500	31-Dec-2021	7-Apr-2022	0.27	\$7	\$500	\$507

Notes for AVOIDED costs

Estimated avoided cost to the inspect the air cleaner, change the oil and filter, and inspect all hoses and belts for the Waste Treatment Plant Fire Pump Engine and Basin Emergency Pump Engine 3 (\$250/year x 2 engines). The Dates Required are the last day of calendar years 2020 and 2021 where the engines could have been inspected and serviced and the Final Dates are the screening date.

Approx. Cost of Compliance	\$2,500	TOTAL	\$1,339
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Screening Date 7-Apr-2022 Respondent Veolia ES Technical Solutions, L.L.C. Case ID No. 62202 Reg. Ent. Reference No. RN102599719 Media Air Enf. Coordinator Danielle Porras	Docket No. 2022-0445-AIR-E <div style="border: 1px solid black; padding: 2px;"> Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(1), 116.115(c), and 122.143(4), 40 CFR § 60.13(c)(2), NSR Permit No. 42450, SC No. 26.B., FOP No. 01509, GTC and STC No. 15, and Tex. Health & Safety Code § 382.085(b) </div>	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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Violation Number	8		
Violation Description	<div style="border: 1px solid black; padding: 5px;"> Failed to submit the Relative Accuracy Test Audit results within 60 days after the testing is completed. Specifically, the Respondent completed a Relative Accuracy Test Audit on June 9, 2021 for the Incinerator Stack and the test results were due by August 7, 2021, but were not submitted until August 26, 2021. </div>		

Base Penalty	\$25,000
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>> Environmental, Property and Human Health Matrix

OR	Release	Harm			
		Major	Moderate	Minor	
	Actual				
	Potential				
					Percent 0.0%

>> Programmatic Matrix

OR	Falsification	Major	Moderate	Minor	
		Major	Moderate	Minor	
	Actual				
	Potential				
					Percent 20.0%

Matrix Notes	<div style="border: 1px solid black; padding: 5px; text-align: center;"> 100% of the rule requirements were not met. </div>
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Adjustment	\$20,000
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	\$5,000
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Violation Events

Number of Violation Events	1	19	Number of violation days
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	daily		
	weekly		
	monthly		
	quarterly		
	semiannual		
	annual		
	single event	x	

Violation Base Penalty	\$5,000
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	One single event is recommended.
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Good Faith Efforts to Comply

	25.0%	
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		
Notes	<div style="border: 1px solid black; padding: 5px;"> The Respondent completed the corrective measures on August 26, 2021, prior to the NOE dated March 25, 2022. </div>	

Violation Subtotal	\$3,750
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Economic Benefit (EB) for this violation

Estimated EB Amount	\$1	Statutory Limit Test	
		Violation Final Penalty Total	\$5,229
This violation Final Assessed Penalty (adjusted for limits)			\$5,229

Economic Benefit Worksheet

Respondent Veolia ES Technical Solutions, L.L.C.
Case ID No. 62202
Reg. Ent. Reference No. RN102599719
Media Air
Violation No. 8

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)	\$250	7-Aug-2021	26-Aug-2021	0.05	\$1	n/a	\$1
Notes for DELAYED costs	Estimated cost to submit the Relative Accuracy Test Audit results for the Incinerator Stack. The Date Required is the date the results were due and the Final Date is the date of compliance.						

Avoided Costs

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

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

Approx. Cost of Compliance \$250

TOTAL \$1

The TCEQ is committed to accessibility.

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



Compliance History Report

Compliance History Report for CN603069626, RN102599719, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

Customer, Respondent, or Owner/Operator:	CN603069626, Veolia ES Technical Solutions, L.L.C.	Classification: SATISFACTORY	Rating: 1.03
Regulated Entity:	RN102599719, VEOLIA ES TECHNICAL SOLUTIONS	Classification: SATISFACTORY	Rating: 2.35
Complexity Points:	25	Repeat Violator:	NO
CH Group:	11 - Waste Management (Excluding Landfills)		
Location:	7665 HIGHWAY 73, BEAUMONT, JEFFERSON COUNTY, TEXAS		
TCEQ Region:	REGION 10 - BEAUMONT		
ID Number(s):			
AIR OPERATING PERMITS ACCOUNT NUMBER JE0024D		AIR OPERATING PERMITS PERMIT 1509	
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1230082		AIR NEW SOURCE PERMITS PERMIT 42450	
AIR NEW SOURCE PERMITS REGISTRATION 44590		AIR NEW SOURCE PERMITS ACCOUNT NUMBER JE0024D	
AIR NEW SOURCE PERMITS REGISTRATION 50998		AIR NEW SOURCE PERMITS AFS NUM 4824500118	
AIR NEW SOURCE PERMITS REGISTRATION 100760		IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION # (SWR) 50212	
UNDERGROUND INJECTION CONTROL PERMIT WDW160		UNDERGROUND INJECTION CONTROL PERMIT WDW358	
AIR EMISSIONS INVENTORY ACCOUNT NUMBER JE0024D		POLLUTION PREVENTION PLANNING ID NUMBER P00133	
INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD000838896		INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 50212	
INDUSTRIAL AND HAZARDOUS WASTE PERMIT 39012		INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50212	
Compliance History Period:	September 01, 2018 to August 31, 2023	Rating Year: 2023	Rating Date: 09/01/2023
Date Compliance History Report Prepared:	April 24, 2024		
Agency Decision Requiring Compliance History:	Enforcement		
Component Period Selected:	April 24, 2019 to April 24, 2024		
TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.			
Name: Danielle Porras		Phone: (512) 239-2923	

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: 02/28/2022 | ADMINORDER 2021-0233-AIR-E (1660 Order-Agreed Order With Denial) |
| | Classification: Moderate | |
| | Citation: 30 TAC Chapter 101, SubChapter A 101.20(3) | |
| | 30 TAC Chapter 113, SubChapter C 113.620 | |
| | 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F) | |
| | 30 TAC Chapter 116, SubChapter B 116.115(c) | |
| | 30 TAC Chapter 122, SubChapter B 122.143(4) | |
| | 40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1209(g)(2) | |
| | 5C THSC Chapter 382 382.085(b) | |
| | Rqmt Prov: General Terms and Conditions OP | |

Special Condition 1 PERMIT
Special Condition 13 PERMIT
Special Term and Condition 15 OP
Special Term and Condition 1A OP

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

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	July 23, 2019	(1579941)
Item 2	July 26, 2019	(1578456)
Item 3	February 13, 2020	(1623542)
Item 4	February 28, 2020	(1631949)
Item 5	March 03, 2020	(1632799)
Item 6	March 16, 2020	(1633799)
Item 7	April 29, 2020	(1644720)
Item 8	June 08, 2020	(1652436)
Item 9	June 29, 2020	(1646963)
Item 10	July 28, 2020	(1664208)
Item 11	October 23, 2020	(1673155)
Item 12	December 18, 2020	(1686526)
Item 13	January 15, 2021	(1691348)
Item 15	February 11, 2021	(1702200)
Item 16	February 12, 2021	(1702295)
Item 17	May 14, 2021	(1708418)
Item 18	July 13, 2021	(1738776)
Item 19	August 17, 2021	(1736823)
Item 20	December 03, 2021	(1773340)
Item 21	January 18, 2022	(1782904)
Item 22	April 04, 2022	(1805284)
Item 23	April 12, 2022	(1809772)
Item 24	May 04, 2022	(1811675)
Item 25	June 16, 2022	(1817002)
Item 26	July 14, 2022	(1823889)
Item 27	December 13, 2022	(1866094)
Item 28	December 20, 2022	(1866733)
Item 29	February 02, 2023	(1873940)
Item 30	March 22, 2023	(1886355)
Item 31	March 24, 2023	(1881969)
Item 32	April 25, 2023	(1895340)
Item 33	April 27, 2023	(1889064)
Item 34	August 10, 2023	(1918498)
Item 35	October 30, 2023	(1932669)
Item 36	November 06, 2023	(1938330)
Item 37	February 29, 2024	(1966503)
Item 38	March 21, 2024	(1973211)
Item 39	March 28, 2024	(1973755)

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:	05/05/2023	(1896364)	
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) General Terms and Conditions OP Special Condition 12(E) PERMIT Special Terms and Conditions 15 OP		
	Description:	Failure to maintain Mercury (Hg) concentration below 130 micrograms per dry standard cubic meter (µg/dscm) at Emission Point Number (EPN) INCINSTK.		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 113, SubChapter C 113.620 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 30 TAC Chapter 305, SubChapter F 305.125(1) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1219(a)(5)(i) 5C THSC Chapter 382 382.085(b) CONDITION V.H.3.b.(1)(Table V.H.2) PERMIT SPECIAL CONDITION 12.H. PERMIT SPECIAL CONDITION 13 PERMIT SPECIAL CONDITION 9 PERMIT SPECIAL TERM AND CONDITION 15 OP		
	Description:	Failure to maintain the Carbon Monoxide (CO) concentration below 100 parts per million by volume (ppmv) at Emission Point Number (EPN) INCINSTK.		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) SPECIAL CONDITION 1 PERMIT SPECIAL TERM AND CONDITION 15 OP		
	Description:	Failure to maintain the authorized Carbon Monoxide (CO) limit for Emissions Point Number INCINSTK		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 113, SubChapter C 113.620 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 30 TAC Chapter 305, SubChapter F 305.125(1) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1209(g)(2) 5C THSC Chapter 382 382.085(b) CONDITION V.H.3.b.(1) (Table V.H.2) PERMIT SPECIAL CONDITION 13 PERMIT SPECIAL CONDITION 9 PERMIT SPECIAL TERM AND CONDITION 14 OP SPECIAL TERM AND CONDITION 15 OP		
	Description:	Failure to operate with at least five Ionizing Water Scrubbers (IWS) with the minimum voltage of 10 kilovolts (kv).		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 113, SubChapter C 113.620 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 30 TAC Chapter 305, SubChapter F 305.125(1) 5C THSC Chapter 382 382.085(b) CONDITION V. H.3.b.(1)(Table V. H.2) PERMIT SPECIAL CONDITION 13 PERMIT SPECIAL CONDITION 9 PERMIT SPECIAL TERM AND CONDITION 15 OP		
	Description:	Failure to maintain the Kiln above the minimum combustion chamber temperature of 1,368 degrees Fahrenheit (°F).		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 113, SubChapter C 113.620 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 30 TAC Chapter 305, SubChapter F 305.125(1) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1209(g)(2) 5C THSC Chapter 382 382.085(b) CONDITION V. H.3.b.(1) (Table V.H.2) PERMIT SPECIAL CONDITION 13 PERMIT SPECIAL CONDITION 9 PERMIT		

SPECIAL TERM AND CONDITION 15 OP
 SPECIAL TERM CONDITION 14 OP
 Description: Failure to maintain the Wet Electrostatic Precipitator (WESP) above the minimum kilovolts-amps (kVA) requirement of 15.8 kVA.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 113, SubChapter C 113.620
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1206(c)(5)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1209(p)
 5C THSC Chapter 382 382.085(b)
 CONDITION Table V.H.2 PERMIT
 SPECIAL CONDITION 13 PERMIT
 SPECIAL CONDITION 17(A)(9) PERMIT
 SPECIAL TERM AND CONDITION 15 OP
 Description: Failure to maintain the maximum combustion chamber zone pressure lower than ambient pressure for Emissions Point Number INCINSTK.
 2 Date: 12/15/2023 (1943029)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 335, SubChapter C 335.53(d)
 40 CFR Chapter 264, SubChapter I, PT 264, SubPT B 264.15(d)
 Description: Failure to provide the resolution for issues discovered on an inspection form as required by regulation. EIC: C3/(3)(D)MIN

F. Environmental audits:
N/A

G. Type of environmental management systems (EMSs):
N/A

H. Voluntary on-site compliance assessment dates:
N/A

I. Participation in a voluntary pollution reduction program:
N/A

J. Early compliance:
N/A

Sites Outside of Texas:
N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



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

§
§
§
§
§
§

BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2022-0445-AIR-E

I. JURISDICTION AND STIPULATIONS

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

1. The Respondent owns and operates a hazardous waste treatment and disposal facility located at 7665 Highway 73 in Beaumont, Jefferson County, Texas (the "Site"). The Site consists or consisted of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 382 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$42,269 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$16,908 of the penalty and \$8,453 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, \$16,908 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.
9. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Site:
 - a. By December 14, 2020, tightened the connection between the burners and the Ionizing Water Scrubber ("IWS"), restarted the burners and the IWS, tightened a terminal in the instrument control room terminal block, and restarted the ISW in order to comply with the arsenic, beryllium, and chromium emissions limit of 92 micrograms per dry standard cubic meter ("µg/dscm"), combined, corrected to 7.0 percent oxygen for the Incinerator Stack, Emissions Point Number ("EPN") INCINSTK;
 - b. On August 26, 2021, submitted the Relative Accuracy Test Audit results for the Incinerator Stack;
 - c. On September 21, 2021, submitted the notification for the actual date of the initial startup for the Incinerator Emergency Backup Generator; and
 - d. By December 18, 2023, replaced the positioner of the level controller, charged the water back to the absorbers, and conducted training on how to manually operate the water level control valve in the field for when and if there is a control valve failure that would prevent adjustments from the control room in order to comply with the hydrochloric acid ("HCl") and particulate matter ("PM") hourly maximum allowable emissions rate ("MAERs") for the Incinerator Stack, EPN INCINSTK.

II. ALLEGATIONS

During an investigation at the Site conducted from January 19, 2022 through November 1, 2022, an investigator documented that the Respondent:

1. Failed to comply with the emissions limit, in violation of 30 TEX. ADMIN. CODE §§ 101.20(2), 113.620, 116.115(c), and 122.143(4), 40 CODE OF FEDERAL REGULATIONS ("CFR") § 63.1219(a)(4), New Source Review ("NSR") Permit No. 42450, Special Conditions ("SC") No. 12.F., Federal Operating Permit ("FOP") No. O1509, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 15, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent exceeded the arsenic, beryllium, and chromium emissions limit of 92 µg/dscm, combined, corrected to 7.0 percent oxygen by 266.8842 µg/dscm for one hour and three minutes on December 10, 2020 and by 192.7234 µg/dscm for 54 minutes on December 14, 2020 for the Incinerator Stack, EPN INCINSTK.
2. Failed to report all instances of deviations, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), FOP No. O1509, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the deviation report for the October 22, 2020 through April 21, 2021 reporting period did not include the deviations for failing to comply with the arsenic, beryllium, and chromium emissions limit for the Incinerator Stack; failing to submit the notification for the actual startup date for the Incinerator Emergency Backup Engine; and failing to conduct maintenance on the Waste Treatment Plant Fire Pump Engine and Basin Emergency Pump Engine 3.
3. Failed to report all instances of deviations, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), FOP No. O1509, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the deviation report for the April 22, 2021 through October 21, 2021 reporting period did not include the deviations for failing to comply with the arsenic, beryllium, and chromium emissions limit for the Incinerator Stack and failing to submit the Relative Accuracy Test Audit results for the Incinerator Stack.
4. Failed to comply with the MAERs, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 42450, SC No. 1, FOP No. O1509, GTC and STC No. 15, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent exceeded the HCl MAER of 4.00 pounds per hour ("lbs/hr") by 16.10 lbs/hr and the PM MAER of 5.00 lbs/hr by 7.60 lbs/hr for seven hours and four minutes on June 27, 2021 for the Incinerator Stack, EPN INCINSTK, resulting in 113.83 lbs of unauthorized HCl emissions and 53.73 lbs of unauthorized PM emissions.
5. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(2), 113.100, 116.115(c), and 122.143(4), 40 CFR § 63.6(e)(1)(i) and (ii), NSR Permit No. 42450, SC No. 1, FOP No. O1509, GTC and STC No. 15, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 1.70 lbs of iodine from the Thermal Oxidizer, EPN RTO101, during a non-reportable emissions event that occurred on September 16, 2021 and lasted five minutes.
6. Failed to submit a notification for a reciprocating internal combustion engine within 120 calendar days after an initial startup, in violation of 30 TEX. ADMIN. CODE §§ 101.20(2), 113.1090, and 122.143(4), 40 CFR §§ 63.69(b)(2), 63.6590(b)(1), and 63.6645(f), FOP No. O1509, GTC and STC No. 1.A., and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the initial startup for the Incinerator Emergency Backup Generator was on November 5,

2020 and the notification for the actual date of the initial startup for the Incinerator Emergency Backup Generator was due on March 5, 2021, but was not submitted until September 21, 2021.

7. Failed to inspect the air cleaner every 1,000 hours of operation or annually, change the oil and filter, and inspect all hoses and belts every 500 hours of operation or annually for each emergency stationary reciprocating internal combustion engine, in violation of 30 TEX. ADMIN. CODE §§ 101.20(2), 113.1090, and 122.143(4), 40 CFR § 63.6640(a), FOP No. O1509, GTC and STC No. 1.A., and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent did not operate the Waste Treatment Plant Fire Pump Engine and Basin Emergency Pump Engine 3 for 500 hours and did not inspect the air cleaner, change the oil and filter, and inspect all hoses and belts for the Waste Treatment Plant Fire Pump Engine and Basin Emergency Pump Engine 3 in calendar years 2020 and 2021.
8. Failed to submit the Relative Accuracy Test Audit results within 60 days after the testing is completed, in violation of 30 TEX. ADMIN. CODE §§ 101.20(1), 116.115(c) and 122.143(4), 40 CFR § 60.13(c)(2), NSR Permit No. 42450, SC No. 26.B., FOP No. O1509, GTC and STC No. 15, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent completed a Relative Accuracy Test Audit on June 9, 2021 for the Incinerator Stack and the test results were due by August 7, 2021, but were not submitted until August 26, 2021.

III. DENIALS

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

IV. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Veolia ES Technical Solutions, L.L.C., Docket No. 2022-0445-AIR-E" to:

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

2. The Respondent shall implement and complete the SEP as set forth in Section I, Paragraph No. 4. The amount of \$16,908 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 at the Site:

- a. Within 30 days after the effective date of this Order:
 - i. Submit a revised deviation report for the October 22, 2020 through April 21, 2021 reporting period to report the deviations for failing to comply with the arsenic, beryllium, and chromium emissions limit for the Incinerator Stack; failing to submit the notification for the actual startup date for the Incinerator Emergency Backup Engine; and failing to conduct maintenance on the Waste Treatment Plant Fire Pump Engine and Basin Emergency Pump Engine 3;
 - ii. Submit a revised deviation report for the April 22, 2021 through October 21, 2021 reporting period to report the deviations for failing to comply with the arsenic, beryllium, and chromium emissions limit for the Incinerator Stack and failing to submit the Relative Accuracy Test Audit results for the Incinerator Stack;
 - iii. Implement measures designed to prevent iodine emissions from the Thermal Oxidizer, EPN RTO101; and
 - iv. Implement measures designed to ensure that the air cleaner is inspected, the oil and filter are changed, and all hoses and belts are inspected for the Waste Treatment Plant Fire Pump Engine and Basin Emergency Pump Engine 3 in accordance with 40 CFR § 63.6640.
- b. Within 45 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a. The certification shall be signed by the Respondent and shall include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

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

4. All relief not expressly granted in this Order is denied.
5. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Site operations referenced in this Order.
6. 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



For the Executive Director

8/15/2024

Date

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

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

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

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



Signature

7-26-2024

Date

SKYLER KGRBY

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

GENERAL MANAGER

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: 2022-0445-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Veolia ES Technical Solutions, L.L.C.
Payable Penalty Amount:	\$33,816
SEP Offset Amount:	\$16,908
Type of SEP:	Contribution to a Third-Party Administrator SEP
Third-Party Administrator:	Southeast Texas Regional Planning Commission
Project Name:	<i>Lighthouse Program</i>
Total Project Budget:	\$5,679,300.00
Location of SEP:	Jefferson County

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 **Southeast Texas Regional Planning Commission** for the *Lighthouse Program* Project (the “Project”). The Project is to hire a contractor to conduct initial inspections of eligible applicants' homes. The inspections will determine whether the home is in a condition suitable for weatherization and energy efficiency upgrades. Upgrades will not be completed at homes that need new roofs or significant foundation work. The contractor shall also determine what weatherization and energy efficiency upgrades are necessary and appropriate for the home and write a work plan. This contractor shall also conduct the final inspection of the home after the work is completed.

The Third-Party Administrator will conduct eligibility determinations to verify that participants own their homes and qualify as low-income. The Third-Party Administrator will also prepare all contracts with contractors and homeowners, coordinate between the contractors and the homeowners to answer questions, ensure that work is done timely and properly, and arrange for any necessary repairs to new equipment under the 12-month warranty period after work is completed. The Project will be done in accordance with all federal, state, and local environmental laws and regulations. The contribution will be used in accordance with the SEP agreement between the Third-Party Administrator and the TCEQ.

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 in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

B. Environmental Benefit

Implementation of this Project will benefit air by reducing residential fuel and electricity usage for heating and cooling. These reductions, in turn, will reduce emissions of particulate matter, volatile organic compounds, and the nitrogen oxides associated with the combustion of fuel and the generation of electricity. Past energy audits have shown a 12-30% reduction in energy usages after completion of the weatherization and energy upgrades.

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 **Southeast Texas Regional Planning Commission SEP** and shall mail the contribution with a copy of the Agreed Order to:

Southeast Texas Regional Planning Commission
Attention: Pamela Lewis, Program Manager
2210 Eastex Freeway
Beaumont, Texas 77703

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

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

Veolia ES Technical Solutions, L.L.C.
Docket No. 2022-0445-AIR-E
Agreed Order - Attachment A

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

5. Publicity

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

6. Recognition

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

7. Other SEPs by TCEQ or Other Agencies

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