

TCEQ Interoffice Memorandum

To: Mary Smith, General Counsel

Thru: ^{MBC} Melissa Cordell, Assistant Deputy Director
Enforcement Division

From: ^{MP} Michael Parrish, Team Leader
Special Functions Team

Date: August 12, 2024

Subject: **Backup Revision**
August 14, 2024 Commission Agenda
Item No. 61 – J-M Manufacturing Company, Inc.
Docket No. 2024-0147-WQ-E

Enclosed please find the following:

Executive Summary:

- Page 2, Violation Information No. 1 - Corrected permit number from TXR05GD70 to TXR05Z380.

Agreed Order:

- Page 2, Allegation II, Paragraph 1 – Corrected permit number from TXR05GD70 to TXR05Z380

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, Special Functions and Compliance Monitoring,
Enforcement Division
Katy Montgomery, Team Leader, Water Section, Enforcement Division
Kolby Farren, Enforcement Coordinator, Water Section, Enforcement Division

Executive Summary – Enforcement Matter – Case No. 65291
J-M Manufacturing Company, Inc.
RN100868983
Docket No. 2024-0147-WQ-E

Violation Information

1. Failed to maintain authorization to discharge stormwater associated with industrial activities. Specifically, authorization under Texas Pollutant Discharge Elimination System ("TPDES") Multi-Sector General Permit ("MSGP") No. TXR05Z380 expired on August 14, 2016, and the Respondent continued to operate [30 TEX. ADMIN. CODE § 281.25(a)(4) and 40 CODE OF FEDERAL REGULATIONS § 122.26(c)].

2. Failed to prevent the unauthorized discharge of waste into or adjacent to any water in the state. Specifically, the Respondent discharged PVC powders, plastic flakes, plastic waste, and plastic pellets onto concrete areas throughout the Facility. There were no best management practices implemented at the Facility to prevent the waste from discharging off-site via curb drainage inlets [TEX. WATER CODE § 26.121(a)(1)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

- a. By July 17, 2023, obtained coverage under TPDES MSGP No. TXR05GD70;
- b. By August 4, 2023, removed the plastics on the ground and implemented measures to prevent future unauthorized discharges; and
- c. By September 29, 2023, developed and implemented a Stormwater Pollution Prevention Plan.

Technical Requirements:

N/A

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: Walter Wang, Director, J-M Manufacturing Company, Inc., 5200 West Century Boulevard, Floor 10, Los Angeles, California 90045-597
Dwyer Lynch, Plant Manager, JM Manufacturing, 10807 U.S. Highway 59, Wharton, Texas 77488

Respondent's Attorney: N/A

Executive Summary – Enforcement Matter – Case No. 65291
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RN100868983
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Technical Requirements:

N/A

Contact Information

TCEQ Attorney: N/A

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Respondent's Attorney: N/A

6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Facility:
 - a. By July 17, 2023, obtained coverage under Texas Pollutant Discharge Elimination System ("TPDES") Multi-Sector General Permit ("MSGP") No. TXR05GD70;
 - b. By August 4, 2023, removed the plastics on the ground and implemented measures to prevent future unauthorized discharges; and
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II. ALLEGATIONS

During an investigation at the Facility conducted on July 14, 2023, an investigator documented that the Respondent:

1. Failed to maintain authorization to discharge stormwater associated with industrial activities, in violation of 30 TEX. ADMIN. CODE § 281.25(a)(4) and 40 CODE OF FEDERAL REGULATIONS § 122.26(c). Specifically, authorization under TPDES MSGP No. TXR05Z380 expired on August 14, 2016, and the Respondent continued to operate.
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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

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**Executive Summary – Enforcement Matter – Case No. 65291
J-M Manufacturing Company, Inc.
RN100868983
Docket No. 2024-0147-WQ-E**

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

WQ

Small Business:

No

Location(s) Where Violation(s) Occurred:

JM Manufacturing, 10807 U.S. Highway 59, Wharton, Wharton County

Type of Operation:

Plastic pipe manufacturing facility

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: June 21, 2024

Comments Received: No

Penalty Information

Total Penalty Assessed: \$56,788

Amount Deferred for Expedited Settlement: \$11,357

Total Paid to General Revenue: \$45,431

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): June 17, 2023

Complaint Information: Alleged there was an unauthorised discharge.

Date(s) of Investigation: June 14, 2023

Date(s) of NOE(s): November 2, 2023

Executive Summary – Enforcement Matter – Case No. 65291
J-M Manufacturing Company, Inc.
RN100868983
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Technical Requirements:

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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

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Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	13-Nov-2023	Screening	22-Dec-2023	EPA Due	
	PCW	23-Jan-2024				

RESPONDENT/FACILITY INFORMATION	
Respondent	J-M Manufacturing Company, Inc.
Reg. Ent. Ref. No.	RN100868983
Facility/Site Region	12-Houston
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	65291	No. of Violations	2
Docket No.	2024-0147-WQ-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	\$73,750
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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.

Compliance History	2.0%	Adjustment	Subtotals 2, 3, & 7	\$1,475
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Notes	Enhancement for one NOV with dissimilar 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	-\$18,437
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$931	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$3,700	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$56,788
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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	\$56,788
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$56,788
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DEFERRAL	20.0%	Reduction	Adjustment	-\$11,357
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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	\$45,431
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Screening Date 22-Dec-2023

Docket No. 2024-0147-WQ-E

PCW

Respondent J-M Manufacturing Company, Inc.

Policy Revision 5 (January 28, 2021)

Case ID No. 65291

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN100868983

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>)	0	0%
	Other written NOVs	1	2%
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) 2%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for one NOV with dissimilar violations.

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

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 2%

Screening Date 22-Dec-2023 **Docket No.** 2024-0147-WQ-E **PCW**
Respondent J-M Manufacturing Company, Inc. *Policy Revision 5 (January 28, 2021)*
Case ID No. 65291 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN100868983
Media Water Quality
Enf. Coordinator Kolby Farren

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 281.25(a)(4) and 40 Code of Federal Regulations § 122.26(c)

Violation Description Failed to maintain authorization to discharge stormwater associated with industrial activities. Specifically, authorization under TPDES Multi-Sector General Permit ("MSGP") No. TXR05Z380 expired on August 14, 2016 and the Respondent continued to operate.

Base Penalty \$25,000

>> **Environmental, Property and Human Health Matrix**

OR	Release	Harm			Percent
		Major	Moderate	Minor	
		Actual			
Potential					

>> **Programmatic Matrix**

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
			X		

100% of the rule requirement was not met.

Adjustment \$22,500

\$2,500

Violation Events

Number of Violation Events: 28 2510 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$70,000

Twenty-eight quarterly events are recommended from the permit application grace period end date (November 14, 2016) to the date of compliance (September 29, 2023).

Good Faith Efforts to Comply 25.0% Reduction \$17,500

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

Notes The Respondent achieved compliance on September 29, 2023.

Violation Subtotal \$52,500

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

Estimated EB Amount \$928 **Violation Final Penalty Total** \$53,900

This violation Final Assessed Penalty (adjusted for limits) \$53,900

Economic Benefit Worksheet

Respondent J-M Manufacturing Company, Inc.
Case ID No. 65291
Reg. Ent. Reference No. RN100868983
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)	\$2,700	14-Nov-2016	29-Sep-2023	6.88	\$928	n/a	\$928

Notes for DELAYED costs

Estimated cost to develop and implement a stormwater pollution prevention plan (\$2,500), and obtain authorization to discharge stormwater associated with industrial activities under TPDES MSGP No. TXR050000 (\$200). The Date Required is the end of the permit renewal grace period date, 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

\$2,700

TOTAL

\$928

Screening Date 22-Dec-2023 **Docket No.** 2024-0147-WQ-E **PCW**
Respondent J-M Manufacturing Company, Inc. *Policy Revision 5 (January 28, 2021)*
Case ID No. 65291 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN100868983
Media Water Quality
Enf. Coordinator Kolby Farren

Violation Number 2
Rule Cite(s) Tex. Water Code § 26.121(a)(1)
Violation Description Failed to prevent an unauthorized discharge of waste into or adjacent to any water in the state. Specifically, the Respondent discharged PVC powders, plastic flakes, plastic waste, and plastic pellets onto concrete areas throughout the Facility. There were no best management practices implemented at the Facility to prevent the waste from discharging off-site via curb drainage inlets.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes Human health or the environment has been exposed to insignificant amounts of pollutants that do 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 21 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$3,750

One quarterly event is recommended from the investigation date (July 14, 2023) to the compliance date (August 4, 2023).

Good Faith Efforts to Comply 25.0% Reduction \$937

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

Notes The Respondent achieved compliance on August 4, 2023.

Violation Subtotal \$2,813

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

Estimated EB Amount \$3 **Violation Final Penalty Total** \$2,888

This violation Final Assessed Penalty (adjusted for limits) \$2,888

Economic Benefit Worksheet

Respondent J-M Manufacturing Company, Inc.
Case ID No. 65291
Reg. Ent. Reference No. RN100868983
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	\$1,000	14-Jul-2023	4-Aug-2023	0.06	\$3	n/a	\$3
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs	Estimated Remediation/Disposal cost to remove and dispose of accumulated plastics, and to implement best management practices at the site. The Date Required is the investigation date, and 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 \$1,000

TOTAL \$3

The TCEQ is committed to accessibility.

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



Compliance History Report

Compliance History Report for CN601048275, RN100868983, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

Customer, Respondent, or Owner/Operator: CN601048275, J-M Manufacturing Company, Inc. **Classification:** SATISFACTORY **Rating:** 2.67

Regulated Entity: RN100868983, JM MANUFACTURING **Classification:** SATISFACTORY **Rating:** 2.67

Complexity Points: 3 **Repeat Violator:** NO

CH Group: 14 - Other

Location: 10807 UNITED STATES HIGHWAY 59, WHARTON, WHARTON COUNTY, TEXAS

TCEQ Region: REGION 12 - HOUSTON

ID Number(s):

AIR NEW SOURCE PERMITS ACCOUNT NUMBER WF0064C **AIR NEW SOURCE PERMITS AFS NUM** 4848100036

MUNICIPAL SOLID WASTE NON PERMITTED ID NUMBER HOU00042 **ON SITE SEWAGE FACILITY PERMIT** 241-0009

STORMWATER PERMIT TXR05GD70 **AIR EMISSIONS INVENTORY ACCOUNT NUMBER** WF0064C

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

Date Compliance History Report Prepared: January 31, 2024

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: January 31, 2019 to January 31, 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:

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 April 29, 2021 (1709204)

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
J-M MANUFACTURING COMPANY,
INC.
RN100868983

§
§
§
§
§
§

BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2024-0147-WQ-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 J-M Manufacturing Company, 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 plastic pipe manufacturing facility located at 10807 United States Highway 59 in Wharton, Wharton 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 \$56,788 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$45,431 of the penalty and \$11,357 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 the Respondent implemented the following corrective measures at the Facility:
 - a. By July 17, 2023, obtained coverage under Texas Pollutant Discharge Elimination System ("TPDES") Multi-Sector General Permit ("MSGP") No. TXR05GD70;
 - b. By August 4, 2023, removed the plastics on the ground and implemented measures to prevent future unauthorized discharges; and
 - c. By September 29, 2023, developed and implemented a Stormwater Pollution Prevention Plan.

II. ALLEGATIONS

During an investigation at the Facility conducted on July 14, 2023, an investigator documented that the Respondent:

1. Failed to maintain authorization to discharge stormwater associated with industrial activities, in violation of 30 TEX. ADMIN. CODE § 281.25(a)(4) and 40 CODE OF FEDERAL REGULATIONS § 122.26(c). Specifically, authorization under TPDES MSGP No. TXR05GD70 expired on August 14, 2016, and the Respondent continued to operate.
2. Failed to prevent the unauthorized discharge of waste into or adjacent to any water in the state, in violation of TEX. WATER CODE § 26.121(a)(1). Specifically, the Respondent discharged PVC powders, plastic flakes, plastic waste, and plastic pellets onto concrete areas throughout the Facility. There were no best management practices implemented at the Facility to prevent the waste from discharging off-site via curb drainage inlets.

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: J-M Manufacturing Company, Inc., Docket No. 2024-0147-WQ-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

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

Date

Name (Printed or typed)
Authorized Representative of
J-M Manufacturing Company, Inc.

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.