

Executive Summary – Enforcement Matter – Case No. 64046
Ellwood Texas Forge Navasota, LLC
RN102343563
Docket No. 2023-0675-IWD-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

IWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

Ellwood Texas Forge Navasota, 10908 County Road 419, Navasota, Grimes County

Type of Operation:

Iron and steel forging facility

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: September 27, 2024

Comments Received: No

Penalty Information

Total Penalty Assessed: \$17,875

Amount Deferred for Expedited Settlement: \$3,575

Total Paid to General Revenue: \$14,300

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

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: January 26, 2023

Date(s) of NOE(s): April 7, 2023

**Executive Summary – Enforcement Matter – Case No. 64046
Ellwood Texas Forge Navasota, LLC
RN102343563
Docket No. 2023-0675-IWD-E**

Violation Information

Failed to comply with permitted effluent limitations for total suspended solids, oil and grease, and carbonaceous biochemical oxygen demand (5-day) [30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0004999000, Effluent Limitations and Monitoring Requirements No. 1].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

By April 30, 2024, the Respondent achieved compliance with all permitted effluent limitations in TPDES Permit No. WQ0004999000.

Technical Requirements:

N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Samantha Smith, Enforcement Division, Enforcement Team 7, MC R-12, (512) 239-2099; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Richard R. Davis, Vice President, Ellwood Texas Forge Navasota, LLC, 10908 Country Road 419, Navasota, Texas, 77868

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	17-Apr-2023	Screening	19-May-2023	EPA Due	
	PCW	30-Jul-2024				

RESPONDENT/FACILITY INFORMATION	
Respondent	Ellwood Texas Forge Navasota, LLC
Reg. Ent. Ref. No.	RN102343563
Facility/Site Region	9-Waco
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	64046	No. of Violations	2
Docket No.	2023-0675-IWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Samantha Smith
		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$16,250
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	20.0%	Adjustment	Subtotals 2, 3, & 7	\$3,250
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Notes	Enhancement for four months of self-reported effluent violations.
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Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes	The Respondent does not meet the culpability criteria.
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Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$1,625
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$1,438	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$15,000	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$17,875
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	
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Final Penalty Amount	\$17,875
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$17,875
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DEFERRAL	20.0%	Reduction	Adjustment	-\$3,575
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes	Deferral offered for expedited settlement.
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PAYABLE PENALTY	\$14,300
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Screening Date 19-May-2023

Docket No. 2023-0675-IWD-E

PCW

Respondent Ellwood Texas Forge Navasota, LLC

Policy Revision 5 (January 28, 2021)

Case ID No. 64046

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN102343563

Media Water Quality

Enf. Coordinator Samantha Smith

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	4	20%
	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) 20%

>> 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 four months of self-reported effluent violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 20%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 20%

Screening Date 19-May-2023

Docket No. 2023-0675-IWD-E

PCW

Respondent Ellwood Texas Forge Navasota, LLC

Policy Revision 5 (January 28, 2021)

Case ID No. 64046

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN102343563

Media Water Quality

Enf. Coordinator Samantha Smith

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0004999000, Effluent Limitations and Monitoring Requirements No. 1

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

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual		X		25.0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes

Oil and grease and carbonaceous biochemical oxygen demand (5-day) were evaluated to determine whether the discharged amounts of pollutants exceeded protective levels. Human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$18,750

\$6,250

Violation Events

Number of Violation Events 2 Number of violation days 62

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$12,500

Two monthly events are recommended for the months of July and October 2022.

Good Faith Efforts to Comply

10.0%

Reduction \$1,250

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

Notes The Respondent achieved compliance by April 30, 2024.

Violation Subtotal \$11,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,438

Violation Final Penalty Total \$13,750

This violation Final Assessed Penalty (adjusted for limits) \$13,750

Economic Benefit Worksheet

Respondent Ellwood Texas Forge Navasota, LLC
Case ID No. 64046
Reg. Ent. Reference No. RN102343563
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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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)	\$15,000	31-May-2022	30-Apr-2024	1.92	\$1,438	n/a	\$1,438

Notes for DELAYED costs

Estimated cost to determine the cause of noncompliance, make the necessary repairs/adjustments to the facility, and achieve compliance with the permitted effluent limitations. The Date Required is the end date of the first month of noncompliance, and the Final Date is the 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

\$15,000

TOTAL

\$1,438

Screening Date	19-May-2023	Docket No.	2023-0675-IWD-E	PCW
Respondent	Ellwood Texas Forge Navasota, LLC			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	64046			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN102343563			
Media	Water Quality			
Enf. Coordinator	Samantha Smith			
Violation Number	2			
Rule Cite(s)	30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and TPDES Permit No. WQ0004999000, Effluent Limitations and Monitoring Requirements No. 1			
Violation Description	Failed to comply with permitted effluent limitations, as shown in the attached effluent violation table.			
		Base Penalty	\$25,000	

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent 0.0%

Matrix Notes
 Total suspended solids was evaluated to determine if the discharged amounts exceed protective levels. Human health or the environment has been exposed to insignificant amounts of pollutants which did not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$3,750

One quarterly event is recommended for the quarter containing the month of May 2022.

Good Faith Efforts to Comply Reduction \$375

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

Notes
 The Respondent achieved compliance by April 30, 2024.

Violation Subtotal \$3,375

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

Estimated EB Amount \$0 **Violation Final Penalty Total** \$4,125

This violation Final Assessed Penalty (adjusted for limits) \$4,125

Economic Benefit Worksheet

Respondent Ellwood Texas Forge Navasota, LLC
Case ID No. 64046
Reg. Ent. Reference No. RN102343563
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

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

Notes for DELAYED costs

See Economic Benefit Worksheet for Violation No. 1.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$0

TOTAL \$0

Ellwood Texas Forge Navasota, LLC
 TPDES Permit No. WQ0004999000
 Docket No. 2023-0675-IWD-E
 Case No. 64046

Effluent Violation Table

	Carbonaceous Biochemical Oxygen Demand (5-day)	Oil and Grease	Total Suspended Solids	Total Suspended Solids	Total Suspended Solids
Monitoring Period	Daily Max. Loading Limit = 167 lbs/day	Daily Avg. Loading Limit = 11.0 lbs/day	Daily Max. Conc. Limit = 45.0 mg/L	Daily Avg. Loading Limit = 35.0 lbs/day	Daily Max. Loading Limit = 158.0 lbs/day
May 2022	c	c	80.8	c	c
July 2022	218.22	16.04	c	47.24	221.49
October 2022	c	16.39	c	50.03	162.53

mg/L = milligrams per liter lbs/day = pounds per day

Max. = Maximum c = compliant Avg. = Average Conc. = Concentration



Compliance History Report

Compliance History Report for CN603434135, RN102343563, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

Customer, Respondent, or Owner/Operator: CN603434135, Ellwood Texas Forge Navasota, LLC **Classification:** SATISFACTORY **Rating:** 0.38

Regulated Entity: RN102343563, ELLWOOD TEXAS FORGE NAVASOTA **Classification:** SATISFACTORY **Rating:** 0.86

Complexity Points: 8 **Repeat Violator:** NO

CH Group: 14 - Other

Location: 10908 County Road 419, Navasota, Grimes County, Texas

TCEQ Region: REGION 09 - WACO

ID Number(s):

STORMWATER PERMIT TXR05FJ42 **WASTEWATER EPA ID TX0133728**
WASTEWATER PERMIT WQ0004999000

Compliance History Period: September 01, 2018 to August 31, 2023 **Rating Year:** 2023 **Rating Date:** 09/01/2023

Date Compliance History Report Prepared: July 22, 2024

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: July 22, 2019 to July 22, 2024

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

Name: Samantha Smith

Phone: (512) 239-2099

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	August 20, 2019	(1601745)	Item 13	October 19, 2020	(1695511)
Item 2	October 18, 2019	(1615524)	Item 14	November 17, 2020	(1719128)
Item 3	November 18, 2019	(1621325)	Item 15	December 17, 2020	(1715711)
Item 4	December 17, 2019	(1628662)	Item 16	January 28, 2021	(1719130)
Item 5	January 20, 2020	(1636282)	Item 17	March 01, 2021	(1732198)
Item 6	February 21, 2020	(1642900)	Item 18	March 29, 2021	(1732199)
Item 7	March 19, 2020	(1649407)	Item 19	April 23, 2021	(1732200)
Item 8	April 17, 2020	(1655773)	Item 20	June 08, 2021	(1743384)
Item 9	May 19, 2020	(1662314)	Item 21	July 07, 2021	(1753898)
Item 10	June 19, 2020	(1668859)	Item 22	August 30, 2021	(1768659)
Item 11	July 17, 2020	(1675806)	Item 23	September 28, 2021	(1768660)
			Item 24	November 01, 2021	(1779404)
Item 12	August 18, 2020	(1682600)	Item 25	November 30, 2021	(1785830)

Component Appendices

Appendix A

All NOVs Issued During Component Period 7/22/2019 and 7/22/2024

1	Date: 08/31/2019 (1608646)		
	Self Report? YES	Classification:	Moderate
	Citation:		
	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		
2	Date: 08/31/2020 (1689147)		
	Self Report? YES	Classification:	Moderate
	Citation:		
	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		
3	Date: 05/31/2021 (1743385)		
	Self Report? YES	Classification:	Moderate
	Citation:		
	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		
4	Date: 05/31/2022 (1837304)		
	Self Report? YES	Classification:	Moderate
	Citation:		
	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		
5	Date: 07/31/2022 (1850701)		
	Self Report? YES	Classification:	Moderate
	Citation:		
	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		
6*	Date: 10/31/2022 (1871684)		
	Self Report? YES	Classification:	Moderate
	Citation:		
	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		
7*	Date: 01/31/2023 (1892163)		
	Self Report? YES	Classification:	Moderate
	Citation:		
	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		
8*	Date: 02/28/2023 (1900737)		
	Self Report? YES	Classification:	Moderate
	Citation:		
	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		

Description: Failure to meet the limit for one or more permit parameter

9* Date: 06/30/2023 (1928277)
Self Report? YES Classification: Moderate
Citation:
2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

10* Date: 08/31/2023 (1941433)
Self Report? YES Classification: Moderate
Citation:
2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

11 Date: 09/30/2023 (1948192)
Self Report? YES Classification: Moderate
Citation:
2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

12 Date: 10/31/2023 (1953880)
Self Report? YES Classification: Moderate
Citation:
2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

13 Date: 01/31/2024 (1979323)
Self Report? YES Classification: Moderate
Citation:
2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

* NOVs applicable for the Compliance History rating period 9/1/2018 to 8/31/2023

Appendix B All Investigations Conducted During Component Period July 22, 2019 and July 22, 2024

Item 1*	August 20, 2019**	(1601745)	Item 15*	October 19, 2020**	(1695511)
Item 2	September 20, 2019**	(1608646)	Item 16*	November 17, 2020**	(1719128)
Item 3*	October 18, 2019**	(1615524)	Item 17*	December 17, 2020**	(1715711)
Item 4*	November 18, 2019**	(1621325)	Item 18*	January 28, 2021**	(1719130)
Item 5*	December 17, 2019**	(1628662)	Item 19*	March 01, 2021**	(1732198)
Item 6*	January 20, 2020**	(1636282)	Item 20*	March 29, 2021**	(1732199)
Item 7*	February 21, 2020**	(1642900)	Item 21*	April 23, 2021**	(1732200)
Item 8*	March 19, 2020**	(1649407)	Item 22*	June 08, 2021**	(1743384)
Item 9*	April 17, 2020**	(1655773)	Item 23*	July 07, 2021**	(1753898)
Item 10*	May 19, 2020**	(1662314)	Item 24*	August 30, 2021**	(1768659)
Item 11*	June 19, 2020**	(1668859)	Item 25*	September 28, 2021**	(1768660)
Item 12*	July 17, 2020**	(1675806)	Item 26*	November 01, 2021**	(1779404)
Item 13*	August 18, 2020**	(1682600)	Item 27*	November 30, 2021**	(1785830)
Item 14	September 18, 2020**	(1689147)	Item 28*	December 29, 2021**	(1792879)

Item 29*	January 19, 2022**	(1781399)	Item 46	March 02, 2023**	(1892163)
Item 30*	January 28, 2022**	(1800714)	Item 47	March 27, 2023**	(1900737)
Item 31*	February 26, 2022**	(1787922)	Item 48	April 11, 2023**	(1873777)
Item 32*	February 28, 2022**	(1808544)	Item 49*	April 28, 2023**	(1907533)
Item 33*	March 28, 2022**	(1815599)	Item 50*	May 30, 2023**	(1914682)
Item 34*	April 25, 2022**	(1796424)	Item 51*	June 27, 2023**	(1921297)
Item 35*	April 28, 2022**	(1822156)	Item 52	July 20, 2023**	(1928277)
Item 36*	May 31, 2022**	(1831058)	Item 53*	August 25, 2023**	(1935211)
Item 37*	June 02, 2022**	(1818444)	Item 54	September 25, 2023	(1941433)
Item 38	June 28, 2022**	(1837304)	Item 55	October 23, 2023	(1948192)
Item 39*	July 12, 2022**	(1844492)	Item 56	November 20, 2023	(1953880)
Item 40	August 29, 2022**	(1850701)	Item 57*	December 19, 2023	(1963669)
Item 41*	September 26, 2022**	(1858431)	Item 58*	January 19, 2024	(1970241)
Item 42*	October 28, 2022**	(1864774)	Item 59	February 19, 2024	(1979323)
Item 43	December 05, 2022**	(1871684)	Item 60*	March 22, 2024	(1981857)
Item 44*	December 28, 2022**	(1877544)	Item 61*	April 19, 2024	(1992420)
Item 45*	January 24, 2023**	(1884349)	Item 62*	May 21, 2024	(1998863)

* No violations documented during this investigation

**Investigation applicable for the Compliance History Rating period between 09/01/2018 and 08/31/2023.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
ELLWOOD TEXAS FORGE NAVASOTA,
LLC
RN102343563

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

AGREED ORDER DOCKET NO. 2023-0675-IWD-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Ellwood Texas Forge Navasota, LLC (the "Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates an iron and steel forging facility located at 10908 County Road 419, South of the City of Navasota, Grimes County, Texas (the "Facility"). The Facility is near or adjacent to water in the state as defined in TEX. WATER CODE § 26.001(5).
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. WATER CODE ch. 26 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$17,875 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$14,300 of the penalty and \$3,575 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.
9. The Executive Director recognizes that by April 30, 2024, the Respondent achieved compliance with all permitted effluent limitations in Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0004999000.

II. ALLEGATIONS

During a record review for the Facility conducted on January 26, 2023, an investigator documented that the Respondent failed to comply with permitted effluent limitations, in violation of 30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and TPDES Permit No. WQ0004999000, Effluent Limitations and Monitoring Requirements No. 1, as shown in the effluent violation table below:

Effluent Violation Table					
	Carbonaceous Biochemical Oxygen Demand (5-day)	Oil and Grease	Total Suspended Solids	Total Suspended Solids	Total Suspended Solids
Monitoring Period	Daily Max. Loading Limit = 167 lbs/day	Daily Avg. Loading Limit = 11.0 lbs/day	Daily Max. Conc. Limit = 45.0 mg/L	Daily Avg. Loading Limit = 35.0 lbs/day	Daily Max. Loading Limit = 158.0 lbs/day
May 2022	c	c	80.8	c	c
July 2022	218.22	16.04	c	47.24	221.49
October 2022	c	16.39	c	50.03	162.53

Max. = Maximum c = compliant Avg. = Average Conc. = Concentration
 mg/L = milligrams per liter lbs/day = pounds per day

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: Ellwood Texas Forge Navasota, LLC, Docket No. 2023-0675-IWD-E" to:

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

2. All relief not expressly granted in this Order is denied.
3. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
4. 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.
5. 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.
6. 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.
7. 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



11/20/2024

For the Executive Director


Date

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

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

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

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



9/3/24

Signature

Date



VP of Finance/CFO

Name (Printed or typed)

Title

Authorized Representative of
Ellwood Texas Forge Navasota, 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.