

Executive Summary – Enforcement Matter – Case No. 62353
Industrial Container Services - Tx, LLC
RN100578723
Docket No. 2022-0585-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Industrial Container Services TX, 1402 Clinton Drive, Galena Park, Harris County

Type of Operation:

Storage drum reclamation facility

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Past-Due Fees: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: September 19, 2025

Comments Received: No

Penalty Information

Total Penalty Assessed: \$15,750

Amount Deferred for Expedited Settlement: \$3,150

Total Paid to General Revenue: \$12,600

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications:

Person/CN - High

Site/RN - High

Major Source: No

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: December 7, 2021

Date(s) of NOE(s): May 2, 2022

Executive Summary – Enforcement Matter – Case No. 62353
Industrial Container Services - Tx, LLC
RN100578723
Docket No. 2022-0585-AIR-E

Violation Information

1. Failed to provide records containing the information and data sufficient to demonstrate compliance with the permit. Specifically, the Respondent did not maintain records that confirm the minimum face velocity across each natural draft opening was at least 100 feet per minute (“fpm”); that indicate the hours of operation in 2021, the daily solvent and coating use for each month in 2021, and the volatile organic compounds (“VOC”) content for each paint and solvent used in the surface coating booths in March, July and October 2021; and that allow calculations of hourly and annual Maximum Allowable Emission Rates (“MAERs”) for 2021 to demonstrate compliance with NSR Permit No.158777 [30 TEX. ADMIN. CODE § 116.115(b)(2)(E)(i) and (c), New Source Review (“NSR”) Permit No. 158777, Special Conditions (“SC”) Nos. 9.B and 20.B and C, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
2. Failed to maintain records containing sufficient information to demonstrate compliance with all applicable Permit by Rule (“PBR”) conditions. Specifically, the Respondent did not maintain records for the maximum heat input to the paint ovens to demonstrate compliance with 30 TEX. ADMIN. CODE § 106.183 and the maximum filtering velocity for the fabric filters associated with sandblasting operations to demonstrate compliance with 30 TEX. ADMIN. CODE § 106.452 [30 TEX. ADMIN. CODE §§ 106.8(c)(2)(B) and (c)(4) and 116.115(c), PBR Registration No. 73170, NSR Permit No. 158777, SC No. 3, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
3. Failed to provide records containing the information and data sufficient to demonstrate compliance with the permit. Specifically, the Respondent did not maintain records of visible emissions to demonstrate compliance with the emissions limitations and the annual fuel usage for years 2019, 2020, and 2021; the hourly emissions from November 7, 2021 through November 14, 2021; and the annual emissions for years 2019, 2020, and 2021 to demonstrate compliance with the MAERs for the Open Head Drum Burnout Furnace, Emissions Point Number (“EPN”) Furnace [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(E)(i) and (c) and 117.2045(a)(1), NSR Permit No. 158777, SC Nos. 1 and 6, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondent to:

- a. Within 30 days:

Executive Summary – Enforcement Matter – Case No. 62353
Industrial Container Services - Tx, LLC
RN100578723
Docket No. 2022-0585-AIR-E

- i. Begin maintaining the records that confirm the minimum face velocity across each natural draft opening is at least 100 fpm; that indicate the hours of operation, the daily solvent and coating use for each month, and the VOC content for each paint and solvent used in the surface coating booths; and that allow calculations of hourly and annual MAERs to demonstrate compliance with NSR Permit No.158777;
 - ii. Begin maintaining the records for the maximum heat input to the paint ovens and the maximum filtering velocity for the fabric filters associated with sandblasting operations; and
 - iii. Begin maintaining the records of visible emissions to demonstrate compliance with the emissions limitations and the annual fuel usage and the hourly and annual emissions to demonstrate compliance with the MAERs for the Open Head Drum Burnout Furnace, EPN Furnace.
- b. Within 45 days, submit written certification to demonstrate compliance with a.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Yuliya Dunaway, Enforcement Division, Enforcement Team 2, MC 219, (210) 403-4077; Michael Parrish, Enforcement Division, MC R-12, (512) 239-2548

Respondent: Jason Garvin, Plant Manager, Industrial Container Services - Tx, LLC, 1402 Clinton Drive, Galena Park, Texas 77547

Bryant McCracken, Regional Environmental, Health & Safety Manager, Industrial Container Services - Tx, LLC, 1402 Clinton Drive, Galena Park, Texas 77547

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	9-May-2022	Screening	17-May-2022	EPA Due	
	PCW	20-Jun-2025				

RESPONDENT/FACILITY INFORMATION

Respondent	Industrial Container Services - Tx, LLC				
Reg. Ent. Ref. No.	RN100578723				
Facility/Site Region	12-Houston	Major/Minor Source	Minor		

CASE INFORMATION

Enf./Case ID No.	62353	No. of Violations	3
Docket No.	2022-0585-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Yuliya Dunaway
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$17,500
---	-------------------	----------

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	-10.0%	Adjustment	Subtotals 2, 3, & 7	-\$1,750
---------------------------	--------	-------------------	--------------------------------	----------

Notes Reduction for High Performer Classification.

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

Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
--	-------------------	-----

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

Total EB Amounts \$759
Estimated Cost of Compliance \$4,500
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$15,750
-----------------------------	-----------------------	----------

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount	\$15,750
-----------------------------	----------

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$15,750
-----------------------------------	-------------------------------	----------

DEFERRAL	20.0%	Reduction	Adjustment	-\$3,150
-----------------	-------	------------------	-------------------	----------

Reduces the Final Assessed Penalty by the indicated percentage.

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$12,600
------------------------	----------

Screening Date	17-May-2022	Docket No.	2022-0585-AIR-E	PCW
Respondent	Industrial Container Services - Tx, LLC			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	62353			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN100578723			
Media	Air			
Enf. Coordinator	Yuliya Dunaway			

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	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) 0%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

High Performer

Adjustment Percentage (Subtotal 7) -10%

>> Compliance History Summary

Compliance History Notes

Reduction for High Performer Classification.

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

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% -10%

Screening Date	17-May-2022	Docket No.	2022-0585-AIR-E	PCW
Respondent	Industrial Container Services - Tx, LLC	Policy Revision 5 (January 28, 2021) PCW Revision February 11, 2021		
Case ID No.	62353			
Reg. Ent. Reference No.	RN100578723			
Media	Air			
Enf. Coordinator	Yuliya Dunaway			
Violation Number	1			
Rule Cite(s)	30 Tex. Admin. Code § 116.115(b)(2)(E)(i) and (c), New Source Review ("NSR") Permit No. 158777, Special Conditions ("SC") Nos. 9.B and 20.B and C, and Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failed to provide records containing the information and data sufficient to demonstrate compliance with the permit. Specifically, the Respondent did not maintain records that confirm the minimum face velocity across each natural draft opening was at least 100 feet per minute ("fpm"); that indicate the hours of operation in 2021, the daily solvent and coating use for each month in 2021, and the volatile organic compounds ("VOC") content for each paint and solvent used in the surface coating booths in March, July and October 2021; and that allow calculations of hourly and annual Maximum Allowable Emission Rates ("MAERs") for 2021 to demonstrate compliance with NSR Permit No. 158777.			
			Base Penalty	\$25,000
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual			
	Potential			
			Percent	0.0%
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
		x		
			Percent	10.0%
Matrix Notes	100% of the rule requirements were not met.			
			Adjustment	\$22,500
			\$2,500	
Violation Events				
Number of Violation Events		3	161	Number of violation days
	daily			
	weekly			
	monthly			
	quarterly			
	semiannual			
	annual			
	single event	x		
			Violation Base Penalty	\$7,500
Three single events are recommended, one for each permit condition.				
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	\$7,500
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount		\$253	Violation Final Penalty Total	\$6,750
This violation Final Assessed Penalty (adjusted for limits)			\$6,750	

Economic Benefit Worksheet

Respondent Industrial Container Services - Tx, LLC
Case ID No. 62353
Reg. Ent. Reference No. RN100578723
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$1,500	7-Dec-2021	19-Apr-2025	3.37	\$253	n/a	\$253
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to begin maintaining the records that confirm the minimum face velocity across each natural draft opening is at least 100 fpm; that indicate the hours of operation, the daily solvent and coating use for each month, and the VOC content for each paint and solvent used in the surface coating booths; and that allow calculations of hourly and annual MAERs to demonstrate compliance with NSR Permit No. 158777. The Date Required is the investigation date 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

\$1,500

TOTAL

\$253

Screening Date 17-May-2022	Docket No. 2022-0585-AIR-E	PCW
Respondent Industrial Container Services - Tx, LLC	<i>Policy Revision 5 (January 28, 2021)</i>	
Case ID No. 62353	<i>PCW Revision February 11, 2021</i>	
Reg. Ent. Reference No. RN100578723		
Media Air		
Enf. Coordinator Yuliya Dunaway		
Violation Number	2	
Rule Cite(s)	30 Tex. Admin. Code §§ 106.8(c)(2)(B) and (c)(4) and 116.115(c), PBR Registration No. 73170, NSR Permit No. 158777, SC No. 3, and Tex. Health & Safety Code § 382.085(b)	
Violation Description	Failed to maintain records containing sufficient information to demonstrate compliance with all applicable Permit by Rule ("PBR") conditions. Specifically, the Respondent did not maintain records for the maximum heat input to the paint ovens to demonstrate compliance with 30 Tex. Admin. Code § 106.183 and the maximum filtering velocity for the fabric filters associated with sandblasting operations to demonstrate compliance with 30 Tex. Admin. Code § 106.452.	
Base Penalty		\$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			
		Major	Moderate	Minor	
	Actual				Percent
	Potential				0.0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
		x			Percent
	100% of the rule requirements were not met.				10.0%

Matrix Notes	100% of the rule requirements were not met.
---------------------	---

Adjustment \$22,500

\$2,500

Violation Events

Number of Violation Events	2	161	Number of violation days
----------------------------	---	-----	--------------------------

	daily		weekly		
	monthly		quarterly		
	semiannual		annual		
	single event	x			

Violation Base Penalty \$5,000

Two single events are recommended, one for each PBR.

Good Faith Efforts to Comply

	0.0%	
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	

Reduction \$0

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

Violation Subtotal \$5,000

Economic Benefit (EB) for this violation

	Statutory Limit Test
Estimated EB Amount \$253	Violation Final Penalty Total \$4,500

This violation Final Assessed Penalty (adjusted for limits) \$4,500

Economic Benefit Worksheet

Respondent Industrial Container Services - Tx, LLC
Case ID No. 62353
Reg. Ent. Reference No. RN100578723
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
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

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	\$1,500	7-Dec-2021	19-Apr-2025	3.37	\$253	n/a	\$253
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to begin maintaining the records for the maximum heat input to the paint ovens to demonstrate compliance with 30 TEX. ADMIN. CODE § 106.183 and the maximum filtering velocity for the fabric filters associated with sandblasting operations to demonstrate compliance with 30 TEX. ADMIN. CODE § 106.452. The Date Required is the investigation date 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

\$1,500

TOTAL

\$253

Screening Date 17-May-2022	Docket No. 2022-0585-AIR-E	PCW
Respondent Industrial Container Services - Tx, LLC	Policy Revision 5 (January 28, 2021)	
Case ID No. 62353	PCW Revision February 11, 2021	
Reg. Ent. Reference No. RN100578723		
Media Air		
Enf. Coordinator Yuliya Dunaway		
Violation Number	3	
Rule Cite(s)	30 Tex. Admin. Code §§ 116.115(b)(2)(E)(i) and (c) and 117.2045(a)(1), NSR Permit No. 158777, SC Nos. 1 and 6, and Tex. Health & Safety Code § 382.085(b)	
Violation Description	Failed to provide records containing the information and data sufficient to demonstrate compliance with the permit. Specifically, the Respondent did not maintain records of visible emissions to demonstrate compliance with the emissions limitations and the annual fuel usage for years 2019, 2020, and 2021; the hourly emissions from November 7, 2021 through November 14, 2021; and the annual emissions for years 2019, 2020, and 2021 to demonstrate compliance with the MAERs for the Open Head Drum Burnout Furnace, Emissions Point Number ("EPN") Furnace.	
Base Penalty		\$25,000

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				Percent 0.0%
Potential					

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
		x			Percent 10.0%

Matrix Notes

100% of the rule requirements were not met.

Adjustment \$22,500

\$2,500

Violation Events

Number of Violation Events	2		161	Number of violation days	
----------------------------	---	--	-----	--------------------------	--

	daily		Violation Base Penalty \$5,000
	weekly		
	monthly		
	quarterly		
	semiannual		
	annual		
	single event	x	

Two single events are recommended, one for each permit condition.

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 \$5,000

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount \$253	Violation Final Penalty Total \$4,500
This violation Final Assessed Penalty (adjusted for limits) \$4,500	

Economic Benefit Worksheet

Respondent Industrial Container Services - Tx, LLC
Case ID No. 62353
Reg. Ent. Reference No. RN100578723
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
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

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	\$1,500	7-Dec-2021	19-Apr-2025	3.37	\$253	n/a	\$253
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to begin maintaining the records of visible emissions to demonstrate compliance with the emissions limitations and the annual fuel usage and the hourly and annual emissions to demonstrate compliance with the MAERs for the Open Head Drum Burnout Furnace, EPN Furnace. The Date Required is the investigation date 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

\$1,500

TOTAL

\$253



Compliance History Report

Compliance History Report for CN603979402, RN100578723, Rating Year 2024 which includes Compliance History (CH) components from September 1, 2019, through August 31, 2024.

Customer, Respondent, or Owner/Operator:	CN603979402, Industrial Container Services - Tx, LLC	Classification: HIGH	Rating: 0.00
Regulated Entity:	RN100578723, INDUSTRIAL CONTAINER SERVICES TX	Classification: HIGH	Rating: 0.00
Complexity Points:	6	Repeat Violator: NO	
CH Group:	14 - Other		
Location:	1402 CLINTON DR, GALENA PARK, HARRIS COUNTY, TX		
TCEQ Region:	REGION 12 - HOUSTON		
ID Number(s):			
AIR NEW SOURCE PERMITS ACCOUNT NUMBER HG0209L		AIR NEW SOURCE PERMITS REGISTRATION 73170	
AIR NEW SOURCE PERMITS PERMIT 158777		INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD026481440	
INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 71151			
Compliance History Period:	September 01, 2019 to August 31, 2024	Rating Year: 2024	Rating Date: 09/01/2024
Date Compliance History Report Prepared:	December 10, 2024		
Agency Decision Requiring Compliance History:	Enforcement		
Component Period Selected:	December 10, 2019 to December 10, 2024		
TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.			
Name: Yuliya Dunaway		Phone: (210) 403-4077	

Site and Owner/Operator History:

- | | |
|--|-----|
| 1) Has the site been in existence and/or operation for the full five year compliance period? | YES |
| 2) Has there been a (known) change in ownership/operator of the site during the compliance period? | NO |

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	May 27, 2021	(1701888)
--------	--------------	-----------

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

N/A

F. Environmental audits:

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
INDUSTRIAL CONTAINER SERVICES -
TX, LLC
RN100578723

§
§
§
§
§
§

BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2022-0585-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 Industrial Container Services - Tx, LLC (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 storage drum reclamation facility located at 1402 Clinton Drive in Galena Park, Harris 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 \$15,750 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$12,600 of the penalty and \$3,150 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 at the Site conducted on December 7, 2021, an investigator documented that the Respondent:

1. Failed to provide records containing the information and data sufficient to demonstrate compliance with the permit, in violation of 30 TEX. ADMIN. CODE § 116.115(b)(2)(E)(i) and (c), New Source Review ("NSR") Permit No. 158777, Special Conditions ("SC") Nos. 9.B and 20.B and C, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent did not maintain records that confirm the minimum face velocity across each natural draft opening was at least 100 feet per minute ("fpm"); that indicate the hours of operation in 2021, the daily solvent and coating use for each month in 2021, and the volatile organic compounds ("VOC") content for each paint and solvent used in the surface coating booths in March, July and October 2021; and that allow calculations of hourly and annual Maximum Allowable Emission Rates ("MAERs") for 2021 to demonstrate compliance with NSR Permit No.158777.
2. Failed to maintain records containing sufficient information to demonstrate compliance with all applicable Permit by Rule ("PBR") conditions, in violation of 30 TEX. ADMIN. CODE §§ 106.8(c)(2)(B) and (c)(4) and 116.115(c), PBR Registration No. 73170, NSR Permit No. 158777, SC No. 3, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent did not maintain records for the maximum heat input to the paint ovens to demonstrate compliance with 30 TEX. ADMIN. CODE § 106.183 and the maximum filtering velocity for the fabric filters associated with sandblasting operations to demonstrate compliance with 30 TEX. ADMIN. CODE § 106.452.
3. Failed to provide records containing the information and data sufficient to demonstrate compliance with the permit, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(E)(i) and (c) and 117.2045(a)(1), NSR Permit No. 158777, SC Nos. 1 and 6, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent did not maintain records of visible emissions to demonstrate compliance with the emissions limitations and the annual fuel usage for years 2019, 2020, and 2021; the hourly emissions from November 7, 2021 through November 14, 2021; and the annual emissions for years 2019, 2020, and 2021 to demonstrate compliance with the MAERs for the Open Head Drum Burnout Furnace, Emissions Point Number ("EPN") Furnace.

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: Industrial Container Services - Tx, LLC, Docket No. 2022-0585-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 undertake the following technical requirements at the Site:
 - a. Within 30 days after the effective date of this Order:
 - i. Begin maintaining the records that confirm the minimum face velocity across each natural draft opening is at least 100 fpm; that indicate the hours of operation, the daily solvent and coating use for each month, and the VOC content for each paint and solvent used in the surface coating booths; and that allow calculations of hourly and annual MAERs to demonstrate compliance with NSR Permit No.158777;
 - ii. Begin maintaining the records for the maximum heat input to the paint ovens to demonstrate compliance with 30 TEX. ADMIN. CODE § 106.183 and the maximum filtering velocity for the fabric filters associated with sandblasting operations to demonstrate compliance with 30 TEX. ADMIN. CODE § 106.452; and
 - iii. Begin maintaining the records of visible emissions to demonstrate compliance with the emissions limitations and the annual fuel usage and the hourly and annual emissions to demonstrate compliance with the MAERs for the Open Head Drum Burnout Furnace, EPN Furnace.
 - 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. 2.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
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Street, Suite H
Houston, Texas 77023-1452

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 Site operations referenced in this Order.
5. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Enforcement Division at the address listed above.
6. 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.
7. 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.

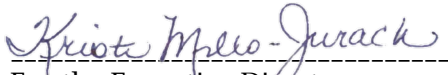
8. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



For the Executive Director

11/02/2025

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

August 14th, 2025

Date

Bryant McCracken

Regional EHS Manager

Name (Printed or typed)

Title

Authorized Representative of

Industrial Container Services - Tx, LLC

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

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