

Executive Summary – Enforcement Matter – Case No. 66364
Texas Internal Pipe Coating, LLC
RN106945959
Docket No. 2024-1889-MLM-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

MLM – IHW, WQ

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Texas Internal Pipe Coating, 8463 Highway 75 South, Madisonville, Madison County

Type of Operation:

Pipe coating business

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: The complainant has expressed an interest in this matter but does not wish to speak at Agenda.

Texas Register Publication Date: June 13, 2025

Comments Received: No

Penalty Information

Total Penalty Assessed: \$29,325

Amount Deferred for Expedited Settlement: \$5,865

Total Paid to General Revenue: \$23,460

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications:

Person/CN - Unclassified

Site/RN - Unclassified

Major Source: IHW: Yes; WQ: Minor

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): April 23, 2024

Complaint Information: Alleged the facility was improperly storing and dumping hazardous materials.

Date(s) of Investigation: April 30, 2024 through May 14, 2024

Date(s) of NOE(s): July 2, 2024

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Texas Internal Pipe Coating, LLC
RN106945959
Docket No. 2024-1889-MLM-E

Violation Information

1. Failed to obtain authorization to discharge stormwater associated with industrial activities. Specifically, the Respondent was performing industrial activities prior to obtaining authorization under Texas Pollutant Discharge Elimination System ("TPDES") General Permit No. TXR050000 [30 TEX. ADMIN. CODE § 281.25(a)(4) and 40 CODE OF FEDERAL REGULATIONS ("CFR") 122.26(c)].
2. Caused, suffered, allowed, or permitted the unauthorized disposal of industrial solid waste ("ISW"). Specifically, approximately 2,666 cubic yards of ISW consisting of pallets, totes, plastics, metal, drums, and plant trash and another five cubic yards of ISW located inside a damaged roll-off box containing plant trash, metal pipes, and pallets were disposed of at the Facility [30 TEX. ADMIN. CODE § 335.4].
3. Failed to prevent the unauthorized discharge or imminent threat of discharge of ISW into or adjacent to waters in the state. Specifically, varnish was being discharged onto the ground during the application process, and it was also leaking from a cracked tote [TEX. WATER CODE § 26.121(a)(1)].
4. Failed to keep containers of paint and paint-related waste closed, except when adding or removing waste. Specifically, the universal waste container for used thinner and primer was not properly closed [30 TEX. ADMIN. CODE § 335.262(c)(2)(A) and 40 CFR § 265.173(a)].
5. Failed to clearly label all paint and paint-related wastes, with the words "Universal Waste - Paint and Paint-Related Wastes". Specifically, the Facility's universal waste container was not labeled with the words "Universal Waste - Paint and Paint-Related Wastes" [30 TEX. ADMIN. CODE § 335.262(c)(2)(F)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

- a. By June 5, 2024, obtained authorization under TPDES General Permit No. TXR05GL14 to discharge stormwater;
- b. By August 23, 2024, removed all unauthorized ISW at the Facility and dispose of it at an authorized facility;
- c. By February 5, 2025, developed and implemented procedures for using tarps to ensure that an unauthorized discharge does not occur during the varnish application process;
- d. By February 6, 2025, securely closed all containers of Universal Waste; and

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Docket No. 2024-1889-MLM-E

e. By February 6, 2025, labeled all containers of paint and paint-related waste, with the words "Universal Waste - Paint and Paint-Related Wastes".

Technical Requirements:

The Order will require the Respondent to:

- a. Within 30 days, remove and properly dispose of all contaminated soils at the Facility; and
- b. Within 45 days, submit written certification to demonstrate compliance with a.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Stephanie McCurley, Enforcement Division, Enforcement Team 3, MC 219, (512) 239-2607; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Kewei Liang, Director, Texas Internal Pipe Coating, LLC, P.O. Box 1749, Madisonville, Texas 77864

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	8-Jul-2024	Screening	9-Jul-2024	EPA Due	
	PCW	5-Dec-2024				

RESPONDENT/FACILITY INFORMATION

Respondent	Texas Internal Pipe Coating, LLC (PCW No. 1 of 2)				
Reg. Ent. Ref. No.	RN106945959				
Facility/Site Region	9-Waco	Major/Minor Source	Major		

CASE INFORMATION

Enf./Case ID No.	66364	No. of Violations	3
Docket No.	2024-1889-MLM-E	Order Type	1660
Media Program(s)	Industrial and Hazardous Waste	Government/Non-Profit	No
Multi-Media	Water Quality	Enf. Coordinator	Stephanie McCurley
		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$24,250
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	0.0%	Adjustment	Subtotals 2, 3, & 7	\$0
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Notes No adjustment for compliance history.

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	-\$2,425
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts \$38
Estimated Cost of Compliance #NAME? *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$21,825
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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	\$21,825
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$21,825
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DEFERRAL	20.0%	Reduction	Adjustment	-\$4,365
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$17,460
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Screening Date	9-Jul-2024	Docket No.	2024-1889-MLM-E	PCW
Respondent	Texas Internal Pipe Coating, LLC (PCW No. 1 of 2)			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	66364			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN106945959			
Media	Industrial and Hazardous Waste			
Enf. Coordinator	Stephanie McCurley			

Compliance History Worksheet

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

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

Adjustment Percentage (Subtotal 2) 0%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Unclassified

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

No adjustment for compliance history.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 0%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 0%

Screening Date

9-Jul-2024

Docket No.

2024-1889-MLM-E

PCW

Respondent

Texas Internal Pipe Coating, LLC (PCW No. 1 of 2)

Case ID No.

66364

Reg. Ent. Reference No.

RN106945959

Media

Industrial and Hazardous Waste

Enf. Coordinator

Stephanie McCurley

Violation Number

1

Rule Cite(s)

30 Tex. Admin. Code § 335.4

Violation Description

Caused, suffered, allowed, or permitted the unauthorized disposal of industrial solid waste ("ISW"). Specifically, approximately 2,666 cubic yards of ISW consisting of pallets, totes, plastics, metal, drums, and plant trash and another five cubic yards of ISW located inside a damaged roll-off box containing plant trash, metal pipes, and pallets were disposed of at the Facility.

Base Penalty

\$25,000

>> Environmental, Property and Human Health Matrix

OR

Release

Major

Moderate

Minor

Actual

x

Potential

Percent

30.0%

>>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

\$17,500

\$7,500

Violation Events

Number of Violation Events

1

70

Number of violation days

daily

weekly

monthly

quarterly

semiannual

annual

single event

x

Violation Base Penalty

\$7,500

One quarterly event is recommended from the April 30, 2024 investigation start date to the July 9, 2024 screening date.

Good Faith Efforts to Comply

10.0%

Reduction

\$750

Before NOE/NOV

NOE/NOV to EDPRP/Settlement Offer

Extraordinary

Ordinary

X

N/A

Notes

The Respondent came into compliance on August 23, 2024, after the Notice of Enforcement ("NOE") dated July 2, 2024.

Violation Subtotal

\$6,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

\$35

Violation Final Penalty Total

\$6,750

This violation Final Assessed Penalty (adjusted for limits)

\$6,750

Economic Benefit Worksheet

Respondent Texas Internal Pipe Coating, LLC (PCW No. 1 of 2)
Case ID No. 66364
Reg. Ent. Reference No. RN106945959
Media Industrial and Hazardous Waste
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	\$2,252	30-Apr-2024	23-Aug-2024	0.32	\$35	n/a	\$35
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs	Actual cost (per receipts) to remove all unauthorized ISW at the Facility and dispose of it at an authorized facility. The Date Required is the investigation start 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 \$2,252

TOTAL \$35

Screening Date 9-Jul-2024 Respondent Texas Internal Pipe Coating, LLC (PCW No. 1 of 2) Case ID No. 66364 Reg. Ent. Reference No. RN106945959 Media Industrial and Hazardous Waste Enf. Coordinator Stephanie McCurley	Docket No. 2024-1889-MLM-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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Violation Number	2	Rule Cite(s)	
		30 Tex. Admin. Code § 335.262(c)(2)(A) and 40 Code of Federal Regulations § 265.173(a)	
Violation Description	Failed to keep containers of paint and paint-related waste closed, except when adding or removing waste. Specifically, the universal waste container for used thinner and primer was not properly closed.		

Base Penalty	\$25,000
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>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				
	Potential			x	Percent 7.0%

>> Programmatic Matrix

Matrix Notes		Falsification	Major	Moderate	Minor	
						Percent 0.0%
	Human health or the environment will or could be exposed to insignificant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.					

Adjustment	\$23,250
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	\$1,750
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Violation Events

Number of Violation Events	1	70	Number of violation days
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	daily			
	weekly			
	monthly			
	quarterly			
	semiannual			
	annual			
	single event	x		Violation Base Penalty \$1,750

One single event is recommended.

Good Faith Efforts to Comply

	10.0%	Reduction \$175
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		x
N/A		
Notes	The Respondent came into compliance on February 6, 2025 after the NOE dated July 2, 2024.	

Violation Subtotal	\$1,575
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Economic Benefit (EB) for this violation

Estimated EB Amount	\$1	Statutory Limit Test
		Violation Final Penalty Total \$1,575
This violation Final Assessed Penalty (adjusted for limits)		\$1,575

Economic Benefit Worksheet

Respondent Texas Internal Pipe Coating, LLC (PCW No. 1 of 2)
Case ID No. 66364
Reg. Ent. Reference No. RN106945959
Media Industrial and Hazardous Waste
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)	\$25	30-Apr-2024	6-Feb-2025	0.77	\$1	n/a	\$1
Notes for DELAYED costs	Estimated delayed cost to securely close all universal waste containers. The Date Required is the investigation start 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 \$25

TOTAL \$1

Screening Date	9-Jul-2024	Docket No.	2024-1889-MLM-E	PCW
Respondent	Texas Internal Pipe Coating, LLC (PCW No. 1 of 2)			Policy Revision 5 (January 28, 2021)
Case ID No.	66364			PCW Revision February 11, 2021
Reg. Ent. Reference No.	RN106945959			
Media	Industrial and Hazardous Waste			
Enf. Coordinator	Stephanie McCurley			
Violation Number	3			
Rule Cite(s)	30 Tex. Admin. Code § 335.262(c)(2)(F)			
Violation Description	Failed to clearly label all paint and paint-related wastes, with the words "Universal Waste - Paint and Paint-Related Wastes". Specifically, the Facility's universal waste container was not labeled with the words "Universal Waste - Paint and Paint-Related Wastes".			
		Base Penalty	\$25,000	
>> Environmental, Property and Human Health Matrix				
OR		Release	Harm	
		Major	Moderate	Minor
	Actual			
	Potential			
				Percent 0.0%
>>Programmatic Matrix				
	Falsification	Major	Moderate	Minor
		x		
				Percent 20.0%
Matrix Notes	100% of the rule requirement was not met.			
		Adjustment	\$20,000	
			\$5,000	
Violation Events				
	Number of Violation Events	3	70	Number of violation days
	daily			
	weekly			
	monthly	x		
	quarterly			
	semiannual			
	annual			
	single event			
			Violation Base Penalty	\$15,000
	Three monthly events are recommended from the April 30, 2024 investigation start date to the July 9, 2024 screening date.			
Good Faith Efforts to Comply				
		10.0%	Reduction	\$1,500
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer		
	Extraordinary			
	Ordinary	X		
	N/A			
	Notes	The Respondent came into compliance on February 6, 2025 after the NOE dated July 2, 2024.		
		Violation Subtotal	\$13,500	
Economic Benefit (EB) for this violation				
	Statutory Limit Test			
	Estimated EB Amount	\$2	Violation Final Penalty Total	\$13,500
	This violation Final Assessed Penalty (adjusted for limits)			\$13,500

Economic Benefit Worksheet

Respondent Texas Internal Pipe Coating, LLC (PCW No. 1 of 2)
Case ID No. 66364
Reg. Ent. Reference No. RN106945959
Media Industrial and Hazardous Waste
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)	\$50	30-Apr-2024	6-Feb-2025	0.77	\$2	n/a	\$2
Notes for DELAYED costs	Estimated delayed cost to label all containers of paint and paint-related waste with the words "Universal Waste - Paint and Paint-Related Wastes". The Date Required is the investigation start 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 \$50

TOTAL \$2



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	8-Jul-2024	Screening	9-Jul-2024	EPA Due	
	PCW	5-Dec-2024				

RESPONDENT/FACILITY INFORMATION

Respondent	Texas Internal Pipe Coating, LLC (PCW No. 2 of 2)				
Reg. Ent. Ref. No.	RN106945959				
Facility/Site Region	9-Waco	Major/Minor Source	Minor		

CASE INFORMATION

Enf./Case ID No.	66364	No. of Violations	2
Docket No.	2024-1889-MLM-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media	Industrial and Hazardous Waste	Enf. Coordinator	Stephanie McCurley
		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$8,750
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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	0.0%	Adjustment	Subtotals 2, 3, & 7	\$0
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Notes	No adjustment for compliance history.
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Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes	The Respondent does not meet the culpability criteria.
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Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$1,250
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$45	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$1,225	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$7,500
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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	\$7,500
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$7,500
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DEFERRAL	20.0%	Reduction	Adjustment	-\$1,500
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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	\$6,000
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Screening Date	9-Jul-2024	Docket No.	2024-1889-MLM-E	PCW
Respondent	Texas Internal Pipe Coating, LLC (PCW No. 2 of 2)			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	66364			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN106945959			
Media	Water Quality			
Enf. Coordinator	Stephanie McCurley			

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

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

Adjustment Percentage (Subtotal 2) 0%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Unclassified

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

No adjustment for compliance history.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 0%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 0%

Screening Date	9-Jul-2024	Docket No.	2024-1889-MLM-E	PCW
Respondent	Texas Internal Pipe Coating, LLC (PCW No. 2 of 2)			Policy Revision 5 (January 28, 2021)
Case ID No.	66364			PCW Revision February 11, 2021
Reg. Ent. Reference No.	RN106945959			
Media	Water Quality			
Enf. Coordinator	Stephanie McCurley			
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 obtain authorization to discharge stormwater associated with industrial activities. Specifically, the Respondent was performing industrial activities prior to obtaining authorization under Texas Pollutant Discharge Elimination System ("TPDES") General Permit No. TXR050000.			
		Base Penalty	\$25,000	
>> Environmental, Property and Human Health Matrix				
OR	Release	Harm		
		Major Moderate Minor		
	Actual Potential			
			Percent	0.0%
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
		x		
			Percent	10.0%
Matrix Notes	100% of the rule requirement was not met.			
		Adjustment	\$22,500	
			\$2,500	
>> Violation Events				
	Number of Violation Events	2	36	Number of violation days
	daily			
	weekly			
	monthly	x		
	quarterly			
	semiannual			
	annual			
	single event			
			Violation Base Penalty	\$5,000
	Two monthly events are recommended from the April 30, 2024 investigation start date to the June 5, 2024 compliance date.			
Good Faith Efforts to Comply	25.0%		Reduction	\$1,250
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer		
	Extraordinary			
	Ordinary	x		
	N/A			
	Notes	The Respondent came into compliance on June 5, 2024 before the Notice of Enforcement dated July 2, 2024.		
		Violation Subtotal	\$3,750	
>> Economic Benefit (EB) for this violation				
	Statutory Limit Test			
	Estimated EB Amount	\$1	Violation Final Penalty Total	\$3,750
		This violation Final Assessed Penalty (adjusted for limits)	\$3,750	

Economic Benefit Worksheet

Respondent Texas Internal Pipe Coating, LLC (PCW No. 2 of 2)
Case ID No. 66364
Reg. Ent. Reference No. RN106945959
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	\$225	30-Apr-2024	5-Jun-2024	0.10	\$1	n/a	\$1
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated delayed cost to submit a Notice of Intent to obtain authorization to discharge stormwater. The Date Required is the investigation start 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

\$225

TOTAL

\$1

Screening Date	9-Jul-2024	Docket No.	2024-1889-MLM-E	PCW
Respondent	Texas Internal Pipe Coating, LLC (PCW No. 2 of 2)			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	66364			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN106945959			
Media	Water Quality			
Enf. Coordinator	Stephanie McCurley			
Violation Number	2			
Rule Cite(s)	Tex. Water Code § 26.121(a)(1)			
Violation Description	Failed to prevent the unauthorized discharge or imminent threat of discharge of industrial solid waste into or adjacent to waters in the state. Specifically, varnish was being discharged onto the ground during the application process, and it was also leaking from a cracked tote.			
		Base Penalty	\$25,000	
>> Environmental, Property and Human Health Matrix				
OR	Release	Major	Harm Moderate	Minor
	Actual			x
	Potential			
			Percent	15.0%
>> 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	70	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 April 30, 2024 investigation start date to the July 9, 2024 screening date.			
>> 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	\$44	Violation Final Penalty Total	\$3,750
	This violation Final Assessed Penalty (adjusted for limits)			\$3,750

Economic Benefit Worksheet

Respondent Texas Internal Pipe Coating, LLC (PCW No. 2 of 2)
Case ID No. 66364
Reg. Ent. Reference No. RN106945959
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	\$500	30-Apr-2024	5-Feb-2025	0.77	\$19	n/a	\$19
Remediation/Disposal	\$500	30-Apr-2024	4-May-2025	1.01	\$25	n/a	\$25
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated delayed cost to remove and properly dispose of all contaminated soils at the Facility (\$500). The Date Required is the investigation start date and the Final Date is the estimated date of compliance.

Estimated delayed cost to develop and implement procedures for using waterproof tarps to ensure that an unauthorized discharge does not occur during the varnish application process (\$500). The Date Required is the investigation start 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

\$1,000

TOTAL

\$44



Compliance History Report

Compliance History Report for CN604391912, RN106945959, Rating Year 2024 which includes Compliance History (CH) components from September 1, 2019, through August 31, 2024.

Customer, Respondent, or Owner/Operator:	CN604391912, Texas Internal Pipe Coating, LLC	Classification: UNCLASSIFIED	Rating: -----
Regulated Entity:	RN106945959, Texas Internal Pipe Coating	Classification: UNCLASSIFIED	Rating: -----
Complexity Points:	2	Repeat Violator:	NO
CH Group:	14 - Other		
Location:	8463 Highway 75 South in Madisonville, Madison County, Texas		
TCEQ Region:	REGION 09 - WACO		
ID Number(s):			
STORMWATER PERMIT	TXR05GL14		
Compliance History Period:	September 01, 2019 to August 31, 2024	Rating Year: 2024	Rating Date: 09/01/2024
Date Compliance History Report Prepared:	April 07, 2025		
Agency Decision Requiring Compliance History:	Enforcement		
Component Period Selected:	April 07, 2020 to April 07, 2025		
TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.			
Name:	Stephanie McCurley	Phone:	(512) 239-2607

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.):

N/A

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

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

N/A

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
TEXAS INTERNAL PIPE COATING, LLC
RN106945959

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

AGREED ORDER DOCKET NO. 2024-1889-MLM-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 Texas Internal Pipe Coating, LLC (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 361 and 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 pipe coating business located at 8463 Highway 75 South in Madisonville, Madison County, Texas (the "Facility"). The Facility is near or adjacent to water in the state as defined in TEX. WATER CODE § 26.001(5) and involves or involved the management of industrial solid waste ("ISW") as defined in TEX. HEALTH & SAFETY CODE ch. 361.
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 361, 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 \$29,325 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$23,460 of the penalty and \$5,865 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 June 5, 2024, obtained authorization under Texas Pollutant Discharge Elimination System ("TPDES") General Permit No. TXR05GL14 to discharge stormwater;
 - b. By August 23, 2024, removed all unauthorized ISW at the Facility and dispose of it at an authorized facility;
 - c. By February 5, 2025, developed and implemented procedures for using tarps to ensure that an unauthorized discharge does not occur during the varnish application process;
 - d. By February 6, 2025, securely closed all containers of Universal Waste; and
 - e. By February 6, 2025, labeled all containers of paint and paint-related waste, with the words "Universal Waste - Paint and Paint-Related Wastes".

II. ALLEGATIONS

During an investigation at the Facility conducted on April 30, 2024 through May 14, 2024, an investigator documented that the Respondent:

1. Failed to obtain 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 ("CFR") 122.26(c). Specifically, the Respondent was performing industrial activities prior to obtaining authorization under TPDES General Permit No. TXR050000.
2. Caused, suffered, allowed, or permitted the unauthorized disposal of ISW, in violation of 30 TEX. ADMIN. CODE § 335.4. Specifically, approximately 2,666 cubic yards of ISW consisting of pallets, totes, plastics, metal, drums, and plant trash and another five cubic yards of ISW located inside a damaged roll-off box containing plant trash, metal pipes, and pallets were disposed of at the Facility.
3. Failed to prevent the unauthorized discharge or imminent threat of discharge of ISW into or adjacent to waters in the state, in violation of TEX. WATER CODE § 26.121(a)(1). Specifically, varnish was being discharged onto the ground during the application process, and it was also leaking from a cracked tote.

4. Failed to keep containers of paint and paint-related waste closed, except when adding or removing waste, in violation of 30 TEX. ADMIN. CODE § 335.262(c)(2)(A) and 40 CFR § 265.173(a). Specifically, the universal waste container for used thinner and primer was not properly closed.
5. Failed to clearly label all paint and paint-related wastes, with the words "Universal Waste - Paint and Paint-Related Wastes", in violation of 30 TEX. ADMIN. CODE § 335.262(c)(2)(F). Specifically, the Facility's universal waste container was not labeled with the words "Universal Waste - Paint and Paint-Related Wastes".

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: Texas Internal Pipe Coating, LLC, Docket No. 2024-1889-MLM-E" to:

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

2. The Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Order, remove and properly dispose of all contaminated soils at the Facility.
 - b. Within 45 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be signed by the Respondent and shall include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

Waste Section Manager
Waco Regional Office
Texas Commission on Environmental Quality
6801 Sanger Avenue, Suite 2500
Waco, Texas 76710-7826

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

For the Commission

Date



08/01/2025

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.

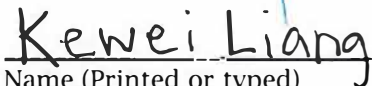
I also understand that failure to comply with the Ordering Provisions, if any, in this Order and/or failure to timely pay the penalty amount, may result in:

- 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



4/25/25

Name (Printed or typed)
Authorized Representative of
Texas Internal Pipe Coating, LLC

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.