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January 12, 2016

Ms. Judy Edelbrock
Water Enforcement Branch (6EN-WC)
U.S. EPA, Region 6
1445 Ross Ave., Suite 1200
Dallas, TX 75202-2733

CERTIFIED MAIL-RETURN RECEIPT REQUESTED: 7002 3150 0004 6818 9554

RE: Compliance Certification
Administrative Order (AO) issued to McWane, Inc.
AO Docket Number CWA-06-2016-1724
TPDES Permit Number TX0001465

Dear Ms. Edelbrock,

Tyler Pipe is pleased to submit this letter of compliance with respect to Administrative Order (CWA-06-2016-1724), Section 308, Part B, of the Information Demand.

The violations cited within Administrative Order (CWA-06-2016-1724) have been corrected and the facility is in compliance with the requirements of the permit (TPDES TX0001465).

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signed,

Greg Simmons
Assistant General Manager
Tyler Pipe Company,
A Division of McWane, Inc.

1-12-16
Date

Attachments:
November 2015 Laboratory Analysis
December 2015 Laboratory Analysis

Cc: (e-mail copy only)
Jerry Saunders, EPA Region 6
Alan Vaughn, EPA Region 6
Carol Peters, EPA Region 6
Jeff Weatherly, McWane Inc.

Ana-Lab Corp. P.O. Box 9000 Kilgore, TX 75663

Phone 903/984-0551 FAX 903/984-5914 e-Mail corp@ana-lab.com LELAP-accredited #02008

Compliance Summary

Printed 11/10/2015 Page 1 of 1

Report To

Tyler Pipe
Scott Harris
11910 CR 492
Tyler, TX 75706-

Project 717343

Sample	Identification	Taken
1440428	55734 Outfall 001	11/03/2015

Specification	Parameter	Results	Out Results *	Units	Limits	Ou
001	Aluminum, Total	0.288		mg/L	1.7600	
001	Copper, Total	0.00142		mg/L	0.0561	
001	Lead, Total	0.00224		mg/L	0.0248	
001	Zinc, Total	0.00667		mg/L	0.4510	
001	Lab Spec. Conductance at 25 C	844		umhos/cm	2340.0000	
001	Chemical Oxygen Demand	20		mg/L	150.0000	
001	Total Suspended Solids	3.50		mg/L	71.1000	
001	BOD Carbonaceous	5.19		mg/L	12.0000	
001	Ammonia Nitrogen	0.149		mg/L	2.5000	

Sample	Identification	Taken
1440431	55734 Outfall 001	11/03/2015

Specification	Parameter	Results	Out Results *	Units	Limits	Ou
001	Phenolics, Total Recoverable	0.0314		mg/L	1.1700	
001	Oil and Grease (HEM) by SPE	<4.81		mg/L	15.0000	

* Out Results are outside the above listed specification

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Compliance Summary

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Report To

Tyler Pipe
Scott Harris
11910 CR 492
Tyler, TX 75706-

Project 717886

Sample	Identification	Taken
1441549	55737 Outfall 001	11/04/2015

Specification	Parameter	Results	Out Results *	Units	Limits	Ou
001	Aluminum, Total	0.821		mg/L	1.7600	
001	Copper, Total	0.00311		mg/L	0.0561	
001	Lead, Total	<0.0005		mg/L	0.0248	
001	Zinc, Total	0.00719		mg/L	0.4510	
001	Lab Spec. Conductance at 25 C	983		umhos/cm	2340.0000	
001	Chemical Oxygen Demand	26		mg/L	150.0000	
001	Total Suspended Solids	4.00		mg/L	71.1000	
001	BOD Carbonaceous	6.55		mg/L	12.0000	
001	Ammonia Nitrogen	0.563		mg/L	2.5000	

Sample	Identification	Taken
1441551	55737 Outfall 001	11/04/2015

Specification	Parameter	Results	Out Results *	Units	Limits	Ou
001	Phenolics, Total Recoverable	0.148		mg/L	1.1700	
001	Oil and Grease (HEM) by SPE	<5.29		mg/L	15.0000	

* Out Results are outside the above listed specification

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Compliance Summary

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Report To

Tyler Pipe
Scott Harris
11910 CR 492
Tyler, TX 75706-

Project 718782

Sample	Identification	Taken
1443543	55765 Outfall 001	11/11/2015

Specification	Parameter	Results	Out Results *	Units	Limits	Ou
001	Aluminum, Total	0.131		mg/L	1.7600	
001	Copper, Total	0.00154		mg/L	0.0561	
001	Lead, Total	<0.0005		mg/L	0.0248	
001	Zinc, Total	0.00367		mg/L	0.4510	
001	Lab Spec. Conductance at 25 C	958		umhos/cm	2340.0000	
001	Chemical Oxygen Demand	26		mg/L	150.0000	
001	Total Suspended Solids	2.50		mg/L	71.1000	
001	BOD Carbonaceous	5.53		mg/L	12.0000	
001	Ammonia Nitrogen	0.474		mg/L	2.5000	

Sample	Identification	Taken
1443544	55765 Outfall 001	11/11/2015

Specification	Parameter	Results	Out Results *	Units	Limits	Ou
001	Phenolics, Total Recoverable	0.0696		mg/L	1.1700	
001	Oil and Grease (HEM) by SPE	<4.77		mg/L	15.0000	

* Out Results are outside the above listed specification

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THE COMPLETE SERVICE LAB

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Compliance Summary

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Report To

Tyler Pipe
Scott Harris
11910 CR 492
Tyler, TX 75706-

Project 718780

Sample	Identification	Taken
1443540	55771 Outfall 001	11/12/2015

Specification	Parameter	Results	Out Results *	Units	Limits	Ou
001	Aluminum, Total	0.148		mg/L	1.7600	
001	Copper, Total	0.00143		mg/L	0.0561	
001	Lead, Total	<0.0005		mg/L	0.0248	
001	Zinc, Total	0.00514		mg/L	0.4510	
001	Lab Spec. Conductance at 25 C	1050		umhos/cm	2340.0000	
001	Chemical Oxygen Demand	29		mg/L	150.0000	
001	Total Suspended Solids	<2.00		mg/L	71.1000	
001	BOD Carbonaceous	3.77		mg/L	12.0000	
001	Ammonia Nitrogen	0.650		mg/L	2.5000	

Sample	Identification	Taken
1443542	55771 Outfall 001	11/12/2015

Specification	Parameter	Results	Out Results *	Units	Limits	Ou
001	Phenolics, Total Recoverable	<0.005		mg/L	1.1700	
001	Oil and Grease (HEM) by SPE	<4.95		mg/L	15.0000	

* Out Results are outside the above listed specification

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Compliance Summary

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Report To

Tyler Pipe
Scott Harris
11910 CR 492
Tyler, TX 75706-

Project 719245

Sample	Identification	Taken
1444565	LCN:55783	11/17/2015

Specification	Parameter	Results	Out Results *	Units	Limits	Ou
001	Aluminum, Total	0.090		mg/L	1.7600	
001	Copper, Total	0.00471		mg/L	0.0561	
001	Lead, Total	0.000569		mg/L	0.0248	
001	Zinc, Total	0.00859		mg/L	0.4510	
001	Lab Spec. Conductance at 25 C	1180		umhos/cm	2340.0000	
001	Chemical Oxygen Demand	39		mg/L	150.0000	
001	Total Suspended Solids	<2.00		mg/L	71.1000	
001	BOD Carbonaceous	3.59		mg/L	12.0000	
001	Ammonia Nitrogen	0.496		mg/L	2.5000	

Sample	Identification	Taken
1444566	LCN:55783	11/17/2015

Specification	Parameter	Results	Out Results *	Units	Limits	Ou
001	Phenolics, Total Recoverable	0.0149		mg/L	1.1700	
001	Oil and Grease (HEM) by SPE	<4.85		mg/L	15.0000	

* Out Results are outside the above listed specification

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Compliance Summary

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Report To

Tyler Pipe
Scott Harris
11910 CR 492
Tyler, TX 75706-

Project 719652

Sample	Identification	Taken
1445392	55787 Outfall 001	11/18/2015

Specification	Parameter	Results	Out Results *	Units	Limits	Ou
001	Aluminum, Total	0.0782		mg/L	1.7600	
001	Copper, Total	0.00126		mg/L	0.0561	
001	Lead, Total	<0.0005		mg/L	0.0248	
001	Zinc, Total	0.00283		mg/L	0.4510	
001	Lab Spec. Conductance at 25 C	1040		umhos/cm	2340.0000	
001	Chemical Oxygen Demand	29		mg/L	150.0000	
001	Total Suspended Solids	2.00		mg/L	71.1000	
001	BOD Carbonaceous	2.99		mg/L	12.0000	
001	Ammonia Nitrogen	0.631		mg/L	2.5000	

Sample	Identification	Taken
1445394	55787 Outfall 001	11/18/2015

Specification	Parameter	Results	Out Results *	Units	Limits	Ou
001	Phenolics, Total Recoverable	0.0177		mg/L	1.1700	
001	Oil and Grease (HEM) by SPE	<4.64		mg/L	15.0000	

* Out Results are outside the above listed specification

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Compliance Summary

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Report To

Tyler Pipe
Scott Harris
11910 CR 492
Tyler, TX 75706-

Project 720690

Sample	Identification	Taken
1447488	55803 Outfall 001	12/01/2015

Specification	Parameter	Results	Out Results *	Units	Limits	Ou
001	Aluminum, Total	0.137		mg/L	1.7600	
001	Copper, Total	0.00176		mg/L	0.0561	
001	Lead, Total	0.00144		mg/L	0.0248	
001	Zinc, Total	0.00952		mg/L	0.4510	
001	Lab Spec. Conductance at 25 C	771		umhos/cm	2340.0000	
001	Chemical Oxygen Demand	20		mg/L	150.0000	
001	Total Suspended Solids	5.00		mg/L	71.1000	
001	BOD Carbonaceous	3.19		mg/L	12.0000	
001	Ammonia Nitrogen	0.893		mg/L	2.5000	

Sample	Identification	Taken
1447489	55803 Outfall 001	12/01/2015

Specification	Parameter	Results	Out Results *	Units	Limits	Ou
001	Phenolics, Total Recoverable	0.0125		mg/L	1.1700	
001	Oil and Grease (HEM) by SPE	<5.02		mg/L	15.0000	

* Out Results are outside the above listed specification

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Compliance Summary

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Report To

Tyler Pipe
Scott Harris
11910 CR 492
Tyler, TX 75706-

Project 721219

Sample	Identification	Taken
1448560	55808 Outfall 001	12/02/2015

Specification	Parameter	Results	Out Results *	Units	Limits	Ou
001	Aluminum, Total	0.148		mg/L	1.7600	
001	Copper, Total	0.00154		mg/L	0.0561	
001	Lead, Total	<0.0005		mg/L	0.0248	
001	Zinc, Total	<0.005		mg/L	0.4510	
001	Lab Spec. Conductance at 25 C	899		umhos/cm	2340.0000	
001	Chemical Oxygen Demand	26		mg/L	150.0000	
001	Total Suspended Solids	9.50		mg/L	71.1000	
001	BOD Carbonaceous	5.95		mg/L	12.0000	
001	Ammonia Nitrogen	1.27		mg/L	2.5000	

Sample	Identification	Taken
1448562	55808 Outfall 001	12/02/2015

Specification	Parameter	Results	Out Results *	Units	Limits	Ou
001	Phenolics, Total Recoverable	0.205		mg/L	1.1700	
001	Oil and Grease (HEM) by SPE	<4.92		mg/L	15.0000	

* Out Results are outside the above listed specification

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Compliance Summary

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Report To

Tyler Pipe
Scott Harris
11910 CR 492
Tyler, TX 75706-

Project 721611

Sample	Identification	Taken
1449356	55825 Outfall 001	12/08/2015

Specification	Parameter	Results	Out Results *	Units	Limits	Ou
001	Aluminum, Total	0.106		mg/L	1.7600	
001	Copper, Total	0.00141		mg/L	0.0561	
001	Lead, Total	<0.0005		mg/L	0.0248	
001	Zinc, Total	0.00504		mg/L	0.4510	
001	Lab Spec. Conductance at 25 C	1210		umhos/cm	2340.0000	
001	Chemical Oxygen Demand	57		mg/L	150.0000	
001	Total Suspended Solids	2.50		mg/L	71.1000	
001	BOD Carbonaceous	2.32		mg/L	12.0000	
001	Ammonia Nitrogen	0.748		mg/L	2.5000	

Sample	Identification	Taken
1449357	55825 Outfall 001	12/08/2015

Specification	Parameter	Results	Out Results *	Units	Limits	Ou
001	Phenolics, Total Recoverable	0.0069		mg/L	1.1700	
001	Oil and Grease (HEM) by SPE	<5.04		mg/L	15.0000	

* Out Results are outside the above listed specification

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Compliance Summary

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Report To

Tyler Pipe
Scott Harris
11910 CR 492
Tyler, TX 75706-

Project 722101

Sample	Identification	Taken
1450471	55830 Outfall 001	12/09/2015

Specification	Parameter	Results	Out Results *	Units	Limits	Ou
001	Aluminum, Total	0.133		mg/L	1.7600	
001	Copper, Total	0.00151		mg/L	0.0561	
001	Lead, Total	<0.0005		mg/L	0.0248	
001	Zinc, Total	<0.005		mg/L	0.4510	
001	Lab Spec. Conductance at 25 C	1260		umhos/cm	2340.0000	
001	Chemical Oxygen Demand	42		mg/L	150.0000	
001	Total Suspended Solids	<2.00		mg/L	71.1000	
001	BOD Carbonaceous	3.07		mg/L	12.0000	
001	Ammonia Nitrogen	1.17		mg/L	2.5000	

Sample	Identification	Taken
1450500	55830 Outfall 001	12/09/2015

Specification	Parameter	Results	Out Results *	Units	Limits	Ou
001	Phenolics, Total Recoverable	0.0061		mg/L	1.1700	
001	Oil and Grease (HEM) by SPE	<5.04		mg/L	15.0000	

* Out Results are outside the above listed specification

Ana-Lab Corp. P.O. Box 9000 Kilgore, TX 75663

Phone 903/984-0551 FAX 903/984-5914 e-Mail corp@ana-lab.com LELAP-accredited #02008

Compliance Summary

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Report To

Tyler Pipe
Scott Harris
11910 CR 492
Tyler, TX 75706-

Project 722951

Sample	Identification	Taken
1452431	55845 Outfall 001	12/16/2015

Specification	Parameter	Results	Out Results *	Units	Limits	Ou
001	Aluminum, Total	0.170		mg/L	1.7600	
001	Copper, Total	0.00102		mg/L	0.0561	
001	Lead, Total	<0.0005		mg/L	0.0248	
001	Zinc, Total	0.00212		mg/L	0.4510	
001	Lab Spec. Conductance at 25 C	1040		umhos/cm	2340.0000	
001	Chemical Oxygen Demand	42		mg/L	150.0000	
001	Total Suspended Solids	5.00		mg/L	71.1000	
001	BOD Carbonaceous	4.61		mg/L	12.0000	
001	Ammonia Nitrogen	1.52		mg/L	2.5000	

Sample	Identification	Taken
1452432	55845 Outfall 001	12/16/2015

Specification	Parameter	Results	Out Results *	Units	Limits	Ou
001	Phenolics, Total Recoverable	0.149		mg/L	1.1700	
001	Oil and Grease (HEM) by SPE	<4.87		mg/L	15.0000	

* Out Results are outside the above listed specification

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Compliance Summary

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Report To

Tyler Pipe
Scott Harris
11910 CR 492
Tyler, TX 75706-

Project 722952

Sample	Identification	Taken
1452433	55848 Outfall 001	12/17/2015

Specification	Parameter	Results	Out Results *	Units	Limits	Ou
001	Aluminum, Total	0.187		mg/L	1.7600	
001	Copper, Total	0.00106		mg/L	0.0561	
001	Lead, Total	<0.0005		mg/L	0.0248	
001	Zinc, Total	0.00207		mg/L	0.4510	
001	Lab Spec. Conductance at 25 C	953		umhos/cm	2340.0000	
001	Chemical Oxygen Demand	39		mg/L	150.0000	
001	Total Suspended Solids	6.50		mg/L	71.1000	
001	BOD Carbonaceous	3.85		mg/L	12.0000	
001	Ammonia Nitrogen	1.27		mg/L	2.5000	

Sample	Identification	Taken
1452434	55848 Outfall 001	12/17/2015

Specification	Parameter	Results	Out Results *	Units	Limits	Ou
001	Phenolics, Total Recoverable	0.0976		mg/L	1.1700	
001	Oil and Grease (HEM) by SPE	<4.96		mg/L	15.0000	

* Out Results are outside the above listed specification

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Compliance Summary

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Report To

Tyler Pipe
Scott Harris
11910 CR 492
Tyler, TX 75706-

Project **723486**

Sample	Identification	Taken
1453461	55868 Outfall 001	12/21/2015

Specification	*Parameter*	*Results*	*Out Results **	*Units*	*Limits*	*Ou*
001	Aluminum, Total	0.565		mg/L	1.7600	
001	Copper, Total	0.00677		mg/L	0.0561	
001	Lead, Total	0.00425		mg/L	0.0248	
001	Zinc, Total	0.00865		mg/L	0.4510	
001	Lab Spec. Conductance at 25 C	909		umhos/cm	2340.0000	
001	Chemical Oxygen Demand	29		mg/L	150.0000	
001	Total Suspended Solids	10.9		mg/L	71.1000	
001	BOD Carbonaceous	6.44		mg/L	12.0000	
001	Ammonia Nitrogen	1.02		mg/L	2.5000	

1453463	55868 Outfall 001	12/21/2015

Specification	*Parameter*	*Results*	*Out Results **	*Units*	*Limits*	*Ou*
001	Phenolics, Total Recoverable	<0.005		mg/L	1.1700	
001	Oil and Grease (HEM) by SPE	<4.48		mg/L	15.0000	

* Out Results are outside the above listed specification

Ana-Lab Corp. P.O. Box 9000 Kilgore, TX 75663

Phone 903/984-0551 FAX 903/984-5914 e-Mail corp@ana-lab.com LELAP-accredited #02008

Compliance Summary

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Report To

Tyler Pipe
Scott Harris
11910 CR 492
Tyler, TX 75706-

Project 723750

Sample	Identification	Taken
1454045	55869 Outfall 001	12/23/2015

Specification	Parameter	Results	Out Results *	Units	Limits	Ou
001	Aluminum, Total	0.333		mg/L	1.7600	
001	Copper, Total	0.00287		mg/L	0.0561	
001	Lead, Total	0.0016		mg/L	0.0248	
001	Zinc, Total	<0.005		mg/L	0.4510	
001	Lab Spec. Conductance at 25 C	859		umhos/cm	2340.0000	
001	Chemical Oxygen Demand	20		mg/L	150.0000	
001	Total Suspended Solids	6.00		mg/L	71.1000	
001	BOD Carbonaceous	4.08		mg/L	12.0000	
001	Ammonia Nitrogen	1.15		mg/L	2.5000	

Sample	Identification	Taken
1454046	55869 Outfall 001	12/23/2015

Specification	Parameter	Results	Out Results *	Units	Limits	Ou
001	Oil and Grease (HEM)	<4.49		mg/L	15.0000	
001	Phenolics, Total Recoverable	<0.005		mg/L	1.1700	

* Out Results are outside the above listed specification

Ana-Lab Corp. P.O. Box 9000 Kilgore, TX 75663

Phone 903/984-0551 FAX 903/984-5914 e-Mail corp@ana-lab.com LELAP-accredited #02008

Compliance Summary

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Report To

Tyler Pipe
Scott Harris
11910 CR 492
Tyler, TX 75706-

Project 724234

Sample	Identification	Taken
1455014	55881 Outfall 001	12/30/2015

Specification	Parameter	Results	Out Results *	Units	Limits	Ou
001	Aluminum, Total	0.132		mg/L	1.7600	
001	Copper, Total	0.00219		mg/L	0.0561	
001	Lead, Total	0.00123		mg/L	0.0248	
001	Zinc, Total	0.00477		mg/L	0.4510	
001	Lab Spec. Conductance at 25 C	714		umhos/cm	2340.0000	
001	Chemical Oxygen Demand	<20		mg/L	150.0000	
001	Total Suspended Solids	8.00		mg/L	71.1000	
001	BOD Carbonaceous	3.23		mg/L	12.0000	
001	Ammonia Nitrogen	0.939		mg/L	2.5000	

Sample	Identification	Taken
1455015	55881 Outfall 001	12/30/2015

Specification	Parameter	Results	Out Results *	Units	Limits	Ou
001	Phenolics, Total Recoverable	0.0082		mg/L	1.1700	
001	Oil and Grease (HEM) by SPE	<4.60		mg/L	15.0000	

* Out Results are outside the above listed specification

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Compliance Summary

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Report To

Tyler Pipe
Scott Harris
11910 CR 492
Tyler, TX 75706-

Project 724235

Sample	Identification	Taken
1455016	55883 Outfall 001	12/31/2015

Specification	Parameter	Results	Out Results *	Units	Limits	Ou
001	Aluminum, Total	0.115		mg/L	1.7600	
001	Copper, Total	0.00249		mg/L	0.0561	
001	Lead, Total	0.00075		mg/L	0.0248	
001	Zinc, Total	0.00474		mg/L	0.4510	
001	Lab Spec. Conductance at 25 C	708		umhos/cm	2340.0000	
001	Chemical Oxygen Demand	23		mg/L	150.0000	
001	Total Suspended Solids	6.50		mg/L	71.1000	
001	BOD Carbonaceous	3.19		mg/L	12.0000	
001	Ammonia Nitrogen	1.18		mg/L	2.5000	

Sample	Identification	Taken
1455017	55883 Outfall 001	12/31/2015

Specification	Parameter	Results	Out Results *	Units	Limits	Ou
001	Phenolics, Total Recoverable	0.0053		mg/L	1.1700	
001	Oil and Grease (HEM) by SPE	<4.33		mg/L	15.0000	

* Out Results are outside the above listed specification

Job Number **1030010** Customer: **Tyler Pipe** Attn: **Patricia Scarborough**

Date Sampled:	**11/12/2015**	Laboratory ID:	**1030010-1**
Time Sampled:	**8:00 AM**	Date Received:	**11/12/2015**
Project Name:	**SWT .001**	Time Received:	**2:49 PM**
Project Number:	**55773**	Matrix:	**Aqueous**
Sample Description	**LCN 55773 SWT.001**		
Sample Type:	**Composite**	Receiving Flags	

Analysis	Result	Unit	MQL	Flag	Test Method	QA	Date	Tech
Carbonaceous BOD5	5.47	mg/l	2.00	B1,LF,TR	SM 5210B-2001	1079655	11/12/15	DRH

Any tests indicated with "*" next to result are not included in current NELAC fields of accreditation.

Job Number **1030044** Customer: **Tyler Pipe** Attn: **Patricia Scarborough**

Date Sampled:	**11/17/2015**	Laboratory ID:	**1030044-1**
Time Sampled:	**8:00 AM**	Date Received:	**11/17/2015**
Project Name:	**SWT .001**	Time Received:	**3:55 PM**
Project Number:	**55784**	Matrix:	**Aqueous**
Sample Description	**LCN 55784 SWT. 001**		
Sample Type:	**Composite**	Receiving Flags	

Analysis	Result	Unit	MQL	Flag	Test Method	QA	Date	Tech
Carbonaceous BOD5	3.34	mg/l	2.00	YY,TR	SM 5210B-2001	1079761	11/18/15	DRH

Any tests indicated with "*" next to result are not included in current NELAC fields of accreditation.

Job Number **1030071** Customer: **Tyler Pipe** Attn: **Patricia Scarborough**

Date Sampled:	**11/18/2015**	Laboratory ID:	**1030071-1**
Time Sampled:	**8:00 AM**	Date Received:	**11/19/2015**
Project Name:	**SWT .001**	Time Received:	**2:00 PM**
Project Number:	**55788**	Matrix:	**Aqueous**
Sample Description	**SWT 001**		
Sample Type:	**Composite**	Receiving Flags	

Analysis	Result	Unit	MQL	Flag	Test Method	QA	Date	Tech
Carbonaceous BOD5	2.42	mg/l	2.00	B1,YY	SM 5210B-2001	1079763	11/19/15	DRH

Any tests indicated with "*" next to result are not included in current NELAC fields of accreditation.

Job Number **1030126** Customer: **Tyler Pipe** Attn: **Patricia Scarborough**

Date Sampled:	**12/01/2015**	Laboratory ID:	**1030126-1**
Time Sampled:	**8:00 AM**	Date Received:	**12/01/2015**
Project Name:	**S.W.T. 001**	Time Received:	**2:52 PM**
Project Number:	**55804**	Matrix:	**Aqueous**
Sample Description	**LCN 55804 SWT 001**		
Sample Type:	**Composite**	Receiving Flags	

Analysis	Result	Unit	MQL	Flag	Test Method	QA	Date	Tech
Carbonaceous BOD5	4.06	mg/l	2.00	B1,LF,YY	SM 5210B-2001	1079869	12/2/15	DRH

Any tests indicated with "*" next to result are not included in current NELAC fields of accreditation.

Job Number: **1030169** Customer: **Tyler Pipe** Attn: **Patricia Scarborough**

Date Sampled:	**12/02/2015**	Laboratory ID:	**1030169-1**
Time Sampled:	**8:00 AM**	Date Received:	**12/03/2015**
Project Name:	**SWT .001**	Time Received:	**4:24 PM**
Project Number:	**55809**	Matrix:	**Aqueous**
Sample Description	**LCN 55809 SWT 001**		
Sample Type:	**Composite**	Receiving Flags	

Analysis	Result	Unit	MQL	Flag	Test Method	QA	Date	Tech
Carbonaceous BOD5	4.34	mg/l	2.00	B1,YY	SM 5210B-2001	1079889	12/3/15	DRH

Any tests indicated with "*" next to result are not included in current NELAC fields of accreditation.

Job Number **1030190** Customer: **Tyler Pipe** Attn: **Patricia Scarborough**

Date Sampled:	**12/08/2015**	Laboratory ID:	**1030190-1**
Time Sampled:	**8:00 AM**	Date Received:	**12/08/2015**
Project Name:	**SWT .001**	Time Received:	**4:30 PM**
Project Number:	**55826**	Matrix:	**Aqueous**
Sample Description	**LCN 55826 SWT 001**		
Sample Type:	**Composite**	Receiving Flags	

Analysis	Result	Unit	MQL	Flag	Test Method	QA	Date	Tech
Carbonaceous BOD5	2.69	mg/l	2.00		SM 5210B-2001	1079961	12/9/15	DRH

Any tests indicated with "*" next to result are not included in current NELAC fields of accreditation.

Job Number **1030265** Customer: **Tyler Pipe** Attn: **Patricia Scarborough**

Date Sampled:	**12/16/2015**	Laboratory ID:	**1030265-1**
Time Sampled:	**8:00 AM**	Date Received:	**12/16/2015**
Project Name:	**S.W.T. 001**	Time Received:	**2:54 PM**
Project Number:	**55847**	Matrix:	**Aqueous**
Sample Description	**LCN 55847 S.W.T. 001**		
Sample Type:	**Composite**	Receiving Flags	

Analysis	Result	Unit	MQL	Flag	Test Method	QA	Date	Tech
Carbonaceous BOD5	6.63	mg/l	2.00	B1,YY,TR	SM 5210B-2001	1080068	12/17/15	DRH

Any tests indicated with "*" next to result are not included in current NELAC fields of accreditation.

Job Number **1030275** Customer: **Tyler Pipe** Attn: **Patricia Scarborough**

Date Sampled:	**12/17/2015**	Laboratory ID:	**1030275-1**
Time Sampled:	**8:00 AM**	Date Received:	**12/17/2015**
Project Name:	**S.W.T. 001**	Time Received:	**3:53 PM**
Project Number:	**55855**	Matrix:	**Aqueous**
Sample Description	**LCN 55855 S.W.T. 001**		
Sample Type:	**Composite**	Receiving Flags	

Analysis	Result	Unit	MQL	Flag	Test Method	QA	Date	Tech
Carbonaceous BOD5	5.27	mg/l	2.00	B1,YY,TR	SM 5210B-2001	1080068	12/17/15	DRH

Any tests indicated with "*" next to result are not included in current NELAC fields of accreditation.

Job Number **1030309** Customer: **Tyler Pipe** Attn: **Patricia Scarborough**

Date Sampled:	**12/23/2015**	Laboratory ID:	**1030309-1**
Time Sampled:	**8:00 AM**	Date Received:	**12/23/2015**
Project Name:	**Outfall 001**	Time Received:	**3:20 PM**
Project Number:	**55871**	Matrix:	**Aqueous**
Sample Description	**LCN 55871 Outfall 001, 55871**		
Sample Type:	**Composite**	Receiving Flags	

Analysis	Result	Unit	MQL	Flag	Test Method	QA	Date	Tech
Carbonaceous BOD5	3.54	mg/l	2.00	B1,YY,TR	SM 5210B-2001	1080127	12/24/15	DRH

Any tests indicated with "*" next to result are not included in current NELAC fields of accreditation.

Job Number **1030337** Customer: **Tyler Pipe** Attn: **Patricia Scarborough**

Date Sampled:	**12/30/2015**	Laboratory ID:	**1030337-1**
Time Sampled:	**8:00 AM**	Date Received:	**12/30/2015**
Project Name:	**Outfall 001**	Time Received:	**1:46 PM**
Project Number:	**55882**	Matrix:	**Aqueous**
Sample Description	**LCN 55882 Outfall 001**		
Sample Type:	**Composite**	Receiving Flags	

Analysis	Result	Unit	MQL	Flag	Test Method	QA	Date	Tech
Carbonaceous BOD5	2.17	mg/l	2.00	B1,YY	SM 5210B-2001	1080230	12/31/15	DRH

Any tests indicated with "*" next to result are not included in current NELAC fields of accreditation.

December 21, 2015

Ms. Judy Edelbrock
Water Enforcement Branch (6EN-WC)
U.S. EPA, Region 6
1445 Ross Ave., Suite 1200
Dallas, TX 75202-2733

CERTIFIED MAIL-RETURN RECEIPT REQUESTED: 7015 0640 0004 8946

RE: Administrative Order (AO) issued to McWane, Inc.
AO Docket Number CWA-06-20 16-1724
TPDES Permit Number TX0001465

Dear Ms. Edelbrock,

I am following up on my voice message and e-mail left today at (214) 665-8582 and judy.delbrock@epa.com, respectively. Tyler Pipe, a division of McWane, Inc., is formally requesting a meeting with you or an appointed representative of the Water Enforcement Branch to discuss the Administrative Order (Docket CWA-06-20 16-1724) received on December 16, 2015.

According to the Order, Tyler Pipe must respond to the information demand section of the Order within 30 days of receipt, which is January 15, 2016.

We propose a meeting at the U.S. EPA, Region 6 office in Dallas, Texas, on **January 8, 2016** at **2 p.m**. Please concur or suggest an alternate date or time to accommodate your staff.

If you should have any question or concerns, please do not hesitate to bring them to my attention.

Sincerely,

J. Scott Harris PG
Environmental Manager
Tyler Pipe – Division of McWane, Inc
(903) 882-2687
scott.harris@tylerpipe.com

Received
DEC 28 2016
6EN-W

TYLER PIPE
A Division of McWane, Inc.

December 29, 2015

Received
JAN 05 2016
6EN-W

Mr. Jerry Saunders
Water Enforcement Branch (6EN-WC)
U.S. EPA, Region 6
1445 Ross Ave., Suite 1200
Dallas, TX 75202-2733

CERTIFIED MAIL-RETURN RECEIPT REQUESTED: 7002 3150 0004 6818 9547

RE: Administrative Order (AO) issued to McWane, Inc.
AO Docket Number CWA-06-20 16-1724
TPDES Permit Number TX0001465

Dear Mr. Saunders,

In anticipation of our upcoming meeting on January 8, 2015, Tyler Pipe submits the following information regarding the CBOD permit average exceedances previously submitted to the TCEQ and the USEPA via Discharge Monitoring Reports and which are the subject of an Agreed Order between Tyler Pipe and TCEQ and the subject of the AO above referenced.

The table below summarizes our CBOD averages by month beginning in October 2014

Tyler Pipe's (TPDES Permit #WQ0001793000) permit limit for CBOD is 12.0 mg/L (Daily Average).

CBOD Monthly Average	
October 2014	**14.61 mg/L**
November 2014	**16.87 mg/L**
December 2014	**7.33 mg/L**
January 2015	**8.15 mg/L**
February 2015	**21.84 mg/L**
March 2015	**15.28 mg/L**
April 2015	**10.68 mg/L**
May 2015	**10.47 mg/L**
June 2015	**5.76 mg/L**
July 2015	**4.72 mg/L**
August 2015	**3.39 mg/L**
September 2015	**5.99 mg/L**
October 2015	**16.74 mg/L (caused by one time upset)**
November 2015	**4.11 mg/L**
December 2015	**Results pending – Current average 3.96 mg/L**

Permit Limit – 12.0 mg/L (Monthly Average)
Red – Exceeds Permit limit of 12.0 mg/monthly average

The first issues with CBOD started <u>October 20, 2014.</u> The CBOD result was 25.10 mg/L.

2014

- **October – Monthly Average exceeded 12.0 mg/L.** Three (3) sample results out of the eight were greater than 12.0 mg/L. *(Highest 27.7 mg/L)*

- **November – Monthly Average exceeded 12.0 mg/L.** Four (4) sample results out of the eight were greater than 12.0 mg/L.*(Highest – 32.0 mg/L)*

- **December – Compliant, Monthly Average below 12.0 mg/L.** One (1) sample result out of the eight was greater than 12.0 mg/L. *(Highest 17.0 mg/L)*

2015

- **January – Compliant, Monthly Average below 12.0 mg/L.** One (1) sample result out of the eight was greater than 12.0 mg/L. *(Highest 13.2 mg/L)*

- **February – Monthly Average exceeded 12.0 mg/L.** Six (6) sample results out of the eight were greater than 12.0 mg/L.*(Highest – 40.9 mg/L)*

- **March – Monthly Average exceeded 12.0 mg/L.** Five (5) sample results out of the ten were greater than 12.0 mg/L. *(Highest 26.5 mg/L)*

- **April – Compliant, Monthly Average below 12.0 mg/L.** Two (2) sample results out of the sixteen were greater than 12.0 mg/L. Split samples between Ana-Lab and AEL. *(Highest 22.6 mg/L)*

- **May – Compliant, Monthly Average below 12.0 mg/L.** Seven (7) sample results out of the sixteen were greater than 12.0 mg/L. Split samples between Ana-Lab and AEL. *(Highest 19.8 mg/L)*

- **June – Compliant, Monthly Average below 12.0 mg/L.** No sample result was greater than 12.0 mg/L. Split samples between Ana-Lab and AEL. *(Highest 9.21 mg/L)*

- **July – Compliant, Monthly Average below 12.0 mg/L.** No sample result was greater than 12.0 mg/L. Split samples between Ana-Lab and AEL. *(Highest 6.93 mg/L)*

- **August – Compliant, Monthly Average below 12.0 mg/L.** No sample result was greater than 12.0 mg/L. Split samples were discontinued. *(Highest 5.80 mg/L)*

- **September – Compliant, Monthly Average below 12.0 mg/L.** No sample result was greater than 12.0 mg/L. (*Highest 10.10 mg/L)*

- **October – Monthly Average exceeded 12.0 mg/L.** Four (4) sample results out of the eight were greater than 12.0 mg/L. (*Highest39.90 mg/L)*

- **November – Compliant, Monthly Average below 12.0 mg/L.** No sample result was greater than 12.0 mg/L. Split samples between Ana-Lab and AEL. (*Highest 9.21 mg/L)*

- **December – Compliant, Monthly Average below 12.0 mg/L as of December.** Results pending. (*Current Average – 3.96 mg/L*)

In October of 2015, a single event caused that month to exceed the monthly average. After 6 months of compliance the 12.0 mg/L monthly average was again exceeded in October of 2015.

The documented cause was a onetime upset caused by a documented release of hydraulic oil to the waste water system during a plant maintenance activity which occurred on the weekend when no WWTP personnel were on duty. The Treatment plant was not staffed at the time of the release and the operator was not informed in time to increase treatment to eliminate the excess oil resulting in an increase in CBOD.

Based on historical data, it can take up to 14 days for the conditions that caused an elevated CBOD sample result to be flushed through the system.

Corrective Actions Completed:

1. Upon discovery, the exceedance was entered into McWane Scout Notification system in the McWane EMS.
2. Double checked lab sample results and QA/QC procedures.
3. Conducted visual inspections at the wastewater treatment plant.
4. Investigate chemicals used for treatment to check for changes. *(No changes indicated)*
5. Conducted additional sampling of potential sources.
6. Discussed possible changes in production and maintenance activities with Production Staff. *(No changes indicated)*
7. Cleaned/removed solids from Process Water Storage Tanks and Pump Tank.
8. Discussed Activated Carbon Filter System with vendor. Increased flow to backwash carbon filters.
9. Replaced belts on sludge press to improve sludge removal.
10. Discussed chemical options with chemical vendor, increased coagulant/emulsion breaker feed rate. *(Improved oil & grease separation)*

11. Consulted with Sage Environmental – Discussed recommendations for CBOD, brought in to conduct site visit. Improved treatment process.
12. Added Cationic Polymer to help with treatment.
13. Added additional concrete blocks to influent trough to improve chemical mixing.
14. Plant Production replaced PK 30 and Foseco Terracote (Pipe Blacker) with PK-60 additive. Reduced treatment chemicals and reduced carbon loading to the process water.
15. Close monitoring of Water Hydraulic and Oil & Grease load to the process water.
16. Additional training for the Wastewater Treatment Operators. *(Tighten up sampling and record keeping)*
17. Additional spill prevention training for all maintenance and machine operators.

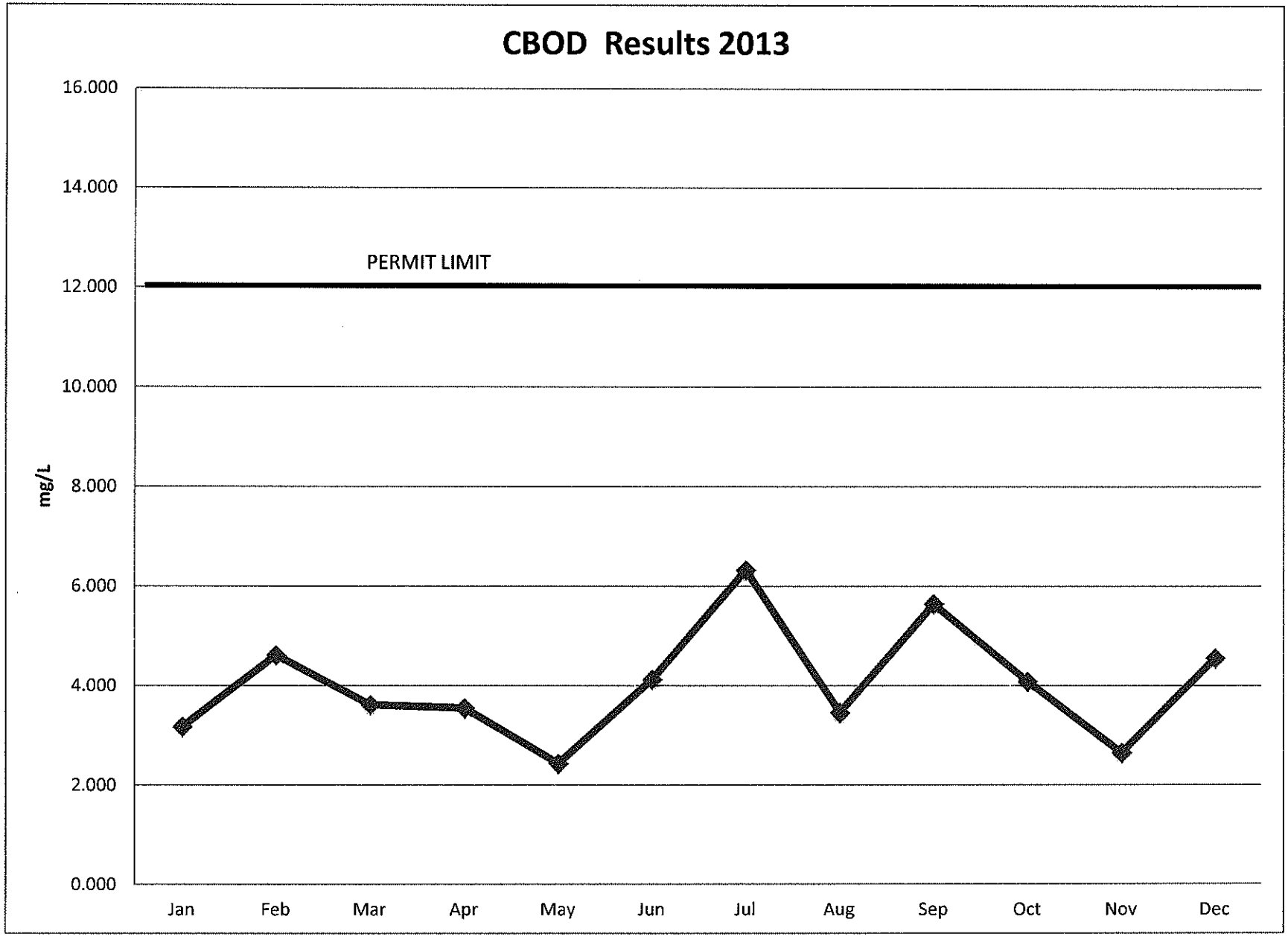
Corrective Actions Being evaluated for implementation:

1. Extending WWTP staffing to cover weekend during maintenance activities is under consideration.
2. Additional engineering controls are being evaluated.

Should you have any questions relating to this matter, please contact Mr. Scott Harris, PG., Environmental Manager at 903-882-2687.

Sincerely,

Greg Simmons
Assistant General Manager,
Tyler Pipe Company


CBOD Results 2013
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14.000
12.000
10.000
8.000
6.000
4.000
2.000
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mg/L
PERMIT LIMIT
Jan
Feb
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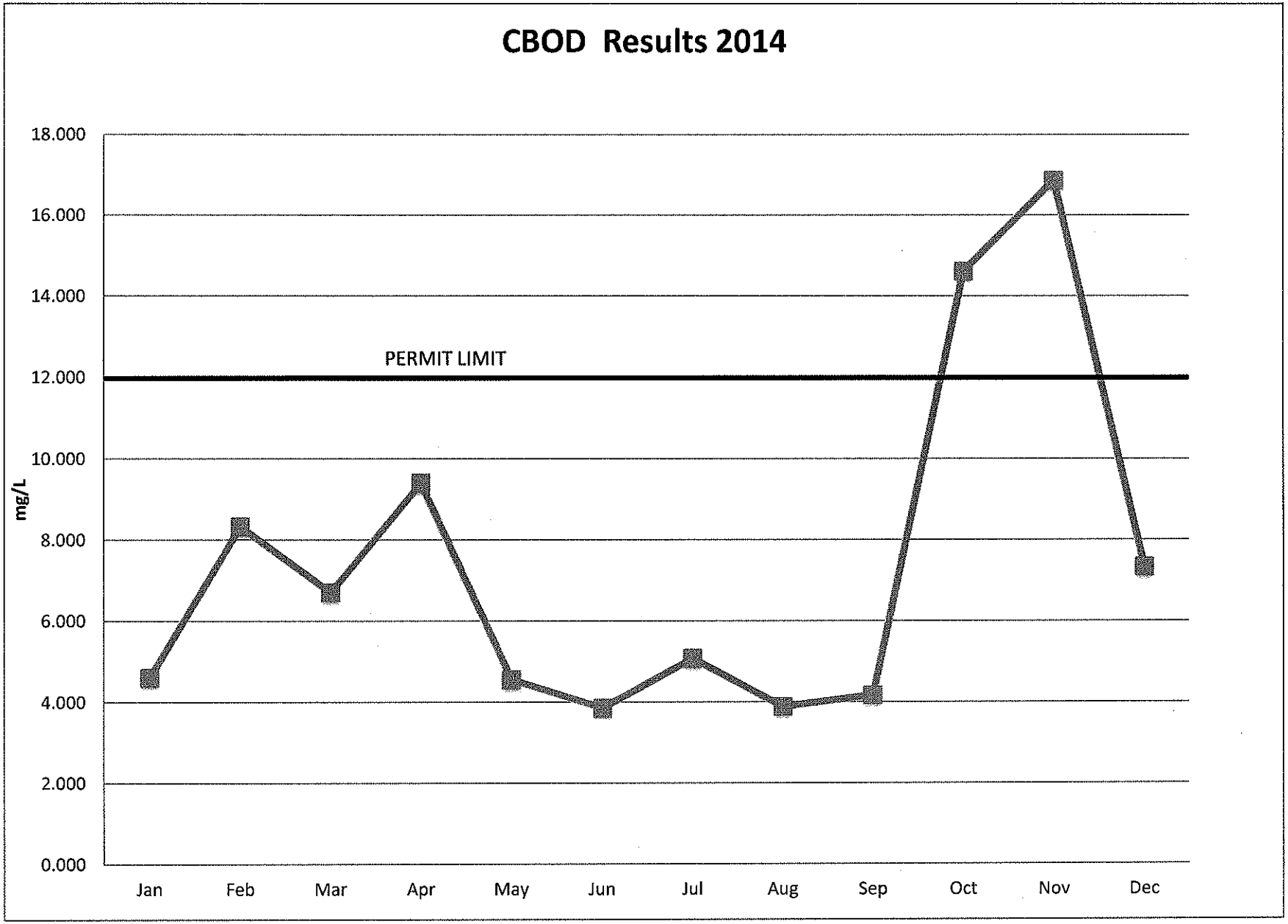
CBOD Results 2014
18.000
16.000
14.000
12.000
10.000
8.000
6.000
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mg/L
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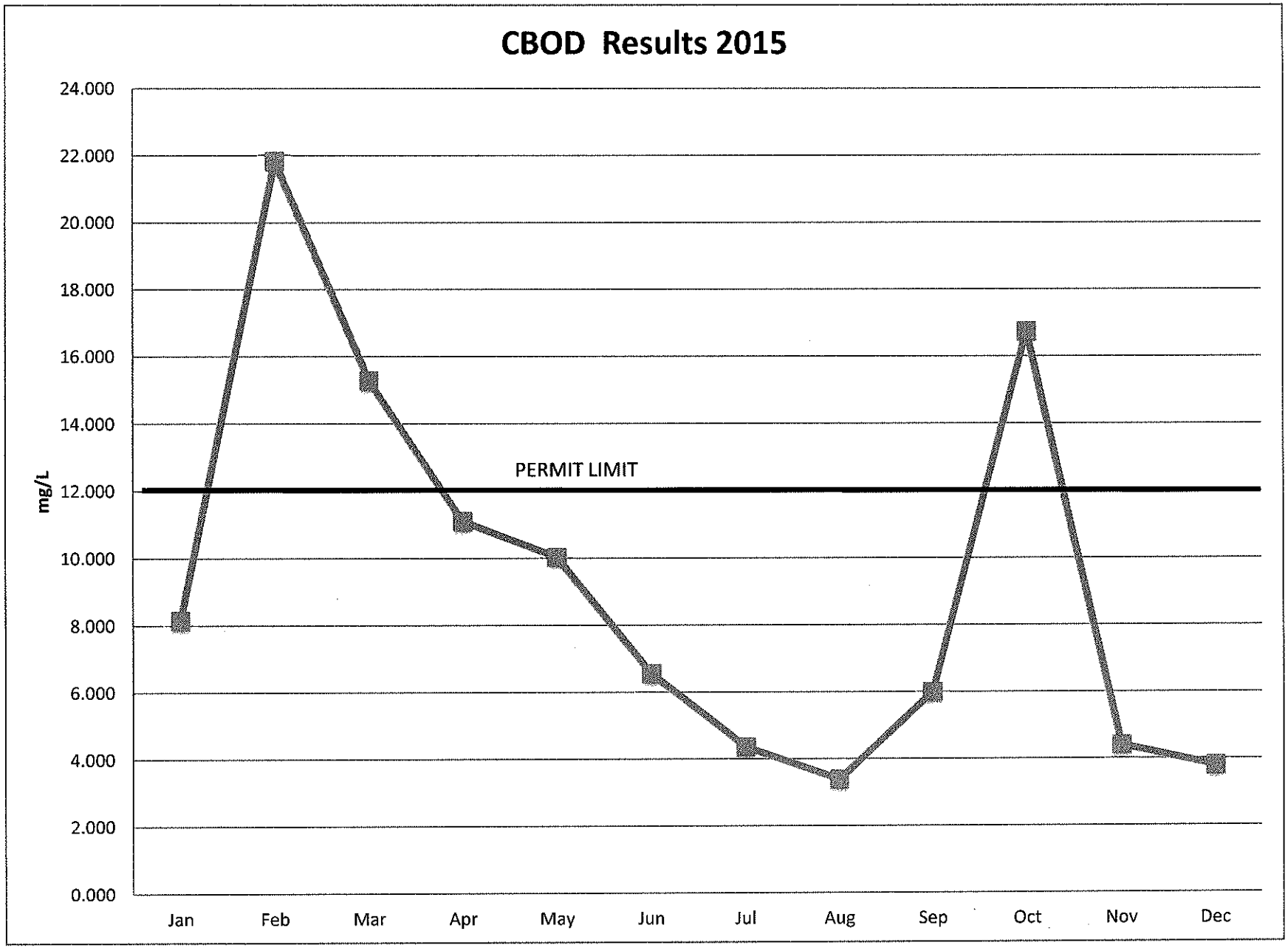
CBOD Results 2015
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22.000
20.000
18.000
16.000
14.000
12.000
10.000
8.000
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Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

August 26, 2015

Mr. Phillip C. McWane, Director
McWane, Inc.
2900 Highway 280, Suite 300
Birmingham, Alabama 35223

Re: Revised Proposed Agreed Order
McWane, Inc.; RN102679867
Docket No. 2015-0895-IWD-E; Enforcement Case No. 50662
FOR SETTLEMENT PURPOSES ONLY

Dear Mr. McWane:

In the cover letter for the proposed agreed order mailed out to McWane, Inc. on July 16, 2015, McWane, Inc. was given an opportunity to propose a Supplemental Environmental Project ("SEP") to offset a portion of the assessed penalty. Your proposal for a SEP has been reviewed and has been incorporated in the enclosed revised proposed agreed order. Please note that agreed orders are subject to final approval by the Commission and the SEP offset amount of Eleven Thousand Five Hundred Twenty Dollar ($11,520) must not be paid to the SEP Third-Party Administrator until the Commission has approved the agreed order.

If you agree with the revised order as proposed, please sign and return this order with an original signature **and** the remaining penalty payment of Eleven Thousand Five Hundred Twenty Dollars ($11,520) **before** September 14, 2015, (check payable to "TCEQ" and referencing McWane, Inc., Docket No. 2015-0895-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

You will be notified when your order has been approved. Enclosed for your convenience is a return envelope. If the signed order and payable penalty are not mailed and postmarked by September 14, 2015, we will assume that you have elected to participate in the more extended enforcement process described in previous correspondence, and we will proceed accordingly. Your case will be forwarded to the Litigation Division and this settlement offer, *including the penalty deferral* and possibly the SEP, will no longer be available.

If you have any questions regarding these matters, please contact Mr. James Boyle of my staff at (512) 239-2527.

Sincerely,

Sandy Van Cleave, Manager
Enforcement Division
Texas Commission on Environmental Quality

SV/jb

Enclosures: Revised Proposed Agreed Order, SEP, Return Envelope

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

IN THE MATTER OF AN	§	**BEFORE THE**
ENFORCEMENT ACTION	§	
CONCERNING	§	**TEXAS COMMISSION ON**
MCWANE, INC.	§	
RN102679867	§	**ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2015-0895-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 McWane, Inc. ("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 north of the intersection of, and between, United States Highway 69 and Jim Hogg Highway (old Lindale Highway) in Swan, Smith County, Texas (the "Facility").

2. The Respondent has discharged industrial waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.

3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.

4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about June 1, 2015.

5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Twenty-Eight Thousand Eight Hundred Dollars ($28,800) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Eleven Thousand Five Hundred

Twenty Dollars ($11,520) of the administrative penalty and Five Thousand Seven Hundred Sixty Dollars ($5,760) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty. Eleven Thousand Five Hundred Twenty Dollars ($11,520) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP")."

7. 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.

8. 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).

9. 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 Agreed Order.

10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.

11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have failed to comply with permitted effluent limitations, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0001793000, Effluent Limitations and Monitoring Requirements No. 1, Outfall Nos. 001 and 004, as documented during a record review conducted on May 15, 2015, and shown in the effluent violation table below:

Effluent Parameter Violation Table		
Monitoring Period	Outfall 001	Outfall 004
	CBOD5	Oil and Grease
	Daily Avg. Conc.	Daily Max Conc.
	Limit = 12 mg/L	Limit = 15 mg/L
May 2014	c	30.9
October 2014	14.61	c
November 2014	16.87	c
February 2015	21.84	c
March 2015	15.28	c

mg/L = milligrams per liter
CBOD5 = carbonaceous biochemical oxygen demand (5-day)
Avg. = average
Max = maximum
c = compliant
Conc. = concentration

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed 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. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: McWane, Inc., Docket No. 2015-0895-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 implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Eleven Thousand Five Hundred Twenty Dollars ($11,520) of the assessed administrative penalty shall be offset

with the condition that the SEP defined in Attachment A, incorporated herein by reference, is implemented by the Respondent. The Respondent's obligation to pay the conditionally offset portion of the assessed administrative penalty shall be discharged upon final completion of all provisions of the SEP agreement.

3. It is further ordered that the Respondent shall, within 90 days after the effective date of this Agreed Order, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0001793000, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with the permitted effluent limitations. The certification shall be notarized by a State of Texas Notary Public and 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:

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

with a copy to:

Water Section Manager
Tyler Regional Office
Texas Commission on Environmental Quality
2916 Teague Drive
Tyler, Texas 75701-3734

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

5. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed 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 Agreed 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 Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed 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.

7. This Agreed 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 Agreed 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 Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed 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 Agreed 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. Pursuant to 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, 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

_____ _____
For the Executive Director Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, 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 Attorney General's Office 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 Attorney General's Office 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) Title
Authorized Representative of
McWane, Inc.

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section IV, Paragraph 1 of this Agreed Order.

Attachment A

Docket Number: 2015-0895-IWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	**McWane, Inc.**
Penalty Amount:	**Twenty-Three Thousand Forty Dollars ($23,040)**
SEP Offset Amount:	**Eleven Thousand Five Hundred Twenty Dollars ($11,520)**
Type of SEP:	**Contribution to a Third-Party Pre-Approved SEP**
Third-Party Administrator:	**Texas Association of Resource Conservation and Development Areas, Inc.**
Project Name:	***Cleanup of Unauthorized Trash Dumpsites***
Location of SEP:	**Smith County - Neches River Basin, Carrizo-Wilcox Aquifer**

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")** for the *Cleanup of Unauthorized Trash Dumpsites*. The contribution will be used in accordance with the SEP Agreement between the Third-Party Administrator and the TCEQ (the "Project"). Specifically, the SEP Offset Amount will be used to coordinate with city and county government officials and private entities ("Partner Entities") to clean up sites where trash, tires, or other materials have been illegally disposed of (the "Project").

The Third-Party Administrator shall ensure that collected debris and waste is properly transported to and disposed of at an authorized disposal facility. If a licensed hauler is needed for tires or other waste collected from sites, the Third-Party Administrator shall ensure that only properly licensed haulers are used for transport and disposal of tires and other waste. The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of the Project, including but not limited to supplies, materials, and equipment. Any portion of this contribution that is not able to be spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

The Respondent's signature affixed to this Agreed Order certifies that it has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

This SEP shall rid communities of the dangers and health threats associated with non-regulated dumping and will provide removal of waste that contaminates air, soil, and water, and harbors disease-carrying animals and insects.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Texas Association of RC&D SEP** and shall mail the contribution with a copy of the Agreed Order to:

Texas Association of RC&D Areas, Inc.
Attn.: Jerry Pearce, Executive Director
P.O. Box 2533
Victoria, Texas 77902

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. The Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality
Enforcement Division
Attention: SEP Coordinator, MC 219
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount, as described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the Project, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality"; and shall mail it to:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP and/or project, made by or on behalf of the Respondent must include a clear statement that **the project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

6. Recognition

The Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

September 8, 2015

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

CERTIFIED MAIL # 7002 3150 0004 6818 9301

Re: Signed Agreed Order with Penalty Payment to the Financial Administration Division
McWane Inc., Tyler Pipe Inc.
11910 CR 492
Tyler, Smith County Texas
TPDES Permit No. WQ0001793000
Docket No. 2015-0895-IWD-E; Enforcement Case No. 50662

Dear Madam or Sir:

Enclosed please find the original, signed Agreed Order with penalty payment.

Should you require additional information or clarification please contact Scott Harris, PG., Environmental Manager, at (903)-882-2687.

Sincerely,

Greg Simmons
North Plant Assistant General Manager,
Tyler Pipe Company

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

IN THE MATTER OF AN ENFORCEMENT ACTION CONCERNING MCWANE, INC. RN102679867	**§ § § § §**	**BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2015-0895-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 McWane, Inc. ("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 north of the intersection of, and between, United States Highway 69 and Jim Hogg Highway (old Lindale Highway) in Swan, Smith County, Texas (the "Facility").

2. The Respondent has discharged industrial waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.

3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.

4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about June 1, 2015.

5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Twenty-Eight Thousand Eight Hundred Dollars ($28,800) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Eleven Thousand Five Hundred

Twenty Dollars ($11,520) of the administrative penalty and Five Thousand Seven Hundred Sixty Dollars ($5,760) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty. Eleven Thousand Five Hundred Twenty Dollars ($11,520) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP")."

7. 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.

8. 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).

9. 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 Agreed Order.

10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.

11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have failed to comply with permitted effluent limitations, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0001793000, Effluent Limitations and Monitoring Requirements No. 1, Outfall Nos. 001 and 004, as documented during a record review conducted on May 15, 2015, and shown in the effluent violation table below:

Effluent Parameter Violation Table		
Monitoring Period	Outfall 001	Outfall 004
	CBOD5	Oil and Grease
	Daily Avg. Conc.	Daily Max Conc.
	Limit = 12 mg/L	Limit = 15 mg/L
May 2014	c	30.9
October 2014	14.61	c
November 2014	16.87	c
February 2015	21.84	c
March 2015	15.28	c

mg/L = milligrams per liter
CBOD5 = carbonaceous biochemical oxygen demand (5-day)
Avg. = average
Max = maximum
c = compliant
Conc. = concentration

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed 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. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: McWane, Inc., Docket No. 2015-0895-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 implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Eleven Thousand Five Hundred Twenty Dollars ($11,520) of the assessed administrative penalty shall be offset

with the condition that the SEP defined in Attachment A, incorporated herein by reference, is implemented by the Respondent. The Respondent's obligation to pay the conditionally offset portion of the assessed administrative penalty shall be discharged upon final completion of all provisions of the SEP agreement.

3. It is further ordered that the Respondent shall, within 90 days after the effective date of this Agreed Order, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0001793000, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with the permitted effluent limitations. The certification shall be notarized by a State of Texas Notary Public and 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:

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

with a copy to:

Water Section Manager
Tyler Regional Office
Texas Commission on Environmental Quality
2916 Teague Drive
Tyler, Texas 75701-3734

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

5. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed 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 Agreed 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 Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed 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.

7. This Agreed 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 Agreed 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 Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed 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 Agreed 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. Pursuant to 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, 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

_____ _____
For the Executive Director Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, 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 Attorney General's Office 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 Attorney General's Office 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.

Greg Simmons 9-8-15
Signature Date

GREG SIMMONS Asst. Gen. Mgr.
Name (Printed or typed) Title
Authorized Representative of
McWane, Inc.

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section IV, Paragraph 1 of this Agreed Order.

Invoice number	Invoice date	Currency	Gross amount	Cash discount	Payment amount
0108148	TCEQ			9/4/2015	328030
090115TCEQ	9/1/2015	USD	11,520.00	0.00	11,520.00

FOLD

Total 11,520.00

FOLD

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER • THERMOCHROMIC INK ON BACK

TYLER PIPE & COUPLING

WADE

A Division of McWane, Inc.

AP-REGIONS BANK DISBURSEMENT
USA

No. 328030

DATE	AMOUNT
9/4/2015	11,520.00***

Security features included. Details on back.

PAY *** Eleven Thousand Five Hundred Twenty and 00/100

TO THE ORDER OF
TCEQ
P.O. BOX 13089
Austin, TX 78711
USA

⑈328030⑈ ⑆062203735⑆ 5990005945⑈

See Other Side For Opening Instructions

TYLER PIPE COMPANY
11910 C.R. 492
Tyler, TX 75706
USA

TCEQ
P.O. BOX 13089
Austin, TX 78711
USA

Edelbrock, Judy

From: Saunders, Jerry
Sent: Tuesday, December 29, 2015 1:45 PM
To: Peters, Carol; Edelbrock, Judy; Vaughn, Alan
Subject: Fwd: AO Docket Number CWA-06-2016-1724; TPDES Permit Number TX0001465
Attachments: Revised Proposed Agreed Order - SEP Approved.pdf; ATT00001.htm; Signed Agreed Order with Penalty.PDF; ATT00002.htm; CBOD Results -Graphs.pdf; ATT00003.htm; TPT_USEPA Compliance Report.pdf; ATT00004.htm

Fyi

Sent from my iPhone

Begin forwarded message:

From: "Cody Lawson" <Cody.Lawson@tylerpipe.com>
To: "Saunders, Jerry" <Saunders.Jerry@epa.gov>
Cc: "Edelbrock, Judy" <Edelbrock.Judy@epa.gov>, "Scott Harris" <Scott.Harris@tylerpipe.com>, "Jeff Weatherly" <jeff.weatherly@mcwane.com>
Subject: AO Docket Number CWA-06-2016-1724; TPDES Permit Number TX0001465

Dear Mr. Saunders,

In anticipation of our upcoming meeting on January 8, 2015, McWane, Inc. / Tyler Pipe is submitting the following information regarding the CBOD permit average exceedances. AO Docket Number CWA-06-2016-1724. Hard copies of the attached documents will be placed in the mail today.

Please contact Mr. Scott Harris, PG., at 903.882.2687 or myself at 903.882.2287 should you required further information.

Respectfully submitted,
Cody Lawson

Coded
Mtg into
ICIS
Database

Cody Lawson
Environmental Specialist
Office: 903-882-2287
Cell:903-348-2433
Fax: 903-882-2555
Email: cody.lawson@tylerpipe.com

Edelbrock, Judy

From: Saunders, Jerry
Sent: Wednesday, December 23, 2015 4:18 PM
To: Blevins, John
Cc: Edelbrock, Judy; Peters, Carol; Vaughn, Alan
Subject: RE: Tyler Pipe Request for Meeting with EPA - Region 6

I left a message with Mr. Harris indicating we could meet with him at 2pm on January 8, 2016.

From: Blevins, John
Sent: Monday, December 21, 2015 4:23 PM
To: Saunders, Jerry
Cc: Gilrein, Stephen
Subject: Fwd: Tyler Pipe Request for Meeting with EPA - Region 6
Importance: High

Jerry. I will leave this to you

Sent from my iPhone

Begin forwarded message:

From: Scott Harris <Scott.Harris@tylerpipe.com>
Date: December 21, 2015 at 3:59:09 PM CST
To: "Edelbrock.judy@Epa.gov" <Edelbrock.judy@Epa.gov>, "Blevins.john@Epa.gov" <Blevins.john@Epa.gov>
Cc: Jeff Weatherly <jeff.weatherly@mcwane.com>
Subject: Tyler Pipe Request for Meeting with EPA - Region 6

RE: Administrative Order (AO) issued to McWane, Inc.
AO Docket Number CWA-06-20 16-1724
TPDES Permit Number TX0001465

Dear Ms. Edelbrock and Mr. Blevins,

Tyler Pipe, a division of McWane, Inc., is formally requesting a meeting with you or an appointed representative of the Water Enforcement Branch to discuss the Administrative Order (Docket CWA-06-20 16-1724) received on December 16, 2015.

According to the Order, Tyler Pipe must respond to the information demand section of the Order within 30 days of receipt, which is January 15, 2016.

We propose a meeting at the U.S. EPA, Region 6 office in Dallas, Texas, on **January 8, 2016** at **2 p.m**. Please concur or suggest an alternate date or time to accommodate your staff.

Edelbrock, Judy

From: Saunders, Jerry
Sent: Monday, December 21, 2015 4:41 PM
To: Blevins, John
Cc: Edelbrock, Judy; Peters, Carol; Vaughn, Alan
Subject: RE: Tyler Pipe Request for Meeting with EPA - Region 6

I will respond and get meeting set up. Thank you

From: Blevins, John
Sent: Monday, December 21, 2015 4:23 PM
To: Saunders, Jerry
Cc: Gilrein, Stephen
Subject: Fwd: Tyler Pipe Request for Meeting with EPA - Region 6
Importance: High

Jerry. I will leave this to you

Sent from my iPhone

Begin forwarded message:

From: Scott Harris <Scott.Harris@tylerpipe.com>
Date: December 21, 2015 at 3:59:09 PM CST
To: "Edelbrock.judy@Epa.gov" <Edelbrock.judy@Epa.gov>, "Blevins.john@Epa.gov" <Blevins.john@Epa.gov>
Cc: Jeff Weatherly <jeff.weatherly@mcwane.com>
Subject: Tyler Pipe Request for Meeting with EPA - Region 6

RE: Administrative Order (AO) issued to McWane, Inc.
AO Docket Number CWA-06-20 16-1724
TPDES Permit Number TX0001465

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