

**Executive Summary – Enforcement Matter – Case No. 64044**

**Nalco Production LLC**

**RN101618882**

**Docket No. 2023-0683-IWD-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

IWD

**Small Business:**

No

**Location(s) Where Violation(s) Occurred:**

Nalco Fresno Facility, 3130 Farm-to-Market Road 521, Fresno, Fort Bend County

**Type of Operation:**

Organic chemical manufacturing plant

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** May 9, 2025

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$34,200

**Amount Deferred for Expedited Settlement:** \$6,840

**Total Paid to General Revenue:** \$27,360

**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 30, 2023

**Date(s) of NOE(s):** April 25, 2023

**Executive Summary – Enforcement Matter – Case No. 64044**

**Nalco Production LLC**

**RN101618882**

**Docket No. 2023-0683-IWD-E**

***Violation Information***

Failed to comply with permitted effluent limitations for pH and free available chlorine [30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0004306000, Effluent Limitations and Monitoring Requirements Nos. 1 and 2 for Outfall 001].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

N/A

**Technical Requirements:**

The Order will require the Respondent to, within 130 days, submit written certification of compliance with the effluent limitations of TPDES Permit No. WQ0004306000, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations.

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Mark Gamble, Enforcement Division, Enforcement Team 1, MC 219, (512) 239-2587; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

**Respondent:** Michael Altmeyer, Vice President Supply Chain-Blend Manufacturing, Nalco Production LLC, 3130 Farm-to-Market Road 521, Fresno, Texas 77545  
Alvin Sirju, Plant Leader, Nalco Production LLC, 3130 Farm-to-Market Road 521, Fresno, Texas 77545

**Respondent's Attorney:** N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

<b>DATES</b>	<b>Assigned PCW</b>	15-May-2023	<b>Screening</b>	19-May-2023	<b>EPA Due</b>	
		7-Feb-2025				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	Nalco Production LLC				
<b>Reg. Ent. Ref. No.</b>	RN101618882				
<b>Facility/Site Region</b>	12-Houston	<b>Major/Minor Source</b>	Minor		

## CASE INFORMATION

<b>Enf./Case ID No.</b>	64044	<b>No. of Violations</b>	2
<b>Docket No.</b>	2023-0683-IWD-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Water Quality	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Mark Gamble
		<b>EC's Team</b>	Enforcement Team 1
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$23,750
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## ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	44.0%	<b>Adjustment</b>	<b>Subtotals 2, 3, &amp; 7</b>	\$10,450
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Notes: Enhancement for five months of self-reported effluent violations and one order containing a denial of liability. Reduction for one Notice of Intent to conduct an audit.

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

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$0
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<b>Economic Benefit</b>	0.0%	<b>Enhancement*</b>	<b>Subtotal 6</b>	\$0
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Total EB Amounts: \$961  
Estimated Cost of Compliance: \$5,000  
\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$34,200
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	\$34,200
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$34,200
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<b>DEFERRAL</b>	20.0%	<b>Reduction</b>	<b>Adjustment</b>	-\$6,840
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	\$27,360
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<b>Screening Date</b>	19-May-2023	<b>Docket No.</b>	2023-0683-IWD-E	<b>PCW</b>
<b>Respondent</b>	Nalco Production LLC			
<b>Case ID No.</b>	64044			
<b>Reg. Ent. Reference No.</b>	RN101618882			
<b>Media</b>	Water Quality			
<b>Enf. Coordinator</b>	Mark Gamble			

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

## Compliance History Worksheet

### >> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	5	25%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgments or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	1	-1%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	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)** 44%

### >> Repeat Violator (Subtotal 3)

No

**Adjustment Percentage (Subtotal 3)** 0%

### >> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

**Adjustment Percentage (Subtotal 7)** 0%

### >> Compliance History Summary

**Compliance History Notes**

Enhancement for five months of self-reported effluent violations and one order containing a denial of liability. Reduction for one Notice of Intent to conduct an audit.

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

### >> Final Compliance History Adjustment

**Final Adjustment Percentage \*capped at 100%** 44%

<b>Screening Date</b> 19-May-2023 <b>Respondent</b> Nalco Production LLC <b>Case ID No.</b> 64044 <b>Reg. Ent. Reference No.</b> RN101618882 <b>Media</b> Water Quality <b>Enf. Coordinator</b> Mark Gamble	<b>Docket No.</b> 2023-0683-IWD-E  <b>Violation Number</b> 1	<b>PCW</b> <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>					
<b>Rule Cite(s)</b> 30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0004306000, Effluent Limitations and Monitoring Requirements Nos. 1 and 2 for Outfall 001							
<b>Violation Description</b> Failed to comply with permitted effluent limitations, as shown in the attached effluent violation table.							
<b>Base Penalty</b>		\$25,000					
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>							
<b>OR</b>	<b>Release</b>	Major	Moderate	Minor	<b>Percent</b>		
	Actual		x				25.0%
	Potential						
<b>&gt;&gt; Programmatic Matrix</b>							
	Falsification	Major	Moderate	Minor			
					<b>Percent</b>	0.0%	
<b>Matrix Notes</b>	Chlorine was 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.						
<b>Adjustment</b>					\$18,750		
					\$6,250		
<b>Violation Events</b>							
Number of Violation Events		2	61		Number of violation days		
	daily						
	weekly						
	monthly	x					
	quarterly						
	semiannual						
	annual						
	single event						
<b>Violation Base Penalty</b>					\$12,500		
Two monthly events are recommended for the months of June and October 2022.							
<b>Good Faith Efforts to Comply</b>		<b>0.0%</b>		<b>Reduction</b>			
		\$0					
		Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer				
	Extraordinary						
	Ordinary						
	N/A	x					
	<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.					
<b>Violation Subtotal</b>					\$12,500		
<b>Economic Benefit (EB) for this violation</b>				<b>Statutory Limit Test</b>			
<b>Estimated EB Amount</b>		\$961		<b>Violation Final Penalty Total</b>		\$18,000	
<b>This violation Final Assessed Penalty (adjusted for limits)</b>					\$18,000		

# Economic Benefit Worksheet

**Respondent** Nalco Production LLC  
**Case ID No.** 64044  
**Reg. Ent. Reference No.** RN101618882  
**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
<b>Delayed Costs</b>							
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	31-Jan-2022	4-Dec-2025	3.84	\$961	n/a	\$961
Notes for DELAYED costs	Estimated cost to determine the cause of noncompliance and make any necessary repairs/adjustments to the Facility to return to compliance with the permitted effluent limitations. Date required is the end date of the first month of noncompliance, and the final date is the estimated date of compliance.						
<b>Avoided Costs</b>							
<b>ANNUALIZE avoided costs before entering item (except for one-time avoided costs)</b>							
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			<b>TOTAL</b>		\$961	

<b>Screening Date</b> 19-May-2023 <b>Respondent</b> Nalco Production LLC <b>Case ID No.</b> 64044 <b>Reg. Ent. Reference No.</b> RN101618882 <b>Media</b> Water Quality <b>Enf. Coordinator</b> Mark Gamble	<b>Docket No.</b> 2023-0683-IWD-E	<b>PCW</b> <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>				
<b>Violation Number</b> <span style="border: 1px solid black; padding: 2px;">2</span>						
<b>Rule Cite(s)</b> <span style="border: 1px solid black; padding: 5px;">30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and TPDES Permit No. WQ0004306000, Effluent Limitations and Monitoring Requirements No. 1 for Outfall 001</span>						
<b>Violation Description</b> <span style="border: 1px solid black; padding: 5px;">Failed to comply with permitted effluent limitations, as shown in the attached effluent violation table.</span>						
<b>Base Penalty</b>		\$25,000				
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>						
<b>OR</b>	<b>Release</b>	<b>Harm</b>				
		Major    Moderate    Minor				
	Actual			x		
	Potential					<b>Percent</b> <span style="border: 1px solid black; padding: 2px;">15.0%</span>
<b>&gt;&gt; Programmatic Matrix</b>						
	Falsification	Major	Moderate	Minor		
						<b>Percent</b> <span style="border: 1px solid black; padding: 2px;">0.0%</span>
Matrix Notes	Human health or the environment has been exposed to insignificant pH levels which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.					
<b>Adjustment</b>					\$21,250	
					\$3,750	
<b>Violation Events</b>						
Number of Violation Events		3	92		Number of violation days	
	daily					
	weekly					
	monthly					
	quarterly	x				
	semiannual					
	annual					
	single event					
<b>Violation Base Penalty</b>		\$11,250				
Three quarterly events are recommended for the quarters containing the months of January, April, and August 2022.						
<b>Good Faith Efforts to Comply</b>		<b>0.0%</b>	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.					
<b>Violation Subtotal</b>					\$11,250	
<b>Economic Benefit (EB) for this violation</b>			<b>Statutory Limit Test</b>			
<b>Estimated EB Amount</b>		\$0	<b>Violation Final Penalty Total</b>		\$16,200	
<b>This violation Final Assessed Penalty (adjusted for limits)</b>					\$16,200	

# Economic Benefit Worksheet

**Respondent** Nalco Production LLC  
**Case ID No.** 64044  
**Reg. Ent. Reference No.** RN101618882  
**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	Estimated other cost to determine the cause of noncompliance, make the necessary repairs/adjustments to the Facility, and achieve compliance with the permitted effluent limitations is captured in Economic Benefit Worksheet 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



Nalco Production LLC  
Docket No. 2023-0683-IWD-E  
TPDES Permit No. WQ0004306000  
Case No. 64066

Effluent Violation Table

Monitoring period	Free Available Chlorine		pH
	Daily Average Concentration	Daily Maximum Concentration	Maximum
Month/Year	Limit = 0.20 mg/L	Limit = 0.50 mg/L	Limit = 9 SU
January 2022	c	c	10
April 2022	c	c	9.4
June 2022	0.24	0.76	c
August 2022	c	c	10.7
October 2022	0.5725	2.2	9.6

c = compliant

mg/L = milligrams per liter

SU = Standard Units



# Compliance History Report

Compliance History Report for CN605749316, RN101618882, Rating Year 2024 which includes Compliance History (CH) components from September 1, 2019, through August 31, 2024.

<b>Customer, Respondent, or Owner/Operator:</b>	CN605749316, Nalco Production LLC	<b>Classification:</b>	SATISFACTORY	<b>Rating:</b>	1.44
<b>Regulated Entity:</b>	RN101618882, NALCO FRESNO FACILITY	<b>Classification:</b>	SATISFACTORY	<b>Rating:</b>	1.88
<b>Complexity Points:</b>	23	<b>Repeat Violator:</b>	NO		
<b>CH Group:</b>	05 - Chemical Manufacturing				
<b>Location:</b>	3130 Farm-to-Market Road 521, Fresno, Fort Bend County, Texas				
<b>TCEQ Region:</b>	REGION 12 - HOUSTON				

## ID Number(s):

**AIR OPERATING PERMITS** PERMIT 3536

**PUBLIC WATER SYSTEM/SUPPLY** REGISTRATION 0790119

**AIR NEW SOURCE PERMITS** ACCOUNT NUMBER FG0053G

**AIR NEW SOURCE PERMITS** REGISTRATION 169223

**AIR NEW SOURCE PERMITS** REGISTRATION 76945

**AIR NEW SOURCE PERMITS** REGISTRATION 151255

**AIR NEW SOURCE PERMITS** REGISTRATION 167029

**AIR NEW SOURCE PERMITS** REGISTRATION 167393

**AIR NEW SOURCE PERMITS** REGISTRATION 160631

**AIR NEW SOURCE PERMITS** REGISTRATION 178900

**WATER QUALITY NON PERMITTED** ID NUMBER R12SW0008

**WASTEWATER** EPA ID TX0112461

**POLLUTION PREVENTION PLANNING** ID NUMBER P00123

**INDUSTRIAL AND HAZARDOUS WASTE** SOLID WASTE REGISTRATION # (SWR) 31502

**TAX RELIEF** ID NUMBER 22157

**TAX RELIEF** ID NUMBER 21913

**AIR OPERATING PERMITS** ACCOUNT NUMBER FG0053G

**AIR NEW SOURCE PERMITS** PERMIT 4005

**AIR NEW SOURCE PERMITS** REGISTRATION 55037

**AIR NEW SOURCE PERMITS** AFS NUM 4815700067

**AIR NEW SOURCE PERMITS** REGISTRATION 139690

**AIR NEW SOURCE PERMITS** REGISTRATION 168737

**AIR NEW SOURCE PERMITS** REGISTRATION 165153

**AIR NEW SOURCE PERMITS** REGISTRATION 146100

**AIR NEW SOURCE PERMITS** REGISTRATION 172388

**STORMWATER** PERMIT TXR05EP17

**WASTEWATER** PERMIT WQ0004306000

**AIR EMISSIONS INVENTORY** ACCOUNT NUMBER FG0053G

**INDUSTRIAL AND HAZARDOUS WASTE** EPA ID TXD000356816

**TAX RELIEF** ID NUMBER 18149

**TAX RELIEF** ID NUMBER 21912

**Compliance History Period:** September 01, 2019 to August 31, 2024 **Rating Year:** 2024 **Rating Date:** 09/01/2024

**Date Compliance History Report Prepared:** January 30, 2025

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** January 30, 2020 to January 30, 2025

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

**Name:** Mark Gamble

**Phone:** (512) 239-2587

## Site and Owner/Operator History:

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

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

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

- |   |  |  |
|---|--|--|
| 1 | Effective Date: 05/05/2020                           | ADMINORDER 2019-0942-AIR-E (1660 Order-Agreed Order With Denial) |
|   | Classification: Moderate                             |  |
|   | Citation: 30 TAC Chapter 101, SubChapter A 101.20(1) |  |
|   | 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(E)(i) |  |
|   | 30 TAC Chapter 116, SubChapter B 116.115(c)          |  |

30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)  
 5C THSC Chapter 382 382.085(b)  
 Rqmt Prov: General Terms and Conditions OP  
 Special Condition 4 PERMIT  
 Special Term and Condition 11 OP  
 Special Term and Condition 1A OP  
 Description: Failed to maintain records containing the information and data sufficient to demonstrate compliance with the permit  
 Classification: Moderate  
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Rqmt Prov: General Terms and Conditions OP  
 Special Conditions No. 11 OP  
 Description: Failed to prevent unauthorized 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	February 05, 2020	(1642224)	Item 22	October 28, 2021	(1778500)
Item 2	March 20, 2020	(1648736)	Item 23	November 11, 2021	(1785168)
Item 3	April 20, 2020	(1655090)	Item 24	December 14, 2021	(1792203)
Item 4	May 13, 2020	(1661651)	Item 25	January 18, 2022	(1800051)
Item 5	June 18, 2020	(1668186)	Item 26	March 10, 2022	(1814926)
Item 6	July 09, 2020	(1675132)	Item 27	April 19, 2022	(1821495)
Item 7	August 17, 2020	(1681900)	Item 28	May 19, 2022	(1806054)
Item 8	September 14, 2020	(1688477)	Item 29	June 17, 2022	(1836642)
Item 9	October 16, 2020	(1694838)	Item 30	August 11, 2022	(1849988)
Item 10	November 13, 2020	(1717099)	Item 31	October 13, 2022	(1864111)
Item 11	December 17, 2020	(1717100)	Item 32	March 15, 2023	(1874068)
Item 12	January 15, 2021	(1717101)	Item 33	March 16, 2023	(1900072)
Item 13	February 09, 2021	(1730179)	Item 34	June 09, 2023	(1920635)
Item 14	February 25, 2021	(1702833)	Item 35	July 10, 2023	(1910448)
Item 15	March 12, 2021	(1730180)	Item 36	December 20, 2023	(1963012)
Item 16	April 08, 2021	(1730181)	Item 37	February 19, 2024	(1978667)
Item 17	May 19, 2021	(1742379)	Item 38	March 18, 2024	(1985227)
Item 18	June 10, 2021	(1742380)	Item 39	April 18, 2024	(1991771)
Item 19	July 13, 2021	(1753237)	Item 40	May 20, 2024	(1998205)
Item 20	August 13, 2021	(1758640)	Item 42	November 19, 2024	(2037771)
Item 21	September 16, 2021	(1767940)			

**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: 05/31/2024 (2005172)		
	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: 06/30/2024 (2012739)		
	Self Report? YES	Classification: Moderate	
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		
3	Date: 07/31/2024 (2018555)		
	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:	08/31/2024 (2025341)	
	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:	09/30/2024 (2031451)	
	Self Report?	YES	Classification: Moderate
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)	
	Description:	Failure to meet the limit for one or more permit parameter	

**F. Environmental audits:**

Notice of Intent Date: 07/20/2022 (1841041)  
No DOV Associated

**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  
NALCO PRODUCTION LLC  
RN101618882

§ BEFORE THE  
§ TEXAS COMMISSION ON  
§ ENVIRONMENTAL QUALITY  
§

## AGREED ORDER DOCKET NO. 2023-0683-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 Nalco Production 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 organic chemical manufacturing plant located at 3130 Farm-to-Market Road 521, in Fresno, Fort Bend 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 \$34,200 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$27,360 of the penalty and \$6,840 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 a record review for the Facility conducted on January 30, 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 Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0004306000, Effluent Limitations and Monitoring Requirements Nos. 1 and 2 for Outfall 001, as shown in the effluent violation table below:

Effluent Violation Table			
Monitoring period	Free Available Chlorine		pH
	Daily Average Concentration	Daily Maximum Concentration	Maximum
Month/Year	Limit = 0.20 mg/L	Limit = 0.50 mg/L	Limit = 9 SU
January 2022	c	c	10
April 2022	c	c	9.4
June 2022	0.24	0.76	c
August 2022	c	c	10.7
October 2022	0.5725	2.2	9.6

c = compliant

mg/L = milligrams per liter

SU = Standard Units

## 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: Nalco Production LLC, Docket No. 2023-0683-IWD-E" to:

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

2. The Respondent shall, within 130 days after the effective date of this Order, submit written certification of compliance with the effluent limitations of TPDES Permit No. WQ0004306000, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall include detail supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with the permitted effluent limitations. The certification shall be signed by the Respondent and shall include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

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

3. All relief not expressly granted in this Order is denied.

4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
5. 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

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For the Commission

-----  
Date

*Krista Mello-Jurack*  
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*06/24/2025*  
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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.

*[Signature]*  
-----  
Signature

*8/10/2025*  
-----  
Date

*Arvin Sirsu*  
-----  
Name (Printed or typed)  
Authorized Representative of  
Nalco Production LLC

*Plant Leader*  
-----  
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.