

TCEQ Interoffice Memorandum

To: Mary Smith, General Counsel

Thru: *MBC* Melissa Cordell, Assistant Deputy Director
Enforcement Division

From: *MP* Michael Parrish, Agenda Special Assistant
Enforcement Division

Date: December 12, 2024

Subject: **Backup Revision**
December 18, 2024 Commission Agenda
Item No. 12 – Wyman-Gordon Forgings, Inc
Docket No. 2023-0754-IWD-E

Enclosed please find the following:

Penalty Calculation Worksheet, Effluent Violation Table Attachment

- Second Table, Monitoring Period Column – Change **Fourth Quarter of 2022** to **December 2021**.

Please do not hesitate to call Michael Parrish at (512) 239-2548 if you have any questions regarding this matter.

cc: Garrett Arthur, Public Interest Counsel
Melissa Schmidt, Public Interest Counsel
Gill Valls, Office of General Counsel
Katherine McKenzie, Agenda Coordinator, Litigation Division
Amy Settemeyer, Deputy Director, Enforcement Division
Melissa Cordell, Assistant Deputy Director, Enforcement Division
Rebecca Margain-Nunez, Executive Assistant, Enforcement Division
Brett Lanham, Manager, Water Section, Enforcement Division
Kolby Farren, Enforcement Coordinator, Water Section, Enforcement Division

Wyman-Gordon Forgings, Inc. TPDES Permit No. WQ0001402000 Docket No. 2023-0754-IWD-E Case No. 64149					
Effluent Violations					
	Outfall 002	Outfall 002	Outfall 002	Outfall 002	Outfall 101
	Total Aluminum Daily Avg. Conc.	Hexavalent Chromium Daily Avg. Conc.	Hexavalent Chromium Daily Max. Conc.	Chemical Oxygen Demand Daily Avg. Loading	Total Chlorine Daily Avg. Conc.
Monitoring Period	Limit = 0.834 mg/L	Limit = 0.0132 mg/L	Limit = 0.0279 mg/L	Limit = 376 lbs/day	Min. = 1.0 mg/L
January 2022	c	c	c	524	c
May 2022	c	0.0299	0.0390	c	c
September 2022	0.9130	0.0134	0.0375	c	c
October 2022	N/A	N/A	N/A	N/A	0.23

Effluent Violations				
Outfall 002				
	Sublethal WET <i>C. dubia</i>	Sublethal WET <i>C. dubia</i>	Sublethal WET <i>P. promelas</i>	Sublethal WET <i>P. promelas</i>
Monitoring Period	7-Day Min. Limit = 14%	Monthly Avg. Min. Limit = 14%	7-Day Min. Limit = 14%	Monthly Avg. Min. Limit = 14%
December 2021	8%	8%	8%	8%

c = compliant Avg. = Average mg/L = milligrams per liter Max. = maximum Min. = minimum
 lbs/day = pounds per day WET = Sublethal Whole Effluent Toxicity *C. dubia* = *Ceriodaphnia dubia*
P. promelas = *Pimephales promelas* N/A - not applicable Conc. = concentration

Wyman-Gordon Forgings, Inc. TPDES Permit No. WQ0001402000 Docket No. 2023-0754-IWD-E Case No. 64149					
Effluent Violations					
	Outfall 002	Outfall 002	Outfall 002	Outfall 002	Outfall 101
	Total Aluminum Daily Avg. Conc.	Hexavalent Chromium Daily Avg. Conc.	Hexavalent Chromium Daily Max. Conc.	Chemical Oxygen Demand Daily Avg. Loading	Total Chlorine Daily Avg. Conc.
Monitoring Period	Limit = 0.834 mg/L	Limit = 0.0132 mg/L	Limit = 0.0279 mg/L	Limit = 376 lbs/day	Min. = 1.0 mg/L
January 2022	c	c	c	524	c
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October 2022	N/A	N/A	N/A	N/A	0.23

Effluent Violations				
Outfall 002				
	Sublethal WET <i>C. dubia</i>	Sublethal WET <i>C. dubia</i>	Sublethal WET <i>P. promelas</i>	Sublethal WET <i>P. promelas</i>
Monitoring Period	7-Day Min. Limit = 14%	Monthly Avg. Min. Limit = 14%	7-Day Min. Limit = 14%	Monthly Avg. Min. Limit = 14%
December 2021	8%	8%	8%	8%

c = compliant Avg. = Average mg/L = milligrams per liter Max. = maximum Min. = minimum
 lbs/day = pounds per day WET = Sublethal Whole Effluent Toxicity *C. dubia* = *Ceriodaphnia dubia*
P. promelas = *Pimephales promelas* N/A - not applicable Conc. = concentration

**Executive Summary – Enforcement Matter – Case No. 64149
Wyman-Gordon Forgings, Inc.
RN100217413
Docket No. 2023-0754-IWD-E**

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

IWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

Wyman Gordon Forgings, 10825 Telge Road, on the southwest corner of the intersection of U.S. Highway 290 and Telge Road, south of the Town of Cypress, Harris County

Type of Operation:

Wastewater treatment facility

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: October 18, 2024

Comments Received: No

Penalty Information

Total Penalty Assessed: \$59,937

Amount Deferred for Expedited Settlement: \$11,987

Total Paid to General Revenue: \$47,950

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: January 19, 2023

Date(s) of NOE(s): March 22, 2023

**Executive Summary – Enforcement Matter – Case No. 64149
Wyman-Gordon Forgings, Inc.
RN100217413
Docket No. 2023-0754-IWD-E**

Violation Information

Failed to comply with permitted effluent limitations for total aluminum, total chlorine, chemical oxygen demand, whole effluent toxicity, and hexavalent chromium [30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0001402000, Effluent Limitations and Monitoring Requirements Nos. 1 (Outfall Number 002) and No. 2 (Outfall Number 101)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondent to, within 130 days, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0001402000, 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: Kolby Farren, Enforcement Division, Enforcement Team 1, MC R-12, (512) 239-2098; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Jeff Kijak, President, Wyman-Gordon Forgings, Inc., 10825 Telge Road, Houston, Texas 77095-5038

Michael O'Brien, Vice President, Wyman-Gordon Forgings, Inc., 10825 Telge Road, Houston, Texas 77095-5038

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	3-Apr-2023	Screening	2-Jun-2023	EPA Due	5-Mar-2023
	PCW	2-Jun-2023				

RESPONDENT/FACILITY INFORMATION	
Respondent	Wyman-Gordon Forgings, Inc.
Reg. Ent. Ref. No.	RN100217413
Facility/Site Region	12-Houston
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	64149	No. of Violations	3
Docket No.	2023-0754-IWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Kolby Farren
		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	\$43,750
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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.	
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Compliance History	37.0% Adjustment	Subtotals 2, 3, & 7	\$16,187
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Notes: Recommended enhancement for three months of self-reported effluent violations, one NOV with dissimilar violations, and one order with a denial of liability.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$3,764
 Estimated Cost of Compliance: \$25,000
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$59,937
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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:

Final Penalty Amount	\$59,937
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$59,937
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DEFERRAL	20.0% Reduction	Adjustment	-\$11,987
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY	\$47,950
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Screening Date 2-Jun-2023

Docket No. 2023-0754-IWD-E

PCW

Respondent Wyman-Gordon Forgings, Inc.

Policy Revision 5 (January 28, 2021)

Case ID No. 64149

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN100217413

Media Water Quality

Enf. Coordinator Kolby Farren

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>)	3	15%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 37%

>> 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

Recommended enhancement for three months of self-reported effluent violations, one NOV with dissimilar violations, and one order with a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 37%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 37%

Screening Date 2-Jun-2023 **Docket No.** 2023-0754-IWD-E **PCW**
Respondent Wyman-Gordon Forgings, Inc. *Policy Revision 5 (January 28, 2021)*
Case ID No. 64149 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN100217413
Media Water Quality
Enf. Coordinator Kolby Farren

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. WQ0001402000, Effluent Limitations and Monitoring Requirements No. 1 (Outfall Number 002)
Violation Description Failed to comply with permitted effluent limitations, as shown in the attached effluent violation table.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual		x		50.0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes A simplified model was used to evaluate hexavalent chromium to determine whether the discharged amounts of pollutants exceeded protective levels. Sublethal Whole Effluent Toxicity was also considered. Human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$12,500

\$12,500

Violation Events

Number of Violation Events 2 62 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$25,000

Two monthly events are recommended for the months of May and December 2022 for Outfall 002.

Good Faith Efforts to Comply 0.0% Reduction \$0

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

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

Violation Subtotal \$25,000

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

Estimated EB Amount \$3,764 **Violation Final Penalty Total** \$34,250

This violation Final Assessed Penalty (adjusted for limits) \$34,250

Economic Benefit Worksheet

Respondent Wyman-Gordon Forgings, Inc.
Case ID No. 64149
Reg. Ent. Reference No. RN100217413
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)	\$25,000	31-Dec-2021	3-Jan-2025	3.01	\$3,764	n/a	\$3,764

Notes for DELAYED costs

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

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$25,000

TOTAL

\$3,764

Screening Date 2-Jun-2023 **Docket No.** 2023-0754-IWD-E **PCW**
Respondent Wyman-Gordon Forgings, Inc. *Policy Revision 5 (January 28, 2021)*
Case ID No. 64149 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN100217413
Media Water Quality
Enf. Coordinator Kolby Farren

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and TPDES Permit No. WQ0001402000, Effluent Limitations and Monitoring Requirements Nos. 1 (Outfall Number 002)

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			
Potential					

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes A simplified model was used to evaluate total aluminum and hexavalent chromium to determine whether the discharged amounts of pollutants exceeded protective levels. Chemical oxygen demand was also considered. Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human or environmental receptors as a result of the violations.

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 2 61 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$15,000

Two quarterly events are recommended for the quarters containing the months of January and September 2022 for Outfall No. 002.

Good Faith Efforts to Comply 0.0% Reduction \$0

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

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

Violation Subtotal \$15,000

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

Estimated EB Amount \$0 **Violation Final Penalty Total** \$20,550

This violation Final Assessed Penalty (adjusted for limits) \$20,550

Economic Benefit Worksheet

Respondent Wyman-Gordon Forgings, Inc.
Case ID No. 64149
Reg. Ent. Reference No. RN100217413
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

The delayed cost is captured in the 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

Screening Date 2-Jun-2023 **Docket No.** 2023-0754-IWD-E **PCW**
Respondent Wyman-Gordon Forgings, Inc. *Policy Revision 5 (January 28, 2021)*
Case ID No. 64149 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN100217413
Media Water Quality
Enf. Coordinator Kolby Farren

Violation Number 3
Rule Cite(s) 30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and TPDES Permit No. WQ0001402000, Effluent Limitations and Monitoring Requirement No. 2 (Outfall Number 101)
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

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				15.0%
Potential		X		

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes Total chlorine residual was evaluated to determine whether the discharged amounts of pollutants exceeded protective levels. Human health or the environment was exposed to significant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1 31 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$3,750

One quarterly event is recommended for the quarter containing the month of October 2022 for Outfall No. 101.

Good Faith Efforts to Comply 0.0% Reduction \$0

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

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

Violation Subtotal \$3,750

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

Estimated EB Amount \$0 **Violation Final Penalty Total** \$5,138

This violation Final Assessed Penalty (adjusted for limits) \$5,138

Economic Benefit Worksheet

Respondent Wyman-Gordon Forgings, Inc.
Case ID No. 64149
Reg. Ent. Reference No. RN100217413
Media Water Quality
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

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

Notes for DELAYED costs

The delayed cost is captured in the 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

Wyman-Gordon Forgings, Inc. TPDES Permit No. WQ0001402000 Docket No. 2023-0754-IWD-E Case No. 64149					
Effluent Violations					
	Outfall 002	Outfall 002	Outfall 002	Outfall 002	Outfall 101
	Total Aluminum Daily Avg. Conc.	Hexavalent Chromium Daily Avg. Conc.	Hexavalent Chromium Daily Max. Conc.	Chemical Oxygen Demand Daily Avg. Loading	Total Chlorine Daily Avg. Conc.
Monitoring Period	Limit = 0.834 mg/L	Limit = 0.0132 mg/L	Limit = 0.0279 mg/L	Limit = 376 lbs/day	Min. = 1.0 mg/L
January 2022	c	c	c	524	c
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September 2022	0.9130	0.0134	0.0375	c	c
October 2022	N/A	N/A	N/A	N/A	0.23

Effluent Violations				
Outfall 002				
	Sublethal WET <i>C. dubia</i>	Sublethal WET <i>C. dubia</i>	Sublethal WET <i>P. promelas</i>	Sublethal WET <i>P. promelas</i>
Monitoring Period	7-Day Min. Limit = 14%	Monthly Avg. Min. Limit = 14%	7-Day Min. Limit = 14%	Monthly Avg. Min. Limit = 14%
Fourth Quarter of 2022	8%	8%	8%	8%

c = compliant Avg. = Average mg/L = milligrams per liter Max. = maximum Min. = minimum
 lbs/day = pounds per day WET = Sublethal Whole Effluent Toxicity *C. dubia* = *Ceriodaphnia dubia*
P. promelas = *Pimephales promelas* N/A - not applicable Conc. = concentration



Compliance History Report

Compliance History Report for CN600129167, RN100217413, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

Customer, Respondent, or Owner/Operator: CN600129167, Wyman-Gordon Forgings, Inc. **Classification:** SATISFACTORY **Rating:** 4.54

Regulated Entity: RN100217413, WYMAN GORDON FORGINGS **Classification:** SATISFACTORY **Rating:** 4.54

Complexity Points: 20 **Repeat Violator:** NO

CH Group: 14 - Other

Location: 10825 TELGE ROAD, HOUSTON, HARRIS COUNTY, TEXAS

TCEQ Region: REGION 12 - HOUSTON

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER HG0114A
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1010911
AIR NEW SOURCE PERMITS REGISTRATION 11859
AIR NEW SOURCE PERMITS REGISTRATION 13587
AIR NEW SOURCE PERMITS REGISTRATION 11195
AIR NEW SOURCE PERMITS REGISTRATION 13463
AIR NEW SOURCE PERMITS REGISTRATION 14522
AIR NEW SOURCE PERMITS ACCOUNT NUMBER HG0114A
AIR NEW SOURCE PERMITS PERMIT 3456A
AIR NEW SOURCE PERMITS PERMIT 7417
AIR NEW SOURCE PERMITS PERMIT 8126
AIR NEW SOURCE PERMITS REGISTRATION 11111
AIR NEW SOURCE PERMITS REGISTRATION 98495
AIR NEW SOURCE PERMITS REGISTRATION 107364
AIR NEW SOURCE PERMITS REGISTRATION 107368
AIR NEW SOURCE PERMITS REGISTRATION 150212

AIR OPERATING PERMITS PERMIT 1031
AIR NEW SOURCE PERMITS REGISTRATION 11579
AIR NEW SOURCE PERMITS REGISTRATION 12714
AIR NEW SOURCE PERMITS REGISTRATION 10647
AIR NEW SOURCE PERMITS REGISTRATION 11423
AIR NEW SOURCE PERMITS REGISTRATION 14143
AIR NEW SOURCE PERMITS REGISTRATION 34274
AIR NEW SOURCE PERMITS REGISTRATION 11258
AIR NEW SOURCE PERMITS PERMIT 6688
AIR NEW SOURCE PERMITS REGISTRATION 8040
AIR NEW SOURCE PERMITS PERMIT 8445
AIR NEW SOURCE PERMITS AFS NUM 4820100002
AIR NEW SOURCE PERMITS REGISTRATION 107366
AIR NEW SOURCE PERMITS REGISTRATION 107365
AIR NEW SOURCE PERMITS REGISTRATION 107367
PETROLEUM STORAGE TANK REGISTRATION REGISTRATION 363
WASTEWATER PERMIT 2E0000008
WASTEWATER EPA ID TX0042129
POLLUTION PREVENTION PLANNING ID NUMBER P00938
INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 31270

IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION # (SWR) 31270

WASTEWATER PERMIT WQ0001402000

AIR EMISSIONS INVENTORY ACCOUNT NUMBER HG0114A

INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD008085763

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: Kolby Farren

Phone: (512) 239-2098

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: 04/13/2020 ADMINORDER 2018-1434-IWD-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: Eff. Lim. and Mon. Req. No. 1 PERMIT
Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data.

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 15, 2019	(1600003)	Item 23	July 20, 2021	(1738317)
Item 2	September 18, 2019	(1606904)	Item 24	October 20, 2021	(1777338)
Item 3	November 18, 2019	(1619562)	Item 25	November 12, 2021	(1784136)
Item 4	December 20, 2019	(1626916)	Item 26	December 17, 2021	(1791165)
Item 5	February 18, 2020	(1641171)	Item 27	January 27, 2022	(1782029)
Item 6	March 12, 2020	(1647686)	Item 28	March 16, 2022	(1813891)
Item 7	May 05, 2020	(1631848)	Item 29	April 07, 2022	(1820464)
Item 8	May 12, 2020	(1660607)	Item 30	May 18, 2022	(1829300)
Item 9	June 12, 2020	(1667127)	Item 31	May 31, 2022	(1803264)
Item 10	July 14, 2020	(1674079)	Item 32	July 19, 2022	(1842796)
Item 11	August 19, 2020	(1680852)	Item 33	August 09, 2022	(1848924)
Item 12	September 19, 2020	(1687423)	Item 34	September 19, 2022	(1856724)
Item 13	October 20, 2020	(1693762)	Item 35	October 31, 2022	(1848300)
Item 14	November 17, 2020	(1713975)	Item 36	June 08, 2023	(1903517)
Item 15	December 17, 2020	(1713976)	Item 37	August 28, 2023	(1933537)
Item 16	January 13, 2021	(1713977)	Item 38	September 20, 2023	(1939678)
Item 17	January 26, 2021	(1699418)	Item 39	November 20, 2023	(1952215)
Item 18	February 12, 2021	(1727041)	Item 40	December 20, 2023	(1961987)
Item 19	March 19, 2021	(1727042)	Item 41	March 21, 2024	(1984213)
Item 20	May 13, 2021	(1740824)	Item 42	April 19, 2024	(1990733)
Item 21	June 17, 2021	(1747851)	Item 43	May 14, 2024	(1997189)
Item 22	July 08, 2021	(1737058)			

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: 08/01/2023 (1903096)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Other Requirements No. 6(B) & (E) PERMIT
Description: Failure to comply with the non-standard items in the Other Requirements section in the TPDES permit.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Other Requirements No. 6(F) PERMIT
Description: Failure to comply with the non-standard items in the Other Requirements section in the TPDES permit.

2 Date: 09/30/2023 (1946524)
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: 12/31/2023 (1968577)
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: 01/31/2024 (1977636)
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:

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
WYMAN-GORDON FORGINGS, INC.
RN100217413

§ BEFORE THE
§ TEXAS COMMISSION ON
§ ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2023-0754-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 Wyman-Gordon Forgings, Inc. (the "Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a wastewater treatment facility located at 10825 Telge Road, on the southwest corner of the intersection of United States Highway 290 and Telge Road, south of the Town of Cypress, Harris 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 \$59,937 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$47,950 of the penalty and \$11,987 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 the Facility conducted on January 19, 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. WQ0001402000, Effluent Limitations and Monitoring Requirements Nos. 1 (Outfall Number 002) and No. 2 (Outfall Number 101), as shown in the attached effluent violation tables below:

Effluent Violation Table 1					
	Outfall 002				Outfall 101
	Total Aluminum Daily Avg. Conc.	Hexavalent Chromium Daily Avg. Conc.	Hexavalent Chromium Daily Max. Conc.	Chemical Oxygen Demand Daily Avg. Loading	Total Chlorine Daily Avg. Conc.
Monitoring Period	Limit = 0.834 mg/L	Limit = 0.0132 mg/L	Limit = 0.0279 mg/L	Limit = 376 lbs/day	Min. = 1.0 mg/L
January 2022	c	c	c	524	c
May 2022	c	0.0299	0.0390	c	c
September 2022	0.9130	0.0134	0.0375	c	c
October 2022	N/A	N/A	N/A	N/A	0.23

Effluent Violation Table 2				
Outfall 002				
	Sublethal WET <i>C. dubia</i>	Sublethal WET <i>C. dubia</i>	Sublethal WET <i>P. promelas</i>	Sublethal WET <i>P. promelas</i>
Monitoring Period	7-Day Min. Limit = 14%	Monthly Avg. Min. Limit = 14%	7-Day Min. Limit = 14%	Monthly Avg. Min. Limit = 14%
December 2021	8%	8%	8%	8%

c = compliant Avg. = Average mg/L = milligrams per liter Max. = maximum
Min. = minimum lbs/day = pounds per day WET = Sublethal Whole Effluent Toxicity
C. dubia = *Ceriodaphnia dubia* *P. promelas* = *Pimephales promelas* N/A = not applicable
Conc. = concentration

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: Wyman-Gordon Forgings, Inc., Docket No. 2023-0754-IWD-E" to:

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

2. The Respondent shall, within 130 days after the effective date of this Order, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0001402000, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance. The certification shall be signed by the Respondent and shall include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

Water Section Manager
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. If the Respondent fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Enforcement Division at the address listed above.
7. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

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

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



For the Executive Director

11/4/2024

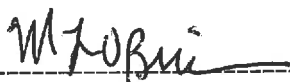
Date

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

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

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

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



Signature

09/18/2024

Date

MICHAEL D'BRIEN

Name (Printed or typed)
Authorized Representative of
Wyman-Gordon Forgings, Inc.

VP HOUSTON

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.